

The SPEAKER pro tempore (Mr. RIGGS). The question is on the conference report.

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

## RECORDED VOTE

Mr. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 305, noes 123, not voting 6, as follows:

[Roll No. 432]

## AYES—305

Allard	Dicks	Johnson (CT)
Andrews	Doolley	Johnson (SD)
Archer	Doolittle	Johnson, Sam
Armey	Dornan	Jones
Bachus	Doyle	Kanjorski
Baesler	Dreier	Kasich
Baker (CA)	Duncan	Kelly
Baker (LA)	Dunn	Kildee
Ballenger	Edwards	Kim
Barcia	Ehlers	Kingston
Barr	Ehrlich	Klink
Barrett (NE)	English	Klug
Bartlett	Ensign	Knollenberg
Barton	Everett	Kolbe
Bass	Ewing	LaHood
Bateman	Fawell	Largent
Bentsen	Fazio	Latham
Bereuter	Fields (TX)	LaTourette
Bevill	Flanagan	Laughlin
Bilbray	Foley	Lazio
Bilirakis	Forbes	Leach
Bishop	Fowler	Levin
Bliley	Fox	Lewis (CA)
Blute	Franks (CT)	Lewis (KY)
Boehlert	Franks (NJ)	Lightfoot
Boehner	Frelinghuysen	Linder
Bonilla	Frisa	Lipinski
Bono	Funderburk	Livingston
Boucher	Furse	LoBiondo
Brewster	Galleghy	Longley
Browder	Ganske	Lucas
Brown (CA)	Gekas	Luther
Brown (FL)	Geren	Manton
Brownback	Gilchrest	Manzullo
Bryant (TN)	Gillmor	Martini
Bunning	Gilman	McCarthy
Burr	Gingrich	McCollum
Burton	Gonzalez	McCreery
Buyer	Goodlatte	McDade
Callahan	Goodling	McHale
Calvert	Gordon	McHugh
Camp	Goss	McInnis
Campbell	Graham	McIntosh
Canady	Green (TX)	McKeon
Cardin	Greene (UT)	Metcalfe
Castle	Greenwood	Meyers
Chabot	Gunderson	Mica
Chambliss	Gutknecht	Miller (FL)
Chapman	Hall (OH)	Minge
Chenoweth	Hall (TX)	Molinari
Christensen	Hamilton	Montgomery
Chrysler	Hancock	Moorhead
Clement	Hansen	Moran
Clinger	Harman	Murtha
Clyburn	Hastert	Myers
Coble	Hastings (WA)	Myrick
Coburn	Hayes	Nethercutt
Collins (GA)	Hayworth	Neumann
Combest	Hefley	Ney
Condit	Hefner	Norwood
Cooley	Herger	Nussle
Costello	Hilleary	Obey
Cox	Hinchey	Orton
Cramer	Hobson	Oxley
Crane	Hoekstra	Packard
Crapo	Hoke	Pallone
Creameans	Holden	Parker
Cubin	Horn	Paxon
Cunningham	Hostettler	Payne (VA)
Danner	Houghton	Peterson (MN)
Davis	Hoyer	Petri
Deal	Hunter	Pickett
DeFazio	Hutchinson	Pombo
DeLay	Hyde	Pomeroy
Deutsch	Inglis	Porter
Dickey	Istook	Portman

Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Reed  
Regula  
Riggs  
Roberts  
Roemer  
Rogers  
Rohrabacher  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw

Shays  
Shuster  
Sisisky  
Skeen  
Skeltton  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tanner  
Tate  
Taufin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry

Thurman  
Tiahrt  
Torkildsen  
Torricelli  
Traficant  
Upton  
Visclosky  
Volkmer  
Vucanovich  
Walker  
Walsh  
Wamp  
Ward  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOES—123

Abercrombie  
Ackerman  
Baldacci  
Barrett (WI)  
Becerra  
Beilenson  
Berman  
Blumenauer  
Bonior  
Borski  
Brown (OH)  
Bryant (TX)  
Bunn  
Clay  
Clayton  
Coleman  
Collins (IL)  
Collins (MI)  
Conyers  
Coyne  
Cummings  
de la Garza  
DeLauro  
Dellums  
Diaz-Balart  
Dingell  
Dixon  
Doggett  
Durbin  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fields (LA)  
Filner  
Flake  
Foglietta  
Ford  
Frank (MA)  
Frost  
Gejdenson

Gephardt  
Gutierrez  
Hastings (FL)  
Hilliard  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jacobs  
Jefferson  
Johnson, E. B.  
Johnston  
Kaptur  
Kennedy (MA)  
Kennedy (RI)  
Kennelly  
King  
Klecza  
LaFalce  
Lantos  
Lewis (GA)  
Lofgren  
Lowey  
Maloney  
Markey  
Martinez  
Matsui  
McDermott  
McKinney  
McNulty  
Meehan  
Meek  
Menendez  
Millender  
McDonald  
Miller (CA)  
Mink  
Moakley  
Mollohan  
Morella  
Nadler  
Neal  
Oberstar

Olver  
Ortiz  
Owens  
Pastor  
Payne (NJ)  
Pelosi  
Rahall  
Rangel  
Richardson  
Rivers  
Ros-Lehtinen  
Rose  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Skaggs  
Stark  
Stokes  
Studds  
Stupak  
Tejeda  
Thompson  
Thornton  
Torres  
Towns  
Velazquez  
Vento  
Waters  
Watt (NC)  
Waxman  
Williams  
Wise  
Woolsey  
Wynn  
Yates

## NOT VOTING—6

Gibbons  
Heineman

Lincoln  
Mascara

Peterson (FL)  
Wilson

□ 1521

Ms. KAPTUR changed her vote from "aye" to "no."

Messrs. KIM, BROWN of California, and HOSTETTLER changed their vote from "no" to "aye."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. POMEROY. Mr. Speaker, today I missed the vote on the rule covering debate on the Immigration Act conference agreement. At the time of the vote, I was presenting testi-

mony before the Federal Energy Regulatory Commission on a matter of utmost importance to the people of the State of North Dakota. Resolution of the matter currently before the Commission will likely determine the continued viability of the Great Plains Synfuels Plant in Beulah, ND, a unique facility which converts lignite coal to synthetic natural gas and which brings tremendous economic benefit to our State. It was critical that I be present before the Commission—along with North Dakota's two distinguished Senators—to advocate on behalf of this facility. Mr. Speaker, I regret having to miss any vote in this Chamber and I regret my unavoidable conflict today.

# AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 530 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 530

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4134) to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997. The bill shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary or their designees. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

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

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

Mr. Speaker, House Resolution 530 is a simple resolution. The proposed rule is a closed rule providing for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on the Judiciary or their designees. Finally, the rule provides for one motion to recommit.

House Resolution 530 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, we are all very familiar with the issue addressed in the underlying legislation. During consideration of the comprehensive immigration bill, the gentleman from California [Mr. GALLEGLY], offered an amendment which was adopted by a record vote of 257 to 163. The Gallegly amendment allowed States the option of providing free education benefits to illegal

aliens. Because the President threatened to veto the immigration conference agreement if it contained the Gallegly amendment, even in a modified form, the modified form of the Gallegly amendment has been introduced as stand-alone legislation, H.R. 4134.

H.R. 4134, unlike the original Gallegly amendment, will ensure that it impacts only prospective illegal immigrant students. The grandfather provision provides that a State must provide free public education through grade 12 for illegal aliens enrolled in any public school at any time during the current school year.

Mr. Speaker, I urge my colleagues to support this simple rule and the underlying legislation.

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

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

Mr. Speaker, the Republican majority seems to have no shame when it comes to playing political games. The fact that this House is being asked, at what seems to be the 11th hour of this Congress, to consider this very bad bill—and under a closed rule—that's right, a closed rule—ranks right up there with some of the worst legislative chicanery I have seen in the 18 years I have been privileged to serve in this body.

Mr. Speaker, it is no secret why this proposition is being brought before us today. It does not take a rocket scientist to figure out that this bill is under consideration in a futile attempt to save a faltering and failing Presidential campaign. Mr. Speaker, the Gallegly amendment threatened to bring down the whole immigration conference report and so it was excised and relegated to the trash heap. But now, like the phoenix, it rises from the ashes and this House is being asked to vote once again on a proposition that directly attacks some of the most vulnerable in our society.

Mr. Speaker, whether these children should or should not be in this country is really beside the point. The fact is that every child, no matter his or her race, creed, nationality, religion, or immigration status should have a desk in a school. Every child living in this Nation should be entitled to an education. Denying the children of illegal immigrants access to education will not solve the problem of illegal immigration and seal our borders.

What good does it do to punish children? Is that what this Republican-controlled, and family friendly Congress is to be remembered for? Mr. Speaker, I cannot be party to standing in the schoolhouse door as the Republican leadership seems so willing to do. I urge each and every one of the Members of this body to reject out of hand this closed rule and this very bad bill.

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

□ 1530

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

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the rule and strong support of the Gallegly amendment.

In California alone we spend \$2 billion, that is \$2 billion every year, educating illegal alien children. That is \$2 billion that is equal to what we spend on the entire University of California system.

Is this right? No, it is absolutely wrong to spend \$2 billion on the children of foreigners who have come here illegally. That \$2 billion should be going to benefit the children of the people of the United States of America.

That is what this vote is all about, it is to determine what our priorities are. Our priorities should be what is in the interest of the people of the United States. We can care for the children of foreigners, we can care about their well-being, but we must first care about our own children, our own families.

It is very clear to me that the people on the other side of the aisle who are opposing this and have opposed us every step of the way, and in the Clinton administration, have their priorities all screwed up.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BRYANT].

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

Mr. BRYANT of Texas. Mr. Speaker, we began considering immigration legislation after the Jordan Commission gave us a report outlining the problems and proposing to us a set of bipartisan solutions. In no part of the Jordan Commission report, or in any other study, for that matter, that is credible, has anyone ever found that the fact that an illegal alien child might be able to get into school causes people to leave their homes, walk, ride, swim, if necessary, across very, very threatening territory to get into the United States.

No study has indicated those people come here because they think they might be able to get their kids into school. In fact, the police agencies, the educational agencies, every expert that has looked at this problem has said this is a mistake.

Do not be led by hot rhetoric on the part of those who see a political opportunity, in my view, to make people think that somehow this is a solution. Instead, be guided by common sense. There will be no impact on illegal immigration if this passes. There will be an impact on our communities because notwithstanding the attempts to water it down, the fact is the school districts would have to check the citizenship of every single child. They do not have the resources to do that. And if there is one child in a family that cannot come to school, none of them will come to

school. We need every kid out there being in school.

The solution to stopping illegal immigration is to stop employers from hiring illegal immigrants and to stop illegal immigrants at the borders. Leave these kids alone.

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

I think initially here it is clear that the discussion that is going to take place over the period of time that has been allotted to us to debate the rule is going to get into the substantive issues of the bill, so I think it is important that we address what the gentleman from Texas has just said.

First of all, remember that this bill allows every State to make their own decision. This is not a mandate upon the States, Mr. Speaker. In fact, this bill takes the mandate off the States that is not being paid for by the Federal Government.

What happens right now is Washington, DC, has gone to the States and said, we know what is best for you and we want you to pay for it. And Washington, DC, has said to States like Texas, or to States like Colorado, you pay 95 percent of the tab, we are going to force you to put these kids into your school.

All this bill simply does is to say to the State of Texas or says to the State of Colorado, you now have the option. If you want to undertake this Federal mandate and pay for 95 percent of the cost, then you may choose to do so.

This does not prevent the State of Texas from continuing to educate the children of illegal aliens, and I think it is clear that we justify that substance.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I thank the gentleman for yielding. I would just pose this question. Does the gentleman think the States should be given the power to decide whether or not the schools should be integrated?

Mr. MCINNIS. Mr. Speaker, reclaiming my time, I would respond to the gentleman's question by saying, does he think the States should pick up 95 percent of the cost?

Mr. BRYANT of Texas. Answer my question first.

Mr. MCINNIS. I yield to the gentleman to respond to mine.

Mr. BRYANT of Texas. Well, I asked a question of the gentleman: Does he think the States should have the power to decide whether or not the schools are going to be integrated?

Mr. MCINNIS. Let me say I think every State has a right to determine whether or not the Federal Government can mandate upon them an expenditure of which they pay 95 percent, as the gentleman just heard from the gentleman from California. It is an extensive expense in the State of California.

So the answer is, yes, I do think that States should have the right to determine their own future, especially when

it comes to an issue as important as education.

Now, would the gentleman respond to my question? Should the States respond to 95 percent of the tab or would the gentleman be willing to have the Federal Government pay for what it mandates?

Mr. BRYANT of Texas. In fact, the Federal Government ought to pay the full cost of it. The bill included that but the Republicans took that out of the bill. So, there.

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

Mr. FROST. Mr. Speaker, I yield 2 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. Speaker, I thank my colleague, the gentleman from Texas, for yielding me this time and for his kindness.

I think it is quite misrepresenting to all of us to put this smoke-and-mirror legislation on the floor of the House. There is no one that does not agree that we want to be fair to all of America, and we certainly want to be fair to our children and fair to our communities and how they hold the responsibility of educating our children. But I take great issue with someone who comes on the floor of the House to say that we need to be taking care of our American children, we need to be taking care of the children of the United States.

I say to my colleagues that these are children of the United States. And I agree with the gentleman from Texas, we can help fund those States that have serious problems with overburdening of children in their school systems; but what about the child that comes over that is 9 months old? They are still in this community, this State, when they are 5 years old. Are we now going to deny them the right to a public education, an education that has been considered part of our basic human rights as signed by many countries around the world?

What about if there is a family that has a child that is a citizen and one that is not a citizen? How do we respond to educating one child and not the other?

And then my Republican friends talk about crime. They want to repeal the assault weapons ban, the Brady bill, and now they do not want children to be educated. They just want a bunch of people running around uneducated, without the opportunity to be able to access the virtues of this Nation.

And so this is a smoke-and-mirrors legislation. It is something to make someone else feel good. Well, we do not come to the Chambers of the U.S. Congress to make people feel good. We come here to pass good legislation. The legislation is to educate our children, to help the States who are heavily burdened by such educational needs, and to be fair to all American children, all

children on this soil, and to recognize that this country was founded on the backs of immigrants.

I will not be like the Little Rock nine, standing in front of the schoolhouse, keeping children from going to school.

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

I think that any argument using children as a pawn has no merit on this House floor. I think the issue that is important here, and I do not know how we got on to the assault weapons bill, the issue is very clear here. I do not think I could find a Congressman on the Democratic side or on the Republican side that does not believe in a good solid education for children. So I wish my Democratic colleagues would quit trying to claim the issue of the children as their issue.

Let us talk about who pays the bill. If we want to talk about smoke and mirrors, the smoke and mirrors in this situation is where Washington, DC, which by the way think they have a monopoly on common sense, reaches beyond the Washington, DC, city limits and says to the rest of the country, we mandate upon you that you will educate these people.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. MCINNIS. No, I will not yield. The gentlewoman can request time, however, from the gentleman from Texas.

Ms. JACKSON-LEE of Texas. I would like the gentleman to yield on the point—

Mr. MCINNIS. I am sure he would be happy to yield to the gentlewoman. But, in fairness, both of us have an equal amount of time, and she can do that.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his kindness.

Mr. MCINNIS. Mr. Speaker, my point here is very clear. If the Federal Government wants to put this burden, if Washington, DC, wants to force the States in this country to accept this demand, then the Federal Government ought to pay for it.

We know what happens. The Federal Government comes into Colorado, for example, mandates this program, demands that Colorado institute it, demands that Colorado pay 95 percent of it, and what does it do? It dilutes that money. It dilutes the money that needs to go to these children.

So, in summary, let me say I think that the gentlewoman's speech, while it was well spoken, certainly does not allow the gentlewoman to claim the guardianship of children in this country.

I think we have to address the real substance of this bill, and the real substance of this bill is to allow the States to make their own decisions.

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

Ms. JACKSON-LEE of Texas. I thank the gentleman. I wanted to respond if he would have yielded.

The SPEAKER pro tempore (Mr. RIGGS). The gentlewoman from Texas is not recognized.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

I appreciate my good friend from Colorado's response, and let me suggest to him that under the Constitution of the United States and the equal protection clause, there is a right to treat all individuals on our soil equally.

As I indicated, we would be more than happy to be a partnership with local government, both the local school districts and our States' governments, as my colleague from Texas, Mr. BRYANT, who was one of the leaders on this issue of immigration, by helping to fund and respond to those States who are heavily burdened by this issue. But we know the Republicans did not want to do that, for they wanted to have this kind of legislation to present and divide our country.

What I am suggesting is that I do not want to dominate our local school systems and I do not want to burden our States. I do not believe in unfunded mandates. I do believe in the right of children to be educated.

And where I got the assault weapons ban from is that all of what I hear our Republican friends doing, repealing the assault weapons ban, repealing the Brady bill, has a lot to do with promoting crime.

The SPEAKER pro tempore. The time of the gentlewoman from Texas has expired.

Ms. JACKSON-LEE of Texas. When people are not educated, it has a lot to do with not allowing them the opportunity to pursue the American dream.

The SPEAKER pro tempore. The gentlewoman's time has expired.

Ms. JACKSON-LEE of Texas. This is a foolish piece of legislation that should not prevail before the House.

The SPEAKER pro tempore. The gentlewoman will proceed in order by desisting.

Ms. JACKSON-LEE of Texas. I yield back and I thank the gentleman for the time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise the gentlewoman from Texas she will proceed in order and abide by the rules of the House when her time for recognition has expired.

Mr. MCINNIS. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, again, as someone who has lived on the frontier and close to this issue all my life, I need to ask of our colleagues to do a reality check here.

The fact is that the existing system is wrong, and I would ask my colleagues to recognize that in my community, where I went to school, in my schools, in my high school, there were

legal and illegal immigrants going to school there. But under the existing law that this body talks about, and we talk among ourselves, and this is not where the message is we need to send, we need to send it out there, it is illegal to enter the country illegally and go to school for free in San Francisco. But if someone crosses the border illegally, then they have the guaranteed right from the government for a free education.

And for those individuals who say this has nothing to do with people coming here illegally, we have documents showing, in fact testimony that showed up in the paper where an illegal woman was caught at the border with three letters from a school district that said your children will get a free education even if you are here illegally.

Now, Mr. Speaker, in the words of this lady, she said, you want us here. You want us to come here illegally. You would not reward us and give us free education.

Mr. Speaker, the message that needs to be sent not here in these Chambers but to the rest of the world and America, is that, no, the days of encouraging illegal immigration is over. We are not going to reward people for breaking the law. We are not going to punish those who play by the rules and reward those who break the rules.

I would ask every Member to consider the fact that 4062 says let us reimburse for the cost if we do not want to drop the mandate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

□ 1545

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

Mr. Speaker, I voted for the preceding legislation to come to this floor because I believe it is appropriate to toughen the Nation's response to illegal immigration. But as to the matter that this rule would present before the House, I take a very serious exception. I think it is time that we just step back a minute, take a deep breath and think about what we are doing here.

Do any of us possibly think that the illegal activity of a parent ought to be taken out on the kid? I think if any of us were asked that question, we would say, of course not. You cannot hold the kid, the little kid responsible for the illegal acts of the parent.

That is precisely, however, what the bill this rule would bring to the floor would allow. In fact, the scenes that I would create are horrible to contemplate. I envision education officials, maybe even INS officials, going down the rows of first grade classes trying to single out whether Johnny stays, this one leaves and I just think it is, it would be awful. Imagine the scene, imagine those of us who have children in grade school, what they would think of a little boy or a little girl pulled out of their chair, hauled

out of class crying because they are being sent out of school. That is not something that ought to occur in any classroom in any public school in the United States of America.

We think about the family friendly Congress. What kind of family friendly Congress would send a 6-year-old home to a house that maybe there is no one there because both parents are working, but there is nowhere for that 6-year-old to go because they are holding that 6-year-old responsible for the illegal acts of its parents.

We worry about gangs and juvenile crime, yet this would take those young people that want to learn and put a bar in front of the schoolroom door, leaving nothing but gangs and street corners and idle time that would in all likelihood be the result of barring these people from the opportunity to pursue an education.

Then finally I worry about the implementation of this strategy because how in the world are you going to sort out legals from the illegals when you are looking at first graders.

The thing that comes to my mind is those that look a little different. I am the adoptive parents of two children of different races, a different race from me. I love these children as much as I love anything, as much as any father could love his kids. The fear that my children might be pulled out of a classroom because of an inane act of Congress that this rule would bring before the House, allowing school officials to toss little kids out into the street rather than educate them in their schools, is too horrible to contemplate.

I do not love my kids any more than any other parents love their kids. The fear of parents across this country that putting their children, any children that do not look, that might look like they are somehow at risk of being illegal in the face of being interrogated and research as to their background, this is just a bad, bad idea and we ought to reject it. We should reject the rule and not even bring it to the floor.

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

I know the gentleman very well from the Dakotas. I have a great deal of respect for the gentleman. I know that he is compassionate and cares about his children and the other children that he represents. But so does everybody on this House floor, whether you are Democrat or Republican.

I think it is a diversion for someone to stand up here and say that this bill somehow throws young kids out onto the street, that it denies them school. What I would do is refer any of my colleagues that somehow have been convinced by this argument, I would refer them to something very simple, read the bill. Look on page 5. It is very simple. No State shall be required by this section, no State shall be required by this section to deny public education benefits to any alien not lawfully present in the United States. It is very simple.

What we are doing with this bill is saying that the Federal Government ought to pay for what it is demanding the States do. That is all. Why should the States have the option if the Federal Government is not going to pay for it. If the gentleman from the Dakotas is that concerned, he has an opportunity under this rule to offer a motion to recommit to do exactly what he is concerned about. But do not be taken or diverted aside by these excited statements that say we are going to throw kids out of school. That is purely, simply a diversion. It is away from the substance of this bill, and it is away from the rule on the bill.

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

Mr. MCINNIS. Mr. Speaker, I yield 4½ minutes to the gentleman from California [Mr. GALLEGLY].

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

Mr. Speaker, the bill H.R. 4134 is a modified version of the Gallegly amendment which passed by a margin of almost 100 votes on this House floor during a debate on immigration reform just last March. Like the Gallegly amendment which was passed overwhelmingly by a bipartisan majority, H.R. 4134 does nothing more than remove the Federal Government's ability to force States to provide a free public education to persons who are not legally in this country. This legislation would allow all States full discretion in the way they want to handle the public education of illegal immigrants.

However, unlike the original Gallegly amendment, this bill has been modified to ensure that it impacts only prospectively illegal immigrant students. This grandfathered provision provides that all illegal aliens currently enrolled in any public school at any time during the current year up to July 1, 1997, a State could not deny a free public education through grade 12. It only ends the current policy by which the Federal Government guarantees all future illegal immigrants in every State a free public education at the expense of the taxpayers in perpetuity.

In other words, even if a State determined that they would like to deny free public education to illegals, they would only be permitted to deny future entrants or future illegal entries to be enrolled. Those currently enrolled would be exempt.

Let me make one other important point. For instance, if my friends from the State of Texas, Oregon or New Jersey decide they want to provide a free public education to all illegal immigrants, even those that arrive here illegally in the future, they would be still perfectly entitled to do so under this legislation.

Mr. Speaker, this bill is good for California and it is good for the Nation. We must end a policy that encourages future illegal immigration which further depletes our funds for public education and results in overcrowded

classrooms. There has been a lot of debate about the children. But we have forgotten about the children that have a legal right in this country, whether they are legal residents or citizens.

In California our State continues to spend millions and millions of dollars every year, more than the previous year, and we have gone from number 4 or 5 in the Nation based on scholastic scores and the quality of education to number 43 in the Nation.

Let me remind my fellow colleagues, we cannot forget these children either. This Congress must continue to dismantle the system of public benefits that convinces people to come here illegally. It must continue to decentralize the Federal Government and shift the power to States.

This revised version of my amendment accomplishes both of these critical objectives. The only thing that this amendment does not do is provide an entitlement in perpetuity that guarantees that anyone that might come here illegally in the future, the Federal Government would force the States to provide them with a free public education. It eliminates that guarantee after July 1997.

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

Mr. GALLEGLY. I yield to the gentleman from Colorado.

Mr. MCINNIS. Mr. Speaker, I would just like to ask the gentleman, it takes away that entitlement, but it allows every State to have what options?

Mr. GALLEGLY. It allows the States to continue to educate anyone they want, legal or other wise. The only thing that it does do is after 1997, it puts those illegally entering this country or considering illegally entering this country on notice that they may not be provided a guarantee to a free public education in the State of their choice.

Mr. MCINNIS. Which is exactly what we are saying here; that is, the States now will have this option, where before they had to pay the bill and had no option even to debate this within the boundaries of their own State.

Mr. GALLEGLY. Absolutely. One point I think is very important to further note. This does not turn any school teacher into a border patrol agent or a law enforcement person. All it does is provide the person that enrolls students at the beginning of the year the same right of asking to verify what their status is in this country as they verify immunization records, as they verify residency, and so on, to determine whether they live on the right side of the street as to whether they go to this school or that school. This does not turn anybody into removing anybody from school now or in the future.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, first let me respond to the issue of no costs would be involved if this legislation were passed. Let us just debunk it

right now because if there were no costs involved, then you would not have organizations like the California School Board Association that represents every single school board in California opposed to this legislation. You would not have most of the law enforcement agencies in this Nation opposing this particular legislation. You do because they know the costs would be tremendous, tremendous to the schools because someone would have to administer it, tremendous for law enforcement because someone would have to watch these kids that would not be in school but on the street. These organizations know what happens in real life practical terms and they are opposed to it.

We can say all we want, but until you are going to put some money where your mouth is, it is going to cost and someone will pay and the locals will have to pay the price.

Let me read from a few of the letters, just a few of the many that have come in. The International Union of Police Associations:

Make no mistake, our position is not based on partisan election year politics.

They are opposed:

It is not based on broad social theory. But we do clearly object to denying any child access to schools and education within our borders regardless of origin. We base our position on immediate pragmatic concerns that can only come from collective years on the streets of America. How can anyone advocate throwing thousands of children onto the street without supervision where they will become both victims and criminals? Local law enforcement officers, our members will be overwhelmed at a time when we can ill afford the extra pressure.

That is, as I said, the International Union of Police Associations.

CLEAT, the Combined Law Enforcement Association of Texas, says:

Numerous officials and organizations within the law enforcement community have contacted you and other congressional conferees in a unified position of opposing the Gallegly bill. This issue as we see it is very simple. We must do all we can to support every child's right to receive an education. Legislation that promotes the notion of keeping children out of school is only going to act as another avenue of increasing the already unacceptable practice of placing more children on the streets.

I could go on and on. The city of Elmhurst in Illinois, the National Association of Police Organizations, which represents over 185,000 law enforcement officers and 3,500 police associations, opposed to this bill. The Sioux City, ID, police chief, the city of Chicago's police chief, the city of San Jose's police chief. The 47 Senators, Democrat and Republican, who signed a letter asking that the Gallegly bill be defeated. It goes on and on and on.

Let us be real. We can set policy in this Chamber, but we can talk politics. This was a measure, an amendment that was included in the immigration bill that we just voted on that passed by a pretty wide margin. It was pulled by the Republicans yesterday. Why? Because they were afraid it would jeop-

ardize the entire immigration bill. Now we have it. Miraculously, in less than a day we have a bill go from inception to the floor.

Folks, understand this, whether you are on this floor getting ready to vote or watching on television, this is a bill that is on the floor being debated today when we have hundreds of other bills that will never be heard because we are about to end the session that went from nothing, because it was not a bill we were considering, to all of a sudden being debated on the floor of the House. It did not go through the committee. It never was heard in the committee on jurisdiction. But here it is being debated on the House floor. We could have debated it in the immigration bill that we just passed, but it was pulled because there were some discussions that had been taking place over the last several months.

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A lot of them were with Bob Dole in his campaign about how to do best to politically structure this debate, and what do we have? It is this debate on the floor. We know the President is going to veto this bill, so what are we doing? Why are we wasting this time when we are really at the end of this session and we have other things that are more important to deal with?

Well, there is a point to be made here, there are some political points to be made here, and unfortunately what we are going to run into is a situation where, damn the cops, damn the school administrators, damn the teachers, damn, the least important of which, I guess, in many people's eyes, the children; let us do this because there are points to be had. It is fortunate that practical people are against this bill. We should be against it, too.

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

Mr. Speaker, I think there is an obligation for accuracy for statements made on this floor, and let me tell the gentleman, the preceding speaker, that there certainly was a meeting last night in the Committee on Rules. No, the gentleman did not find time to be there, the gentleman was not there. But for a statement to be made that this was not discussed thoroughly in a committee meeting is not accurate.

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

Mr. MCINNIS. No. I will not.

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

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from Colorado for yielding—

Mr. BECERRA. Mr. Speaker, point of personal privilege. I believe the gentleman said—

The SPEAKER pro tempore. The gentleman may not raise a point of personal privilege.

Mr. BECERRA. Parliamentary inquiry then? When would a point of personal privilege be—

The SPEAKER pro tempore. Does the gentleman from Colorado [Mr. MCINNIS] yield for a parliamentary inquiry?

Mr. MCINNIS. I do not. In fact, Mr. Speaker, I think the floor belongs to the gentleman from California [Mr. GALLEGLY] to whom I yielded 30 seconds.

Mr. BECERRA. I would ask the gentleman from California [Mr. GALLEGLY] then to yield for 10 seconds.

Mr. GALLEGLY. To yield for a parliamentary inquiry?

Mr. BECERRA. Parliamentary inquiry.

Mr. GALLEGLY. Mr. Speaker, I yield to the gentleman from California.

#### PARLIAMENTARY INQUIRY

Mr. BECERRA. Mr. Speaker, I thank the gentleman from California for yielding for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. BECERRA. My parliamentary inquiry would be, at what point would it be appropriate to raise a point of personal privilege when the gentleman from Colorado indicated that I inaccurately stated some facts, when I think I stated them correctly when I said the committee of jurisdiction never heard this bill? I never spoke of the Committee on Rules.

So I am asking, when would a point of personal privilege be appropriate?

The SPEAKER pro tempore. The remedy of a Member is to engage in debate as it is not appropriate to raise a point of personal privilege at this point.

Mr. FROST. Mr. Speaker, if the gentleman will yield, it is my intention, when they are through, to yield some additional time to the gentleman in the well.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. GALLEGLY] has expired.

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding the additional time, and I will not take much time, I will not consume it other than to say that I appreciate what the gentleman from Colorado is attempting to say, but I do not believe I misstated any fact, because when I said that this bill has not gone through committee, I said the committee of jurisdiction, which is the Committee on the Judiciary, upon which I sit. It may have gone through the Committee on Rules at about 8 o'clock at night on, perhaps, 3 hours' notice, that is true, when a number of us had many things pending throughout that night of work.

I will say this though. In all the months, and we have been debating the immigration bill since last year, and my friend from California knows this, the originator of the amendment knows this because he is on the committee with me in Judiciary: Not once

did we debate the substance of his amendment in the Committee on the Judiciary when we had a chance to do so.

But my point here is, we have a bill that has gone through the process in less than 12 hours, or 24 hours, when we have a lot of substantive legislation that affects the lives of Americans in this country that will never see the light of day because we are going to run out of time.

Let me yield back my time, and, as the gentleman from Colorado said, we each have time to yield.

Mr. GALLEGLY. Mr. Speaker, will the gentleman yield? I just want to respond to one comment.

Mr. BECERRA. I yield to the gentleman from California if it is a brief comment.

Mr. GALLEGLY. Mr. Speaker, when the gentleman said we have not had an opportunity to debate this, I would remind the gentleman that we debated this for 2 hours on the floor of this House, which is a bigger committee and a broader committee than any individual committee. It was debated; it was included in the bill; it passed by a 100-vote margin on a bipartisan level; it was taken out at the conference committee level.

So with all due respect to my good friend from California, this bill has had the attention, and for the sake of expediting the overall bill, I suggested that we have it as a stand alone. That is the reason it came. This is where it should be.

Mr. BECERRA. Mr. Speaker, I appreciate the comments of the gentleman from California. He is correct that it was debated on the floor, never having gone through committee, but it did get debated on the floor.

I will say this. While it got debated on the floor, at least it came up through the process of the immigration debate. This came up as a result of having been extracted from an immigration bill. We could have debated it in the bill that just took place, because it was there, Mr. GALLEGLY. The gentleman and I know it. It was taken out, for whatever reason.

Mr. GALLEGLY. If the gentleman would yield, we did not want to give our President an excuse to kill a very important bill.

Mr. BECERRA. He is still going to, I hope, veto this. But the point remains that back when we debated it earlier and today, law enforcement organizations, the school board associations, a lot of folks are saying this is not a practical bill, this is not a way to go, it is not only going to deny kids an education, but it is going to put kids on the street to either be victims of crime and perhaps even be criminals themselves, and for that reason my colleagues continue to see objections from the folks who will have to administer this.

It is not a good piece of legislation, and it should be defeated for those reasons, least of which are the procedural

matters, which I believe violate the spirit of democracy.

Mr. MCINNIS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. GALLEGLY].

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman from Colorado for yielding this time to me.

I would just like to respond to my good friend's, the gentleman from California [Mr. BECERRA], comments, and he is a good friend. We agree to disagree on many things, and this happens to be one of them.

He mentioned the list of people that were opposing this provision. Let me give my colleagues a list of some of those, a partial list, that are supporting it: Fraternal Law Enforcement, California, Arizona chapters; Law Enforcement Alliance of America, the largest law enforcement organization in the Nation; Hispanic Business Round Table; Republican Governors Association; National Taxpayers Union; Americans for Tax Reform; Traditional Values Coalition; Eagle Forum; the Congressional Task Force on California; and on and on and on.

Mr. MCINNIS. Mr. Speaker, we are prepared to yield back the balance of our time if the gentleman from Texas would like to do so.

Mr. FROST. The gentleman has no more speakers?

Mr. MCINNIS. We are prepared to yield back at this time.

Mr. FROST. At this point then, Mr. Speaker, we yield back the balance of our time and ask for a no vote on the rule.

Mr. MCINNIS. Mr. Speaker, I yield back the balance of time, urge a yes vote, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

Mr. GALLEGLY. Mr. Speaker, pursuant to House Resolution 530, I call the bill (H.R. 4134), to amend the Immigration and Nationality Act to authorize States to deny public education benefits to aliens not lawfully present in the United States who are not enrolled in public schools during the period beginning September 1, 1996, and ending July 1, 1997, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 4134 is as follows:

#### H.R. 4134

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

#### SECTION 1. AUTHORIZING STATES TO DENY PUBLIC EDUCATION BENEFITS TO CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES.

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

**"TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS"**

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

"SEC. 601. (a) STATEMENT OF POLICY.—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 are not entitled to public education benefits in the same manner as United States citizens, nationals, 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) CONSTRUCTION.—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,

"(2) benefits other than public education benefits provided under State law, or

"(3) preventing the exclusion or deportation of aliens unlawfully present in the United States.

**"AUTHORITY OF STATES"**

"SEC. 602. (a) IN GENERAL.—In order to carry out the policies described in section 601, each State may provide, subject to subsection (f), with respect to an alien who is not lawfully present in the United States that—

"(1) the alien is not eligible for public education benefits under State law; or

"(2) the alien is required, as a condition of obtaining such benefits, to pay a fee in an amount consistent with the following:

"(A) In the case of a State that requires payment of a fee of nonresidents as a condition of obtaining such benefits, the amount of such nonresident fee.

"(B) In the case of any other State, an amount specified by the State, not to exceed the average per pupil expenditures for such benefits (as determined by the State and selected by the State either for the State or for the local educational agency involved).

"(b) INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.—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 the 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 an alien lawfully present in the United States, and

"(B) presents either—

"(i) documentation described in section 1137(d)(2) of the Social Security Act, or

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

"(c) PROCEDURES FOR SCREENING.—If a State provides for immigration eligibility screening pursuant to this section for individuals who are seeking public education benefits, the State shall provide for such screening for all individuals seeking such benefits.

"(2) A State may (at its option) verify with the Service the alien's immigration status through a system for alien verification of eligibility (SAVE) described in section 1137(d)(3) of the Social Security Act (42 U.S.C. 1320b-7(d)(3)).

"(d) OPPORTUNITY FOR FAIR HEARING.—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 has been determined by the Service to be lawfully present in the United States, consistent with subsection (b) and Federal immigration law.

"(e) NO REQUIREMENT TO DENY FREE PUBLIC EDUCATION.—No State shall be required by this section to deny public education benefits to any alien not lawfully present in the United States.

"(f) NO AUTHORITY TO DENY FREE PUBLIC EDUCATION TO STUDENTS ENROLLED AT ANY TIME DURING THE PERIOD BEGINNING SEPTEMBER 1, 1996, AND ENDING JULY 1, 1997.—(1) A State may not deny, and may not require payment of a fee as a condition for the receipt of, public education benefits under this section with respect to a protected alien.

"(2) For purposes of this subsection, the term 'protected alien' means an alien who is not lawfully present in the United States and is enrolled as a student in a public elementary or secondary school in the United States at any time during the period beginning September 1, 1996, and ending July 1, 1997.

"(g) NO IMPACT ON IMMIGRATION STATUS.—Nothing in this section or section 601 shall be construed as affecting the immigration status of any alien, including the conferring of any immigration benefit or change in any proceedings under this Act with respect to the alien."

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

"TITLE VI—AUTHORIZING STATES TO DISQUALIFY CERTAIN ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES FROM PUBLIC EDUCATION BENEFITS

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

"Sec. 602. Authority of States."

The SPEAKER pro tempore. Pursuant to House Resolution 530, the gentleman from California [Mr. GALLEGLY] and the gentleman from Texas [Mr. BRYANT] each will control 30 minutes.

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

**GENERAL LEAVE**

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 4134.

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

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself whatever amount of time I shall consume.

Mr. Speaker, I rise in strong support of H.R. 4134. This is a modified version of the original Gallegly amendment which passed this House by a vote of 257 to 163 during the debate of the immigration reform bill just this past March.

I might remind my colleagues that the entire immigration bill, which at the time contained the original Gallegly amendment, passed this body by a strong bipartisan vote of 333 to 87.

Like the original amendment, today's bill does nothing more than ensure that the Federal Government will no longer be able to force the States to educate those who are in this country illegally.

This legislation will allow all States full discretion in the way they want to handle public education and illegal immigration. However, unlike the original Gallegly amendment, this bill has been modified to ensure that it impacts only prospective illegal immigrants. In other words, all we are trying to do through this legislation is stop an entitlement that would otherwise exist in perpetuity.

This modified version of my amendment does not kick one child out of school, but it does serve notice to those who have not yet come to this country illegally, using education as a magnet, that public school may not be available. It does not offer the States the option of closing the school door to those who have arrived there currently.

Today this education represents an enormous unfunded mandate the Federal Government imposes on the States. California alone spends an estimated \$2 billion annually providing education to illegal immigrants. That is enough to hire 51,000 new teachers or put 1 million new computers in every classroom. If we fail to act, States will be forced to provide a free public education to illegal immigrants until the end of time, and that is not right.

As the primary funders of public education, State lawmakers and the State taxpayers they represent should have the ability to decide whether illegal immigrants should continue to receive a free public education.

This Congress must continue to dismantle the system of public benefits that convinces those in foreign lands to come here illegally. It must also continue to decentralize the Federal Government and shift the power to the States. The revised version of the Gallegly amendment accomplishes both of these critical objectives, and I urge passage of H.R. 4134.

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

Mr. BRYANT of Texas. Mr. Speaker, 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. Speaker, I think it would have been best, frankly, had my good friend, the gentleman from California [Mr. GALLEGLY], who I believe to be quite sincere about this, had simply brought to the floor the original amendment which says flatly that we are going to prohibit the children of illegal aliens, illegal immigrants, from going to school. This is a repackaged version which attempts to make it seem like it is a little more



palatable, but it has really the same effect. I know that my friend from California would argue that point. But it has the same lack of effect as well.

Illegal immigrants do not come to the United States so they can get their kids in school. It really is, if my colleagues think about it, ridiculous to allege that they do. They come here to get jobs. The fact that we have illegal immigrants in the schools is the fault of our Federal policy which has, particularly in Mr. GALLEGLY's State and mine of Texas, border States and big border States, resulted in an awful lot of kids being in the school system; there is no question about it. It is aggravating, and it is expensive.

We put in the immigration bill a provision to require the Federal Government, who is to blame for the situation, to require them to pay the cost. It is not fair to make the schools of Texas, the school districts in Texas or California or anywhere else, pay this cost. Well that disappeared somewhere along the line in a House in which the Republicans are the majority. That is gone. The blame for that must be laid on the Republican side of the aisle.

The fact of the matter is, this is not a solution to illegal immigration. None of the studies have said that it is. A Jordan Commission report, which began this whole effort to change the immigration laws, did not ask for this kind of a measure, and that is because, as I said a moment ago, illegal immigrants do not come here to get their kids in school; they come here to get a job.

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Mr. BRYANT of Texas. Mr. Speaker, if they are coming to get a job and they have kids, the kids are coming. Do we want, as a matter of national policy, to have these kids wandering the streets?

We might hear it said in a moment, well, the new version of this does not require that, it simply says the States can keep them out of school or can charge them tuition prospectively, beginning, I believe, with the class of next year. It does not make any difference. How many of these kids can pay tuition? Zero. They cannot pay tuition.

Second, if there is any possibility that their being in school is going to result in any type of notice being taken of them or their parents by the Immigration Service, they are not going to bring the kids to school. Some of my colleagues might say that is great, that is exactly what we want. I ask them to think again. That is not what we want. That is not what the police departments want, that is not what the school districts want. Nobody gives this a second thought.

We cannot afford to have a huge population of kids, no matter who their parents are, on the streets. Ultimately, that is exactly where this is going to lead. That is why every responsible institution in this country has said, do

not pass this amendment; it sounds good, but it will cause an enormous amount of trouble. I urge Members to look twice at this.

I also urge them to take a look at how the public views this matter. I think originally everyone was quite afraid of the issue, afraid to vote against it and so forth, because they thought at election time it might come back to haunt them.

I have noticed even some Republicans are beginning to speak up and say they are against it, including, in my State, my two Senators and my Governor. All three Republicans have come out against this approach, at least the original Gallegly approach. I would have to let the gentleman speak with regard to the modified version, but certainly with regard to the original one, they were against it.

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. GALLEGLY. Mr. Speaker, I appreciate the gentleman yielding. It is my understanding that the Governor of the State, George Bush, supported the Gallegly amendment in its original form. However, he did support his right to continue to provide a free public education and said he would probably continue that policy, but he did like the idea of having the option, which is all this amendment is about.

Mr. BRYANT of Texas. Mr. Speaker, reclaiming my time, I would simply observe that of the two of us, I am the one that reads the daily newspapers of Texas, and I believe I can produce the reports that would say differently than that.

Mr. Speaker, the fact of the matter is that the impractical result of this alluring proposal is obvious to those who study it carefully. I urge Members to do what is right for our kids, do what is right for our neighborhoods, do what is right for our police departments. Do not put another burden on the school districts, and vote against this bill.

Mr. GALLEGLY. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think it should be abundantly clear as a result of the debate on the previous bill and on this bill here that the enforcement of our immigration laws has a very low priority in the minds of some, and perhaps not the same degree of urgency that it has in the minds of others who have appeared before this body today to speak.

I would simply say that we are dealing with two very separate and different issues here. One is truly the issue of unfunded mandates. By definition, we have traditionally thought of that as this body passing laws that have costs that are associated with other levels of government paying for them; namely, States and local communities.

Here we are not talking about passing laws, we are talking about the failure of the Federal Government to enforce its existing laws, that is, namely, our immigration laws; and by failing to do so passing on, by virtue of court decisions, the costs to States and to local communities in the cost of education.

If we are not serious about doing anything about unfunded mandates, then simply let us defeat this proposal. But if we are serious about it, then we should restore to the level of government that is having to pay for these decisions the power to make the decisions: namely, States and local communities.

My State, like most States, I am sure, divides that cost up, the cost of education. In our State of Georgia roughly half of the cost is paid by the State, the other half being paid by local property taxpayers. We have heard a lot of talk about compassion here, compassion for children. I would submit to the Members, there is another element of compassion, the senior citizen, the widow who is fighting to hold onto her home, and every year sees her ad valorem taxes go up, and part of that reason, a significant part, being the cost of education.

I would say that this is a matter of compassion, to restore to those who are paying the cost for our failure to enforce our immigration laws the ability to make a decision: Should they or should they not allow those who are illegally in our country to participate in the education system? That is a decision that they are paying for. They should have the right to make that choice. I say that is compassion. That is putting meaning into doing away with unfunded mandates.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 45 seconds.

Mr. Speaker, I would observe that the same taxpayers that the gentleman from Georgia, Mr. DEAL, was speaking of would have to pay the cost of the law enforcement which would result from having all these kids on the street, the cost of the schools checking the citizenship of every kid in the school in an effort to find a handful who might not be here legally, and all the other attendant costs. That is why these institutions all oppose this approach.

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. GALLEGLY. Mr. Speaker, one of the reasons the Sheriffs Association of the State of California, the largest sheriffs association in the Nation, supports this legislation is the cost of education far exceeds the cost of enforcing the law.

Mr. BRYANT of Texas. Mr. Speaker, I would just observe that the Association of Elected Sheriffs, who are politicians like us, may have come out with a resolution like that, but the professional police departments and the school districts and those that have to



deal with this really on the ground do not agree.

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

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

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me, and for the hard work and tremendous leadership and expertise of the gentleman from California [Mr. GALLEGLY], on this particular issue, which is of tremendous concern and importance to California citizens.

Mr. Speaker, obviously there are many things that we can do to at least reduce the tide, the flow of illegal immigration into California and our other border States, but the best way to control our border is by demagnetizing it. That was clearly pointed out in the Jordan Commission, the commission headed up by the late Congresswoman of Texas, who said we had to reduce and ultimately eliminate social welfare benefits, including a free public education, for illegal aliens, if in fact again we were going to do a good job of controlling our borders.

This is just so important in California, and it is pretty clear the direction that this Congress should take. We have to have a national policy which specifies that the Federal Government no longer can impose mandates on State and local governments by forcing them, which is what current law does, by forcing them to provide taxpayer-financed benefits to illegal immigrants. The decision should rest solely in the hands of State and local authorities to decide where their resources go. That certainly applies in the area of education.

One of the more compelling of the border magnets is the free public education California and the other border States are mandated to provide the children of illegal immigrants, who are themselves illegal immigrants. This year their education will cost California taxpayers over \$1.8 billion. That is an increase of 144 percent over just 8 years. So make no mistake about it, the availability of free public education is attractive.

In the fiscal years 1988 to 1989 there were 187,000 illegal immigrant children in California. Today, there are almost 380,000. That is a doubling in just 7 years. That number continues to grow every year. That is why California voters spoke very loudly, very clearly, in 1994 when they approved the California statewide ballot initiative, Proposition 187, by nearly a 60 to 40 margin.

Let me just put this in a little different perspective, though. If not compelled by Federal mandate to spend \$2 billion annually to educate illegal immigrants, California could instead hire more than 58,000 new teachers, install at least 1 million computers in classrooms. Are they listening, our Democratic colleagues in the Clinton administration? Because, of course, we have

heard the President talking about linking every single classroom in the country to the Internet, making sure that everybody is on line. And with that funding we could construct 23,400 new classrooms to ease overcrowding in California public schools. That is clearly the direction that the California State Legislature and the Governor want to go, on a bipartisan basis.

One other bit of perspective on this. The \$2 billion we are spending annually to educate illegal immigrants is equal to the total amount the State spends to run all nine campuses of the University of California. So the Gallegly provision is very necessary to allow California taxpayers to protect themselves from these exploding costs.

We are hearing objections from congressional Democrats and from the Clinton administration, saying California taxpayers must educate any illegal immigrant, even those who have yet to enter the country. That clearly is not what California voters want. I think those of us who are elected to this House have a first and foremost responsibility, obviously, to represent the constituents of our districts and our home States.

Mr. BRYANT of Texas. Mr. Speaker, will the gentleman yield?

Mr. RIGGS. I yield to the gentleman from Texas.

Mr. BRYANT of Texas. Mr. Speaker, I would just like to ask the gentleman how he distinguishes here between this and other questions.

The SPEAKER pro tempore (Mr. CHAMBLISS). The time of the gentleman from California [Mr. RIGGS] has expired.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would ask the gentleman if he would respond to my question. The gentleman says that the school systems ought to decide whether or not, the States should decide whether or not this Federal issue should be dealt with locally or not. Does the gentleman think that the States should be deciding whether or not we require them to integrate the schools, or should the Federal Government require them to integrate the schools?

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

Mr. BRYANT of Texas. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, did the gentleman say integrate or immigrate?

Mr. BRYANT of Texas. Integrate. The Federal Government now requires the school systems to be integrated, to permit all students to come to schools. Do you think that we should continue that policy?

Mr. RIGGS. That has been a matter of Federal policy for years, of course.

Mr. BRYANT of Texas. How does the gentleman distinguish, now? We are talking about a Federal issue here. Ought it not be the same in all States also, that we require they be in school?

Mr. RIGGS. If the gentleman will continue to yield, let me put it in the

words of Gov. Pete Wilson: Should a State want to commit its educational resources in this area, and I think the gentleman is correct, that is the course his home State of Texas would like to take, it would be free to do so under the Gallegly amendment, because the decision under the Gallegly amendment is left to the States.

Mr. BRYANT of Texas. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

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

Certainly it is no wonder the Speaker GINGRICH chose to elevate another anti-education proposal in these waning hours, precious hours, and to say he will place this above all the other issues that face the American working families today. For, indeed, this has been the most consistently anti-education House in memory.

We have replaced decades, if not centuries, of a bipartisan commitment to Federal aid to education with extremism, with a hatchet that goes after one program after another. This is the same crowd that in the last 2 years has attempted to cut almost \$20 million from Federal student loans. It is the same crowd, this Gingrich Congress, that tried to raise the cost of going to college by \$5,000. It is the same crowd that said to thousands of American citizens that we will give their children a wrong start, not a Head Start. And whether it was Head Start or college or anything in between, they went after every title in the education code, whether it was safe-and-drug-free schools bilingual education or any other provision.

So when we have a Congress that is that extreme and that anti-education, how can it be a wonder to anyone that they would want to cut off educational opportunities to the newest arrivals, because they have had little use for education for Americans who have been here for generations.

Basically, this new crowd, this Gingrich Congress, its position is that we should terminate the entire Federal commitment to education. They just plan to do it one program at a time. This is just part of the overall scheme.

As for the specific children that the Speaker wants to deny education to today, the plan is simple enough. When the kids get old enough and they have gotten above the pre-Head Start level and the Head Start level, when they get old enough to join a gang, the program being advanced here today is to give them an education, all right, give them a education in the street, education of the gang, of drugs and of crime. That is why, instead of learning their ABCs, they will learn how to break into your house or car. That is why every major law enforcement organization nationwide, almost, has come out against this provision.

□ 1630

Of course this nonsensical approach is antieducation, and it is not going to

work in the interest of our law enforcement officers.

The supporters of this measure continue to insist that ignorance is cheaper than education. When we look back over this Congress, we look at the \$1.5 billion wasted on costly government shutdowns. The legacy of destruction and ignorance in this Congress is great indeed when we look back over the costly government shutdowns. When we look at all the education programs this Congress has tried to wreck under the leadership of Speaker GINGRICH, I think we can certainly say that the cost to the American people of ignorance has been dear indeed.

Mr. GALLEGLY. Mr. Speaker, I yield myself 15 seconds to respond to the gentleman from Texas.

First of all, this is not antieducation, it is proeducation. It is proeducation for the students that have a legal right to be in this country, that are either legal residents or citizens. This is the most proeducation bill we have had in a long time.

And on the issue of law enforcement, as the gentleman from Texas knows, it is broadly supported by more law enforcement people across this country than it is opposed.

Mr. Speaker, I yield 3½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, I congratulate my fellow Californian, Congressman ELTON GALLEGLY. He has fought a long and hard battle to get this issue to the floor and to have our Government come to grips with a major threat to the well-being of the people of the United States of America.

This Congressman, when I first came here in 1989, took me aside and we spoke about the illegal immigration problem, and that was back in 1989. We have worked together diligently ever since, and he has provided enormous leadership on this issue. We were never able to get this to the floor for a vote. Why is that? Because when the liberal Democrats controlled the House of Representatives and the U.S. Senate, they were not about to let any honest debate on this issue take place. Perhaps it is because there is an alliance, a political alliance somewhere that someone wants to maintain that is costing the American people the right to run their own country and the right to educate their children and the right to actually control our own borders.

The fact is that, until the Republicans took control of the House, the liberal Democrats put us down every time we tried to discuss this issue. We could never get a vote. Thank God that at last this problem is being confronted. Since Mr. GALLEGLY and I talked in 1989, millions upon millions of illegal immigrants have flooded into our home State of California and across the country as well. Those millions of illegal immigrants that have come here, they may be fine people, but they are consuming resources and benefits that are meant for the people of the United States of America.

In California, we see our health care system breaking down. We hear and see our education system breaking down. We know something must be done, but we have been prevented from doing so because the people who ran this House for all of those years refused to let Mr. GALLEGLY present a bill and get it to the floor of the House of Representatives.

I applaud Congressman GALLEGLY and the others who have worked so hard on this, because we care. We care about the people of the United States of America, and we know that the people are not going to buy the line that this is antieducation because we want education dollars to go to the benefit of our children rather than foreigners that have come here illegally. That is antieducation? Nobody buys that. That is the type of arrogance that has been rejected by the people of this country.

I hope that when they go to the polls a month from now that they realize that type of arrogance is a thing of the past and put it to bed forever. The fact is the people of the United States expect the tax dollars that are being taken from them to be used for their benefit.

The Gallegly amendment basically focuses on education, which is of major concern. For us to say that those people coming from other parts of the world do not care about their children, are not coming here to give their children a free education is ridiculous. All the Gallegly bill now does, and I do not think it should have been compromised before, I mean the fact is it was much stronger before, saying illegal aliens who are here should not get the benefit, but this bill now before us just says future illegal immigrants should not get this right of education.

Let us end this attraction to illegal immigrants. This bill at least cuts off the attraction to future illegal immigrants from taking away those limited tax dollars that we have available for education.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 1 minute.

I just wonder if the gentleman was reading the papers back in 1986 when the House of Representatives under Democratic leadership took up the fundamental immigration law for the first time in many, many years and passed legislation making it against the law for people to hire illegal immigrants who are in this country. The gentleman gave us a pretty hard time there talking about how all the evils of the world are a result of the fact that you could not get the Gallegly amendment up on the floor. The fact of the matter is we passed about three immigration bills in the time that I have been here which is 14 years.

Mr. ROHRABACHER. If the gentleman will yield, to answer the gentleman's question, I remember the 1986 bill. That is the one that granted amnesty to millions of illegal immigrants and sent the message out to all the people in the world, "Come to the Unit-

ed States because if you get in, eventually they're going to wear down and they're going to give you amnesty." That bill precipitated this flaw.

Mr. BRYANT of Texas. I would like to ask the gentleman further, have you not read the bill? It did not say to the rest of the world, "Come on in, you can get amnesty." I do not know where you got that. But I suggest you read the bill and read some history before you come to the floor and indict the last 10 years of this Congress.

Mr. ROHRABACHER. We know what happened after that bill passed.

Mr. BRYANT of Texas. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

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

I am going to go back a bit, because a number of speakers have come up here and said, and I suspect will get up here and say about the costs of illegal immigration and the immigrants that are coming, and California and the costs. Certainly there are costs, but it would not be a full and honest debate, I say to each and every Member that is going to get up here and say that, if you did not also say what they are contributing. Whether it is the food you eat, the clothes you wear, you are able to purchase it for a decent price because of the work that some of these folks do.

On top of that, it would not be an honest debate whether they are here legally or not. Because if they are not legally here, I think everyone agrees that they should be deported; but while they are here and working, if they happen to buy an article of clothing the way you or I do, they pay the same sales tax that you and I have paid. If they purchase a car, or furniture, they pay the same sales tax that you and I have paid. If they own property, and many of them do, they pay property taxes the way you and I do. If they do not own property but they rent, they are ultimately still helping to pay for the property tax on that property through their rent. If they own a business, and many of these folks do, they pay business taxes to the local government.

All of that, as the gentleman from Georgia [Mr. DEAL] had mentioned, all of that is the basis of the payment for education in most States. I know for a fact in California, most of the money comes from sales tax and local property taxes for the schools in our State. So please, if you are going to make an honest debate, if you are going to talk about the estimated cost because it only can be an estimated cost, what the estimated cost is of having a child go to school if he or she happens to be undocumented, also mention what is contributed by these families because they are not just languishing. Most of them are providing some payment.

Another point: In bad times or in good times, we have had folks in this

country who do not have documents who are, as I said before, and everyone will agree, deportable. Bad times or good times. In good times, folks were not saying that they were costing our schools all this money and as a result our kids were not getting educated, our people were not getting their health care.

In good times or in bad times, they have been here. When the economy shot up, when the economy has shot down, they have been around. It just so happens that in bad economic times, you look for the scapegoats, and it is easy to point your finger at those individuals.

Mr. ROHRBACHER. If the gentleman will yield, I am not suggesting these are bad economic times.

Mr. BECERRA. I am not suggesting that. I am just saying whether it is good or bad times. Mr. Speaker, I suspect the gentleman will agree with me, as a Republican, that these are good economic times.

Let me continue if I may. This whole argument really, if you boil it down, is the following. I think everyone in this Chamber will ultimately agree, if you kick a kid out of school, you will not drive the parents out of the country. What you do is you kick a kid out of school and you put the kid on the street. The parent is probably here because he or she probably has a job, probably in the underground economy, is going to stay here because chances are in the home country the person would not be making as much money. In the home country there is a good chance the kid would not get educated anyhow.

So they are probably going to stay here whether or not you place a kid out on the street. The real concern, as most of the law enforcement officials and Sherm Block, the Sheriff of L.A. County, will attest to this, and he is a Republican, he is opposed to this particular provision by the gentleman from California [Mr. GALLEGLY], he will attest, it is better to have a child in school than on the street.

If this is meant to drive people out of the country who are here without documents, it is going to fail miserably. And if it is, what are the consequences? You and I will not see the consequences because we are here in Washington, DC, making the policy. The consequences will be faced by the school districts and the school boards that are opposed to this measure and most of the law enforcement officials who are opposed to this measure because it does not help them take care of their worries locally.

How much will it cost? This really is antieducation. Why? Because if you think someone is going to have their child pay tuition, this proposal says, well, these people who are undocumented can pay tuition for their kids to go to school if they want to continue using the public schools.

Let me tell you, if you are going to use \$5,000 or \$6,000, I guarantee you most people would send their kids to

some private school for that amount of money if they could because they would avoid the problem to begin with of having their kids go to a public school and being caught. You are not going to do anything with this measure, no kid is going to be able to afford to pay the tuition for a public or private school.

Mr. GALLEGLY. If the gentleman will yield, there is no tuition in the amendment here.

Mr. BECERRA. But the real issue in terms of cost and why this is so antieducation is the following. In California, which by the way, unfortunately, our Governor has been unwilling to fund education in our schools the way it should be. We are now ranked one of the last in this country. We used to be one of the first back in the 1950's in terms of education funding. But we provide about \$6,000 per pupil in California in money. That is in school.

You drive a kid off on the streets, and you are going to have come costs to the local law enforcement to try to make sure that they are making sure these kids that are on the street now are not committing crimes or becoming victims of crime. But should they become involved in criminal activity, this young child who has been kicked out of school will probably be incarcerated, not imprisoned because they do not take them to adult prisons. They take them to the youth offender facilities, which cost about \$33,000 per year in the State of California.

So if you think \$6,000 is expensive in our public schools, then \$32,000 is surely much more expensive than that. That is what you are driving towards with this particular piece of legislation.

A couple of more points: Why we would want to set as a national policy a principle that says we are going to hit the kid, we are going to punish the kid for the acts of an adult, I am not certain. I know the courts right now are debating whether you can punish a parent for the acts of a child. Some of these delinquents, children who become delinquents, we are now having some local laws that say, OK, let us punish the parents for letting this kid become a delinquent.

The courts have not decided yet if, in fact, you can punish the parent for the acts of a child. Not only are you going beyond what the courts have even permitted, but you are turning it on its head, you are saying punish the child for the acts of the adult, as if a 2-, 4- or 7-year-old could tell his or her parent, "Don't cross that border without documents, Mom or Dad, because, if you do so, we're in trouble."

Be realistic. This is not sound policy. If we are going to address the issue of illegal immigration, let us do it where it most counts, at the border. We did that in the bill that just passed. We did provide additional funding to Border Patrol.

We could have done more to provide more protections at the workplace to

make sure people do not work without documentation. We did not. This is just another measure that sounds good. That is why it is bottled up in California after Prop 187, because it does not work. We should be about the business of passing laws that will work, not just because they sound good but because they will work. Unfortunately, this will not work.

Mr. GALLEGLY. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon [Mr. COOLEY].

□ 1645

Mr. COOLEY of Oregon. Mr. Speaker, I rise today in support of H.R. 4134, a bill that allows States to deny public education benefits to illegal immigrants.

This bill is only a matter of fundamental fairness. States are trying hard to balance their budgets. Meanwhile, a growing population of illegal immigrants strain the public resources of the State and local governments.

We order the States to give taxpayers funded public education, to who? To those who are here illegally. Is this not an unfunded Federal mandate, which we just passed legislation to discontinue?

Come on. At a time when we are trying to introduce common sense to Washington, DC, let us get rid of these senseless mandates. Let us have compassion for the hard-working taxpayers of this country. Let us let the people of the States decide whether or not they want to spend their tax dollars on public education for illegal immigrants.

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

Mr. BILBRAY. Mr. Speaker, I have had the privilege of actually discussing and negotiating this issue at length with representatives in Mexico of the Senate and the Congress. Let me tell you, I heard the same arguments in Mexico that I am hearing on the floor right now of excuses not to do the reasonable thing.

What is interesting is I do not think any of us think that Mexico is xenophobic or antiimmigrant. But the fact is in Mexico, they have a law that says you must prove you are a legal resident, if you are not a citizen, before you even get into a private school, let alone a public school. So the xenophobic issue, I think, is pretty settled and Mexico agrees it is a reasonable approach.

But I ask you, who are the children we are talking about here? I hear people on the floor saying "our children." Are they talking about the legal citizen children who are not getting their fair share of education in the States impacted? Or are they talking about "our children" who are the legal resident aliens, who have played by the rules, who are not getting their fair share of the revenue for their education? Or are they talking about "our children" as being the illegal aliens in school right now? Because this bill

does not affect any of those people. It says if you are illegally here today, you can continue to go to school.

It just says that the people who are thinking of coming here to the United States, who are not here now, we will not require a free education to be given to your children.

So when you say "our children," are you talking about the people here in the United States today, or are you saying this Congress represents the illegal immigrants who are not even in this country today, that are thinking of coming, that they take priority over everyone else in the educational system today.

Mr. Speaker, I ask to pass this bill, because it is for our children, both those who are legally and illegally here today, and the citizens. All it asks is that those who have not come here and made the decision to break our laws not be rewarded and encouraged to do that. That is all we are asking for.

I would ask my colleagues, when you talk about this, think about the fact that the message we are sending around the world, to my cousins in Australia who say "We hear if you break the laws of America you get rewarded." It is time we stop sending that message, not just to Latin America and Australia, but the rest of the world. Let us play by the rules.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 15 seconds to observe, this bill does not relate to or exempt the kids that are not here today; it exempts the kids that are not in school today. Those kids that are not in school today would not be able to get in school in the future, and they would remain on the streets. Heaven knows what would happen to these little kids if they were left on the streets.

Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, the previous speaker, also a good friend of mine, from California, said that this cousins in Australia have heard that if you break the law in America you get rewarded.

Well, what did you tell them, Mr. Lawmaker?

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

Mr. CONYERS. I have not finished my question to you yet. It is going to be a little more complicated than that.

If you break the law in America, you get rewarded? We have got more people in prison for breaking the law than any nation on the face of the planet, and building more prisons than schools.

We are now federally subsidizing the increase of prisons in States, and your cousins in Australia are telling you, a Federal lawmaker, that you get rewarded for breaking the law in America, and you repeat that on the floor of the House without even telling us what you told your cousin.

Mr. BILBRAY. Would the gentleman yield?

Mr. CONYERS. Not yet, I have some more to tell you about this subject, sir, and then I will be pleased to yield.

Now, it just so happens that the bill that you so avidly support here on the floor is nothing more than a mean-spirited attempt to punish children for the actions of their parents. Did you explain that to your cousins from Australia?

And, by the way, what do you think happens to all these hundreds of thousands of kids that you would exclude from schools here? What do they do? Join the Boy Scouts and the Girl Scouts? Or do they get part-time work? Or do they go the day care centers that their parents will assign to them? Or do they stay out on the streets and become criminals or victims of crime that your nephews fail to understand that you do get punished here in America? You get punished more in America than you do anywhere else in the world.

Mr. BILBRAY. Would the gentleman yield now?

Mr. CONYERS. Not yet. I have not completed.

Now, my dear friend, Mr. GALLEGLY, one of the best mayors California ever produced, how come you did not allow this great provision to remain where it was created, in the immigration bill? You have not explained that on the floor.

Mr. GALLEGLY. Yes, sir, I did.

Mr. CONYERS. No, you did not.

Mr. GALLEGLY. I will be happy to.

Mr. CONYERS. Well, you ought to be happy to. But this is the provision that came out of the immigration bill so it would have a life. And it did not come from the President or the Democrats. Guess who wanted it out?

Mr. GALLEGLY. I will tell you.

Mr. CONYERS. The Speaker of the House wanted it out. Your colleagues on the Republican side pleaded to have it taken out. And now, after it has been taken out, you march right up again telling us about all the provisions.

And now, if there is any time left, I would be happy to yield to my distinguished colleague from California for 15 seconds.

Mr. BILBRAY. If I may answer the question, what I told my cousin in Australia is: Tom, just because in the past America has rewarded people for breaking our immigration law—

Mr. CONYERS. Stop, I do not yield any more. Because if you told them that we once used to reward people for breaking the law, then you have failed your obligation as a Federal lawmaker. I am not yielding to you, sir, because you are giving misinformation on the Federal law to your relatives in your family. Now, they ought to check with the ranking member of the Committee on the Judiciary if they want to know what that happen to people that break the law in America.

Mr. Speaker, I will now yield to my distinguished friend, the subcommittee chairman on Judiciary, for 15 whole seconds.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman, my friend, and he is my friend, from the great State of Michigan for yielding, to answer his question about whose idea it was to change this. I think the gentleman would agree that this was something that I wanted in this bill or I would not have brought it to the floor during the debate in March.

Mr. CONYERS. Why was it taken out?

Mr. GALLEGLY. Let me remind the gentleman, if the gentleman will give me 10 seconds uninterrupted, I will give him a complete answer. Will the gentleman yield me 10 seconds?

Mr. CONYERS. Well, the majority of my colleagues want me to do it, so I will do it.

Mr. GALLEGLY. I thank the gentleman for yielding. The reason this was taken out is the President of the United States, our President, said he would veto any bill that gave the States anything short of an unfunded mandate in perpetuity, guaranteeing a free public education entitlement for anyone, whether they are here today or in the future. We did not want to see a very important immigration bill threatened. The President said we only had that in there so he would veto it.

Mr. CONYERS. Mr. Speaker, reclaiming my time, in other words, you are blaming the President of the United States for NEWT GINGRICH's decision to remove it?

Mr. GALLEGLY. It was my suggestion.

Mr. CONYERS. Is that the idea?

Mr. GALLEGLY. No, it is not.

Mr. CONYERS. It was your suggestion to remove it?

Mr. GALLEGLY. Because I would not allow the President to hold this hostage.

Mr. Speaker, I yield myself 15 seconds to finish that. I think it is very important the American people understand why this provision is a stand-alone bill. In March this provision passed overwhelmingly in the House. We brought it back after we modified it. The President said I will veto this bill, I will veto this bill.

We were not going to allow the President to have an excuse to veto this bill. I suggested we remove it, let it stand alone. I believe in the democratic process. If the people of this Congress say, GALLEGLY, your bill is bad, so be it. I do not think that is going to be the case. That is the reason it is here.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side of the aisle, those that are going directly toward the issue, I laud that. That is fair and open debate. I think that is what this House is for.

Those that use this as a political satire to demonize the Speaker of the House, and according to the gentleman from California, GEORGE MILLER, the leadership meets once a week to take

out and find ethics violations for the Speaker, and according to GEORGE MILLER, and I quote, "He is the general, it is in our best interests to take him out," that is wrong.

But those that speak to the issue, I laud them, and I respect their opinion. But I disagree with it.

I would say those from the liberal left that would not support the welfare, would not support the balanced budget, and then told stories to try and scare the American people, I think that is wrong.

What I would say to my liberal left friends is that my mom once told me, "If you lie enough, you are going to go to Hades, and I will be very happy and justified when you pass away to send you a fan."

And this issue is costing not only taxpayers, it is costing children. I will speak to California, children in California. It is not \$6,000 a year, it is \$4,850 per student times 250,000 students in K through 12. That is \$2 billion a year, I would say to the gentleman from Texas [Mr. BRYANT]. Think in 5 years what we could do in the State of California with fiber optics, computers, and paying teachers and the rest of it.

We have 18,000 illegal felons. When one talks about we are building more prisons than we are schools, that is one of the reasons I think, yes, the border is a good place to start. But economically, criminally, and against our poor and Medicare, we are destroying American citizens, and that is why we are supporting this, not mean-spirited.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PACKARD].

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

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

Let me make a proposition to the Members of the Congress. Let us take American taxpayer dollars and send it to Mexico or to any other country and educate their children. Those that have chosen to stay in their country and to abide by our border laws, they probably have a better right to our taxpayer dollars to educate their children than those that break our laws to bring their children here and get an education at taxpayer expense.

Now, I think it would be a ridiculous idea to send our tax dollars to Mexico or to any other country to educate their children. But it is more plausible and more just and more reasonable than to invite them to come illegally into our country and educate the children.

Now, you think about that.

□ 1700

We will not send our money to foreign countries to educate their children, but I think a parent of a child that stays in their own country has a better right to our dollars than those who break our laws and bring them to this country.

Now, the argument has been how can we turn them out on the streets without being able to get a job? We can take an illegal child all the way from kindergarten through high school and graduate from high school and they cannot legally get a job in this country, so we should not use the argument that they need a job.

I have an end to the idea that this bill is antieducation. That is the most spurious of all arguments. I have 33 grandchildren, my wife and I, and every dollar that we spend on illegal alien children is a dollar that my grandchildren do not have for their education.

I do not need to tell my colleagues that in California, at least, maybe not in other States but in our State, we do not have enough dollars for education. Our children are being shortchanged. I do not want my 33 grandchildren, all in school virtually, to be shortchanged because we are spending our tax dollars to educate illegal children.

I strongly urge a vote for Gallegly.

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

Mr. MCKEON. Mr. Speaker, I rise in strong support of H.R. 4134. This legislation allows each State to decide whether it should provide a public education to illegal immigrant children. Just because the Federal Government has failed in its duty to secure our borders, States should not be required to spend limited State resources on education benefits for illegal immigrants.

For example, in my home State of California, taxpayers shoulder a \$2 billion burden to provide an education to nearly 400,000 illegal immigrants. Further, California's children struggle to learn in overcrowded classrooms with a limited number of teachers and few resources.

In short, H.R. 4134 restores a fundamental State right to establish its own education policy and removes one of the most costly unfunded mandates of the Federal Government.

Again, I urge my colleagues to vote in favor of H.R. 4134.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, I thank the gentleman very much for his leadership on this issue, and I am urging my colleagues to vote "yes" on a modified Gallegly.

First, it ends the unfunded Federal mandate that forces States to provide free public education to illegal aliens not yet in our schools; it protects children already in schools as of July 1, 1997, and does not kick anyone out of school; and it guards against creating a new education entitlement for those not yet even in this country.

Now, folks, today, we have 35 to 40 children in every public education classroom. We are, indeed, overcrowded. In the Palm Beach County School System there are 37 languages spoken. In Palm Beach County, FL,

teachers are required to complete some 300 hours of training to be prepared for English As A Second Language, to be able to assist students with other languages, taking time away from their families to learn to adapt to others who do not speak the English language.

A moment ago a colleague suggested that we do not talk about the benefits illegal aliens provide to this State and Nation, we do not talk about the taxes that they pay. Well, then, is it fair to say that we respect and appreciate drug dealers because they certainly pay taxes themselves, as well?

The gentleman from California, Congressman BONO, and I were talking a moment ago, and this is the only topic in this Congress where the word "illegal" is actually protected. We talk about illegal drugs and we give 5-minute speeches on the terror of drugs in our Nation. We talk about rape and murder, illegal, crimes, and we talk about the toughest, most serious punishments we will level out in this Congress. Yet we talk about people illegally coming to this country, and we are supposed to be silent. We are supposed to be quiet.

Now, some of our colleagues are defending Governors, like Governor Chiles in Florida, who is suing the tobacco companies to recover health care costs because of the tobacco deteriorating one's health and costing the States moneys. Well, I would suggest to Governor Chiles that he sue the Federal Government to recover moneys for education benefits paid to illegals. In Florida we are spending \$800 million to \$3 billion annually for illegal immigration.

Now, clearly, this Congress stepped up to the challenge when Mexico needed to help in its currency to the tune of \$20 billion. But how are States like Florida, Texas, and California going to meet their payroll obligations, their fiduciary obligations to their taxpayers, if we do not start discussing this in an honest and fair manner?

People who come here illegally should not be rewarded. No, none of us suggests we want our children out on the street, but we have to send a message sooner or later that the United States of America is not going to accept everybody in illegally.

There are hundreds of thousands of people who are seeking to come to this country legally, that have applied to their Embassy to gain the privilege of being an American and to come to this country and participate. So we should not let others who illegally come in to this country to jump in front of that line, jump in front of those honest citizens who want to find opportunity in American society. Do not deny those people that are waiting in line to come to this country by suggesting that people who are illegally here should have all rights and privileges.

I have to think, ladies and gentlemen, of those 35 and 40 kids in those classrooms in Palm Beach County that are not getting a good education because of the overcrowded conditions.

The gentleman from California, [Mr. GALLEGLY] has worked tremendously hard on the Task Force on Immigration Reform, and in particular on this issue, because he knows well enough that California, Florida, Texas, New York, and other States have long endured the cost to their taxpayers to provide benefits for illegals.

It is time simply to stop. Not stop with the people who are here today, but stop July 1, 1997, for those who would arrive and expect something for free from this Nation.

Mr. BRYANT of Texas. Mr. Speaker, I yield myself 30 seconds only to observe that I think it is all our responsibilities to take the next step and say what would be the actual result of doing what the gentleman is advocating.

Nobody wants illegal immigrants to be in this country, but the simple fact is not one single credible source believes that if we keep these kids out of school that their parents are going to leave or that they will not come here because, as the gentleman from California [Mr. BECERRA] said, they are not getting a decent education where they came from anyway.

If that is the case, what do we expect to do with all these kids on the street, first; and, second, what do we think will happen to all these kids on the street?

Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. MARTINEZ].

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

First of all, there were several Members that got up that were in the State legislature, the same as I was, who decried the lack of money or education in California. Let me tell my colleagues something. The lack of money in education for California is the fault of the State legislature. The State constitution states the highest priority of any revenues collected should be for education, and yet the State has never acted that way and there are schools that are in desperate need of monies that the State has never provided for. So this is a lousy argument, that the illegal children that are being educated are depriving monies to the children of the citizens that should be educated.

I take umbrage with the statement the chairman made about Mayor Gallegly being the best mayor to come out of California, because I always thought I was.

Having said that, let me go back to the law itself. There is no Federal law that says that States must educate children of illegals. It was a court decision that acted because there was no policy statement by the Congress.

So now the Congress is making a policy statement that will only allow it to go back to the court, because the court acted under Article XIV, which really says that no State shall make or enforce any law which shall abridge the privilege or immunity of a citizen of

the United States, nor shall deprive any person of life, liberty or pursuit of happiness without due process—and now get this, this is the important part—nor deny any person within its jurisdiction, it does not say legal or illegal, any person within its jurisdiction the equal protections of the law.

I suggest that should this bill pass and become law, if the President would sign it, which I doubt that he will, it will still come back. The first time a State decides to act on our prerogative, our policy, it will still come back to the court and the court will still, under the protection clause of the Fourteenth Amendment, will say we have to educate children.

But what really is surprising to me is people and Members that get up in the well of the House and talk about the funds that we do not spend abroad. We spend too many funds abroad and not enough here in the United States, and maybe we should start thinking about that.

The fact is that what we are really talking about is the dignity of our country. We have talked and people have gotten on the floor here and talked about the suffering children all over the world and the starving children. And we have such sympathy for them, but yet if there are children here in the United States, we have no sympathy.

I admire the strength, the aggressiveness, the tenacity, the determination of those Republicans on that side that would get tough on immigration, get tough on the perpetrators of the illegalities we talk about with regard to the adults that are coming across, not the children.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank my good friend and California colleague, Mr. GALLEGLY, for yielding me this time.

Mr. Speaker, I want to clarify one I think fundamental issue in this whole debate, and that is that we are talking about legislation which is prospective; that is to say, the Gallegly amendment would only apply to children who are not yet illegal immigrant children, who are not yet in our public schools.

So all these objections that we are hearing basically have the effect of overriding the concerns and the feelings of taxpayers who are opposed to magnetizing our borders. Basically, our Democratic friends and the President and his administration are saying we must educate any illegal immigrant, even those who have yet to enter the country.

Now, that makes no sense. It makes no sense whatsoever for one Federal law to reward illegal immigrants from violating another Federal law, and that is what we are talking about in this debate, especially when it heaps tremendous burdens upon State taxpayers and deprives legal residents of needed services.

So I want to conclude with a letter that our governor, Pete Wilson, sent to the Speaker of the House, who I believe is going to conclude the debate here momentarily, back in March when we first debated the Gallegly amendment. And it is as applicable now as it was then.

He said in his letter, the governor, should a State want to commit its educational resources in this area, it would be free to do so under the Gallegly amendment because the decision is left to the States. On the other hand, California would be freed from this mandate, as dictated by the overwhelming passage of Proposition 187, and allowed instead to target limited State resources to meet the educational needs of our legal residents.

The gentleman from Texas [Mr. BRYANT] brought up, I thought, a fair question earlier. And the response, really, is the basic premise of the Gallegly amendment, which is to leave education decisions where they rightfully belong, at the State level. And that is very much in keeping with the longstanding American decision of decentralized decision-making in public education.

Yet unless we pass this legislation today, the burdens of this particular mandate will remain, and thousands of needy California schoolchildren will be shortchanged. I urge the House to pass the Gallegly legislation.

Mr. BRYANT of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Texas friend for allowing me 1 minute to speak against this bill.

One of the reasons I voted for the immigration bill ultimately was because this amendment was removed from it. This is an amendment, Mr. Speaker, that sets the pattern that we have seen in the Congress for the last 2 years: If we are going to cut the budget, let us cut education; if we are going to punish somebody, let us punish children, and that is what this amendment will do.

People do not come to this country to put their kids in public school. The children do not come here because of their own volition. They come here because somebody brings them. And to punish a 10-year-old in Texas or a 10-year-old in California who is not here of their own volition and say they cannot go to public school, it is wrong and this is bad public policy. It is bad public policy on the State level as well as the Federal level.

I am always proud to be a Texan, but I am particularly proud to be a Texan because our Governor of Texas, who is a Republican, by the way, Governor Bush, has said he would not allow the children to be removed from Texas schools. And I admire him for that and thank him for his commitment to education. That is why this bill is so bad, Mr. Speaker.

□ 1715

Mr. GALLEGLY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Speaker, I rise in support of this bill. Let me point out to my colleagues, legal residents of this Nation cost the American taxpayers \$4.5 billion. Who pays this? Most of the education, public education funds are raised almost exclusively through the taxation of State residents. The State has to tax individual families, individual people to pay for this, \$4.5 billion. Therefore, it is fitting that the State decide this issue, not the Federal Government. So the gentleman's bill is simply saying let the States decide instead of forcing an unfunded mandate from the Federal Government.

It is also a case where it is only right. There are disincentives, if we pass this bill, for people to come and put their children into schools illegally. I urge my colleagues to think of it in those terms. Would Members want to be taxed to pay for the education of illegal immigrants? Why not let each State decide? If New York City or New York wants to decide one way, they can decide. I urge my colleagues to support this amendment.

Mr. GALLEGLY. Mr. Speaker, I have only one speaker remaining, and I reserve the balance of my time.

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

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

Mr. BRYANT of Texas. Mr. Speaker, we have heard a lot of talk about education here today. I would remind Members of what the gentleman from Texas [Mr. DOGGETT] observed a moment ago, that it is coming from the side of the aisle that proposed a 15 percent cut in Federal aid to education. So I wonder, really, if this is not election year rhetoric as opposed to substantive concern. I see some heads shaking. I will give them the benefit of the doubt.

We cannot leave this floor without explaining to the American people why it is that a Republican Governor of Texas, two Republican Senators from Texas, and a State very large, very much impacted, disagree with this approach; why the Republican sheriff of LA County, certainly he knows the meaning of this, disagrees with this approach; what we are going to do with all of these kids that are going to be left on the streets; what is going to happen to these little kids wandering the streets; why the majority Members think anybody is going to pick up and go home because their bill passes, when all of the studies indicate that they are wrong about that. We have got to be able to answer these questions.

All of these hot speeches we have heard out here today, they are just fine for getting reelected. They are not fine for governing the country. Everybody would like to make a speech that will draw the applause. But I will not yield.

We must pass legislation that can govern this country. I do not want the illegal immigrants here either. Everybody agrees with that. But I do not want gangs. I do not want kids wandering the streets. I do not want kids kidnapped off the streets who are left defenseless on the streets.

I simply would say, we do not want the pandemonium that will be caused by this policy which looks good on the face of it but will not work, as every expert has testified. Members, please vote against the Gallegly bill.

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

The SPEAKER pro tempore. (Mr. CHAMBLISS). The gentleman from Georgia [Mr. GINGRICH] is recognized for 2¼ minutes.

Mr. GINGRICH. Mr. Speaker, this is, I think, actually a very simple issue. First of all, I commend the gentleman from California for listening carefully to the country and revising this. Members need to understand, any student enrolled in this school year is grandfathered until they graduate from high school. So there is not a question about kicking anybody out.

There are two core questions here: The first is, prospectively for the future, should we be saying across the planet, come to America illegally and you are guaranteed the taxpayers will provide the social services at the expense of legal immigration and at the expense of children of Americans? That is what is happening.

What is happening today in California is that 51,000 teachers are being used up by an unfunded Federal mandate. We are taking teachers, classrooms and computers away from legal immigrants in California and away from the children of Americans and we are transferring it to people from families that are here illegally.

We lock in everybody to make sure that nobody has any question. The child in school during this school year is grandfathered until they graduate from high school. But we say for the future to the world, do not come to America illegally and expect that you are going to have the taxpayers of America, the legal immigrants and those who are American citizens, pay for social services other than emergency Federal care. This Congress began in 1995 by saying we would not pass unfunded mandates. That is what this is. This is a \$4.5 billion a year unfunded mandate on the children of America who have to share resources because the Federal Government has failed to do its job of stopping illegal immigration.

Let me make a second point to my friends from Texas who have been speaking. Nothing in this bill requires the State of Texas to do anything. If the State of Texas wants to pay to educate illegal immigrants, that is the right of the State of Texas. But how can any Member walk on this floor,

deny the citizens of California the right to implement proposition 187, without expecting California to come right back here and ask for \$3 billion from the Federal Government annually to pay California for the cost of a Federal failure?

Any Member who votes no on this bill should be prepared to go back home and tell their taxpayers that they are prepared to send California \$3 billion a year to pay for what the Federal Government has failed to do. I think it is just wrong to say to the taxpayers and the citizens of California and to the legal immigrants who go to California, we are going to at the Federal level require you to ignore your own proposition 187, we are going to require you to ignore the vote of 60 percent of your citizens and we are going to make you pay out of the money that ought to go to your children, while we in Washington both fail to protect the border and fail to provide the money.

This is an important bill, it is a good bill. It is a fair bill. It grandfathers the children who are in school this year but it sends the signal to the world, do not come to America and think that taxpayers of America are going to take care of you if you are here illegally. We want legal migration. We do not want illegal migration. This bill is a vote on that core premise.

Ms. GREENE of Utah. Mr. Speaker, I rise in opposition to H.R. 4134, the bill to deny public education to illegal immigrant children.

Earlier today, I voted for the immigration reform bill, H.R. 2202, because it makes many important improvements to our immigration system by stepping up efforts to enforce current immigration laws, taking stronger steps to promote greater self-reliance among immigrants, and holding sponsors financially responsible for persons that they sponsor to migrate to the United States.

I am particularly pleased that H.R. 2202 included an amendment I offered that encourages the Immigration and Naturalization Service to focus more resources on detecting, apprehending, and deporting illegal aliens that are involved in criminal activity, such as drug trafficking. This provision will help ensure that the INS commits enough resources to communities such as mine to combat drug trafficking by illegal aliens.

However, while I support immigration reform, I strongly oppose denying education to immigrant children. Educating the children in our communities is, in my view, as important as protecting them from physical harm. We would not stand by and allow someone to physically abuse a child who was in our country illegally. Neither should we stand by while these children pass their formative years in increasing ignorance. We should not penalize innocent children for the illegal actions of their parents, and for the failure of the U.S. Government to control our borders.

I recognize that many States are carrying a significant financial burden to educate these children. That is why I believe we must focus more efforts and resources on enforcing our borders to stop illegal immigrants from coming to this country in the first place, and improve enforcement of immigration laws to ensure that people who initially come to this country



legally do not overstay their visa. For too many years, the Federal Government has failed to enforce our immigration laws, and we are paying the price for that inaction. Consequently, I believe that the Federal Government should fully reimburse the States for the costs incurred for educating illegal alien children.

I appreciate the efforts made by the gentleman from California to address the negative consequences of illegal immigration. However, I strongly oppose efforts to banish any children from the classroom, regardless of whether they are in this country legally. I encourage my colleagues to vote against H.R. 4134. However, should Congress pass this bill and the President sign it into law, I urge my State of Utah in the strongest terms to continue to provide a free quality education to all of our State's children.

Ms. HARMAN. Mr. Speaker, earlier today, I saluted the bipartisan leadership of my California colleague, ELTON GALLEGLY, and joined a majority of my colleagues in voting for tough measures to combat illegal immigration. We voted to increase control of our borders by doubling the size of the Border Patrol, to remove employment opportunities for undocumented workers, and to strengthen anticounterfeiting laws so employers can conduct fair and even-handed checks of legal status.

Mr. Speaker, the bill before us now, to allow the States to deny public education to the children of illegal immigrants, is bad public policy. As the Torrance Daily Breeze editorializes:

... the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberate design a growing underclass of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

Nearly every major law enforcement organization opposes this bill. They know its enactment will worsen our crime rate. Chief Tim Grimmond of the El Segundo Police told me that kicking kids out of school "doesn't mean the families will pack up and leave \* \* \* it will leave us with kids who have nothing to do except get into trouble."

Mr. Speaker, illegal immigration violates one of our fundamental values: that all of us have to live and work by the same set of rules. We should punish those who break our laws—the parents. As Chief Gary Johansen of the Palos Verdes Estates Police Department told me, the bill's focus on schoolchildren is "simply a bad idea."

I urge its defeat.

[From the Daily Breeze, Sept. 20, 1996]

#### IMMIGRATION BILL IN U.S. INTEREST ENCOURAGING SIGNS FROM CAPITOL

There are encouraging signs on Capitol Hill that Republican leaders finally are coming to their senses on immigration reform by scuttling the repugnant Gallegly amendment.

The sooner, the better.

Authored by Rep. Elton Gallegly, R-Simi Valley, the provision is the biggest roadblock to passage of a sweeping immigration bill that is critically important to California. The amendment would allow states to kick an estimated 700,000 illegal-immigrant children out of public classrooms, leaving them idle on street corners and in other crime-prone situations.

As public policy, the Gallegly amendment is plainly abhorrent. To begin with, it would do absolutely nothing to counter illegal immigration. Far worse, it would create by deliberate design a growing underclass of illiterate young people denied the opportunity to learn English, much less acquire the basic education required to get a job one day and support themselves.

The disastrous social implications of the House-passed amendment are clear to a majority of senators, including a dozen Republicans, who have announced their opposition to it. Consequently, the immigration bill will not get out of Congress unless the school provision is stripped from it.

Some GOP lawmakers would rather let the bill die than give President Clinton an opportunity to sign a measure that is popular in vote-rich California. But Senate Republican leader Trent Lott suggested Wednesday it would not be "in the best interest of the country" to kill the measure over the Gallegly amendment. He's right.

Republicans who control a House-Senate conference committee on the bill should jettison the education provision and get the measure to the president's desk before they adjourn for the election. Among other badly needed reforms, the legislation would double the size of the U.S. Border Patrol, stiffen penalties for document fraud and alien smuggling, and make it easier for employers to verify that prospective workers are legal.

Also Wednesday, there were rumblings on Capitol Hill that Clinton might veto the bill even if the Gallegly amendment is removed. Several liberal Democrats are raising objections to other elements of the bill and urging a veto.

Vetoing this landmark legislation would be not only bad public policy but also politically stupid for the White House. California needs this sweeping reform measure—providing the punitive Gallegly amendment is discarded.

Mr. KOLBE. Mr. Speaker, I rise in support of H.R. 4134. Congressman GALLEGLY has raised a very important issue that Congress has too long ignored: who is responsible for educating children who illegally reside in our country? But, the bill still raises some issues that, if never addressed, could be counterproductive. I will discuss those in a moment.

The real issue at hand is that illegal immigration imposes a giant unfunded mandate on States and local school districts. Failure to stem illegal immigration is a failure of the Federal Government. But the consequences of failure are paid by State and local governments. Teachers and administrators in Tucson's public schools have told me that as many as 40 percent of pupils in certain schools are illegal immigrants. California estimates the annual cost of educating illegal immigrants in that State alone at \$1.8 billion. I'm sure State legislatures and school boards impacted by illegal immigration could find better uses for their taxpayers' hard earned dollars than spending money to educate kids here illegally.

Now this bill will not throw any kids out of school immediately, and some States may choose never to avail themselves of its provisions. Rather, this bill allows States to decide for themselves whether to provide free public education benefits to illegal immigrants who are not already enrolled in public schools. Further, it allows illegal immigrants already in the school system to receive a free public education through the highest grade in their current school level—although only if they remain within the same school district.

To the bill's credit, it does not force the States to adopt a particular course. States could choose to continue to educate illegal immigrants for free, charge them nonresident tuition—but not deny them an education.

However, we must work to ensure that some of the unanswered questions in H.R. 4134 are resolved. For example, will school districts be required to notify the Immigration and Naturalization Service about students and their families who are illegally in the United States—effectively making school districts into immigration police? What are the legal consequences if they do? Or if they don't? Will there be a uniform way that citizenship is determined for elementary students in each State? How about secondary students where it may not be common to give proof of birth to enroll? How will schools deal with fraudulent documentation and will they be held liable for admitting students with false identification? Will there be a different standard for special needs children? I stand ready and willing to work with my colleagues and with our Nation's State and local officials to resolve these issues that cannot be ignored.

I would add that ideally, the immigration and national interest bill which the House just passed and which I hope President Clinton will sign, should render H.R. 4134 unnecessary. It takes some big steps to address the problem of illegal immigration by keeping illegal immigrants and their families out of the United States—not by surrendering the battle at our borders and moving enforcement to the classrooms of America.

Mr. LAZIO of New York. Mr. Speaker, I rise today in support of H.R. 4134, a bill that would merely allow the States to decide, rather than the Federal Government, whether to provide a free public education, deny public education, or charge tuition to illegal aliens. This does not apply to illegal aliens currently enrolled, or those who enroll prior to July 1, 1997.

I support this legislation despite my personal reservations regarding the wisdom of denying public education to illegal immigrants. Some argue that this is not the best approach to combating illegal immigration, and that denying education to illegal immigrant children will in the long run have the unintended consequence of perpetuating the influx of an illegal immigrant underclass within our society. I have been assured by New York Governor George Pataki that New York will continue to choose to provide a free public education to illegal immigrant children.

But what is really at issue here is who should decide whether a State educates illegal aliens within its State borders, the States, or the Federal Government. The public education of illegal immigrants is a tremendous unfunded mandate on the States. Public education has traditionally been within the purview of the States. States should have the power to decide what is best for their State educational systems, rather than have the Federal Government determine this for them.

In an area where the existence of the 10th amendment to our Constitution is being rediscovered, it is about time we trust our State legislatures and Governors and allow them to do their jobs. State capitals are closer than Washington, DC, to the problems that exist within their respective States, and I would suggest that they are in a better position to find the solutions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong opposition to H.R. 4134.

This bill would allow States to deny public education to children whose only crime is that their parents came to this country illegally.

Mr. Speaker, there is a reason that this terrible provision was left out of the conference report on H.R. 2202, in fact there are several. Barring children from public schools will pose a serious burden on the community and create safety hazards. Many of these children will be left with nothing to do during the school hours, posing a danger to themselves and others. It will be more difficult for parents to keep their children safe and out of mischief. Are we suggesting that organized gang activity is better than organized public education?

This bill will create added burdens for schools. Teachers and educators are nearly unanimous in opposition to changing their mission from education to border enforcement. The Federal Government should not force its responsibility to enforce immigration laws onto our already overburdened schools.

In addition, excluding children from public schools will be costly in the long run. Keeping children out of our schools will not magically transport them elsewhere. This bill threatens to create a class of persons within our communities who have grown up in this country permanently hobbled by lack of formal education. Moreover, denial of elementary education is likely to scar a child's ability to perform the most basic public responsibilities and to contribute fully to society at large. It is for this reason that, in the United States, education is compulsory, and it is a crime for a parent or guardian to keep his or her children out of school. For the same reason, elementary education has been officially recognized as a fundamental human right, explicitly affirmed in the United Nations Universal Declaration of Human Rights, of which the United States is a signatory.

Finally, the most logical reason of all to vote against this bill is that it will not impact illegal immigration. Kicking little children out of school is not one of them. This measure does nothing to cure illegal immigration. If some States have a greater need for assistance than others, then the Federal Government can provide monetary assistance. Don't stand at the schoolhouse door to stop children from being educated.

I urge all my colleagues to avoid making scapegoats of innocent children under the guise of immigration reform—vote against H.R. 4134.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to oppose H.R. 4134 on behalf of a generation of children who will be left to twist in the wind because they have been denied an elementary education.

I agree that measures should be taken to discourage and prevent undocumented individuals from entering our country. I will not support, however, any meanspirited, punitive attempts to secure our borders that will devastate numbers of children because of the sins of their parents.

Are we as a body going to reduce ourselves to mistreating little children because we are angry that their parents have not complied with our laws? The obvious recourse would be to punish their parents or proactively prevent them from immigrating here unlawfully. What good will it do to ban their children from attending public school? In the long run, it is the children of American citizens that will also be punished, because they will be forced to deal

with the tragedy of a population of uneducated immigrants.

It sickens me to think of the discrimination that will inevitably result as parents will be forced to prove that their children are indeed legal. Unfortunately, those children who look foreign will be forced to prove that they are, in fact, Americans. Be assured that the children whose ancestors are Irish, or British or Dutch or French won't be asked to prove their legality—they can easily pass as American.

Since the Civil Rights Act of 1964 was implemented, we have made enormous strides in our quest for an egalitarian society. This bill will only take us back to a dark period in our Nation—one in which those who looked different from the majority were treated as second-class citizens.

What good will it do us to leave a generation of children—most of whom were born here and are American citizens—uneducated, unskilled, and downright hopeless? In an era when we are intent on reducing crime, cutting Government spending and helping American families strive for a better living standard, relegating thousands of children to a lifetime of virtual poverty as a consequence of their lack of education is morally reprehensible, politically irresponsible and fiscally imprudent.

Need I remind my colleagues of the numbers of organizations, including every major law enforcement organization in the United States are opposed to this measure. They recognize that putting thousands of kids on the streets will not decrease illegal immigration but only promote crime, gangs and drugs and place enormous strains on the cities and countries that will be forced to deal with these problems.

I ask my colleagues, Will you feed, clothe, house and offer work to this generation of uneducated adults? Certainly my colleagues on the other side of the aisle have not fully ingested the ramifications of this potentially devastating legislation. I urge my colleagues to vote against H.R. 4134.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this legislation granting States the option to deny public education to undocumented alien children. This provision is strongly opposed by the Fraternal Order of Police and the vast majority of law enforcement organizations because it will kick children out onto the streets, where they are likely to become victims of—or parties to—crime.

As a matter of fact this bill represents yet another in a long series of Republican proposals which are weak on crime—from trying to repeal the assault weapons ban, to trying to repeal 100,000 cops on the beat, failing to ban cop-killer bullets, opposing extending the Brady bill to apply to domestic violence, and failing to get tough on terrorists by placing taggants in explosive materials or giving law enforcement the investigative tools they need.

The Republicans have a miserable record on crime, and this bill would only make it worse by making our street more dangerous.

It's an insult to this body that we are voting on this measure. If the House approves it, it will likely die in the Senate. Even if it doesn't, it faces certain Presidential veto.

The only reason we are considering the bill is pure politics. Republicans are trying to inject this divisive issue into the Presidential election. Well in the closing days of this Congress we have far better things to do than spend our time on partisan political issues which are going nowhere.

No matter how the Republicans try to repackage it, the bill will have the same dangerous consequences as the original proposal. This bill remains a mean-spirited attempt to punish children for the actions of their parents. Any money the States save from denying education benefits will be spent on the increased costs of crime.

In addition to being bad policy, the bill is unconstitutional. When Texas and California adopted similar provisions they were held to be unconstitutional denials of equal protection. If we enact the same policy at the Federal level it's still going to be unconstitutional.

This bill is tough on innocent children, and is just as bad as the provision we dropped from the conference which was opposed by Democrats and Republicans alike. I urge the Members to vote no.

The SPEAKER pro tempore. Pursuant to House Resolution 530, the previous question is ordered.

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

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. GALLEGLY. 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 254, nays 175, not voting 5, as follows:

[Roll No. 433]

YEAS—254

Allard	Chenoweth	Forbes
Archer	Christensen	Ford
Armey	Chrysler	Fowler
Bachus	Clement	Fox
Baker (CA)	Clinger	Franks (CT)
Baker (LA)	Coble	Franks (NJ)
Ballenger	Coburn	Frelinghuysen
Barr	Collins (GA)	Frisa
Barrett (NE)	Combust	Funderburk
Bartlett	Condit	Galleghy
Bass	Cooley	Ganske
Bateman	Costello	Gekas
Bereuter	Cox	Geren
Bevill	Cramer	Gilchrest
Bilbray	Crane	Gillmor
Billirakis	Crapo	Gingrich
Bishop	Cremeans	Goodlatte
Bliley	Cubin	Goodling
Blute	Cunningham	Gordon
Boehlert	Danner	Goss
Boehner	Davis	Graham
Bonilla	Deal	Greenwood
Bono	DeLay	Gutknecht
Brewster	Deutscher	Hall (OH)
Browder	Dickey	Hall (TX)
Brownback	Doolittle	Hamilton
Bryant (TN)	Dornan	Hancock
Bunning	Doyle	Hansen
Burr	Dreier	Hastert
Burton	Duncan	Hastings (WA)
Buyer	Dunn	Hayes
Callahan	Ehlers	Hayworth
Calvert	Ehrlich	Hefley
Camp	Ensign	Heger
Canady	Everett	Hilleary
Cardin	Ewing	Hobson
Castle	Fields (TX)	Hoekstra
Chabot	Flanagan	Hoke
Chambliss	Foley	Holden

Horn	McKeon	Shaw
Hostettler	Metcalf	Shays
Houghton	Meyers	Shuster
Hunter	Mica	Sisisky
Hutchinson	Miller (FL)	Skeen
Hyde	Minge	Skeltton
Inglis	Montgomery	Smith (MI)
Istook	Moorhead	Smith (NJ)
Jacobs	Myers	Smith (TX)
Johnson (SD)	Myrick	Smith (WA)
Johnson, Sam	Nethercutt	Solomon
Jones	Neumann	Spence
Kaptur	Ney	Stearns
Kasich	Norwood	Stenholm
Kelly	Nussle	Stockman
Kim	Orton	Stump
King	Oxley	Talent
Kingston	Packard	Tanner
Klink	Parker	Tate
Klug	Paxon	Tauzin
Knollenberg	Petri	Taylor (MS)
Kolbe	Pickett	Taylor (NC)
LaHood	Pombo	Thomas
Largent	Porter	Thornberry
Latham	Portman	Tiahrt
LaTourette	Poshard	Torkildsen
Laughlin	Pryce	Torricelli
Lazio	Quillen	Trafficant
Lewis (CA)	Radanovich	Upton
Lewis (KY)	Ramstad	Visclosky
Lightfoot	Regula	Volkmer
Linder	Riggs	Vucanovich
Lipinski	Roberts	Walker
Livingston	Roemer	Walsh
LoBiondo	Rogers	Wamp
Lucas	Rohrabacher	Watts (OK)
Manzullo	Roth	Weldon (FL)
Martini	Roukema	Weldon (PA)
Mascara	Royce	Whitfield
McCollum	Salmon	Wicker
McCrery	Saxton	Wolf
McDade	Scarborough	Young (AK)
McHale	Schaefer	Young (FL)
McHugh	Seastrand	Zeliff
McInnis	Sensenbrenner	Zimmer
McIntosh	Shadegg	

## NAYS—175

Abercrombie	Fazio	McDermott
Ackerman	Fields (LA)	McKinney
Andrews	Filner	McNulty
Baesler	Flake	Meehan
Baldacci	Foglietta	Meek
Barcia	Frank (MA)	Menendez
Barrett (WI)	Frost	Millender-
Barton	Furse	McDonald
Becerra	Gejdenson	Miller (CA)
Beilenson	Gephardt	Mink
Bentsen	Gilman	Moakley
Berman	Gonzalez	Molinari
Blumenauer	Green (TX)	Mollohan
Bonior	Greene (UT)	Moran
Borski	Gunderson	Morella
Boucher	Gutierrez	Murtha
Brown (CA)	Harman	Nadler
Brown (FL)	Hastings (FL)	Neal
Brown (OH)	Hefner	Oberstar
Bryant (TX)	Hilliard	Obey
Bunn	Hinchey	Olver
Campbell	Hoyer	Ortiz
Chapman	Jackson (IL)	Owens
Clay	Jackson-Lee	Pallone
Clayton	(TX)	Pastor
Clyburn	Jefferson	Payne (NJ)
Coleman	Johnson (CT)	Payne (VA)
Collins (IL)	Johnson, E.B.	Pelosi
Collins (MI)	Johnston	Pomeroy
Conyers	Kanjorski	Quinn
Coyne	Kennedy (MA)	Rahall
Cummings	Kennedy (RI)	Rangel
de la Garza	Kennelly	Reed
DeFazio	Kildee	Richardson
DeLauro	Klecicka	Rivers
Dellums	LaFalce	Ros-Lehtinen
Diaz-Balart	Lantos	Rose
Dicks	Leach	Roybal-Allard
Dingell	Levin	Rush
Dixon	Lewis (GA)	Sabo
Doggett	Lincoln	Sanders
Dooley	Lofgren	Sanford
Durbin	Longley	Sawyer
Edwards	Lowe	Schiff
Engel	Luther	Schroeder
English	Maloney	Schumer
Eshoo	Manton	Scott
Evans	Markey	Serrano
Farr	Martinez	Skaggs
Fattah	Matsui	Slaughter
Fawell	McCarthy	Souder

Spratt	Thurman	Waxman
Stark	Torres	Weller
Stokes	Towns	White
Studds	Velazquez	Williams
Stupak	Vento	Wise
Tejeda	Ward	Woolsey
Thompson	Waters	Wynn
Thornton	Watt (NC)	Yates

## NOT VOTING—5

Gibbons	Peterson (FL)	Wilson
Heineman	Peterson (MN)	

## □ 1743

So the bill was passed.  
The result of the vote was announced  
as above recorded.

A motion to reconsider was laid on  
the table.

## □ 1745

# ANNOUNCEMENT OF INTENTION TO OFFER RESOLUTION RAISING QUESTION OF PRIVILEGES OF THE HOUSE

Mr. LINDER. Mr. Speaker, Pursuant  
to clause 2, rule IX, I hereby give notice  
of my intention to offer a question  
of the privileges of the House.

Mr. Speaker, the resolution says:

Whereas, a complaint filed against Representative Gephardt alleges House Rules have been violated by Representative Gephardt's concealment of profits gained through a complex series of real estate tax exchanges and;

Whereas, the complaint also alleges possible violations of banking disclosure and campaign finance laws or regulations and;

Whereas, the Committee on Standards of Official Conduct has in other complex matters involving complaints hired outside counsel with expertise in tax laws and regulations and;

Whereas, the Committee on Standards of Official Conduct is responsible for determining whether Representative Gephardt's financial transactions violated standards of conduct or specific rules of the House of Representatives and;

Whereas, the complaint against Representative Gephardt has been pending before the committee for more than seven months.

Whereas, on Friday, September 20, 1996 the ranking Democrat of the Ethics Committee, Representative James McDermott in a public statement suggested that cases pending before the committee in excess of 60 days be referred to an outside counsel; now be it

Resolved that the committee on Standards of Official Conduct is authorized and directed to hire a special counsel to assist in the investigation of the charges filed against the Democrat Leader Representative Richard Gephardt.

Resolved that all relevant materials presented to, or developed by, the committee to date on the complaint be submitted to a special counsel, for review and recommendation to determine whether the committee should proceed to a preliminary inquiry.

The SPEAKER pro tempore (Mr. HANSEN). Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days. The Chair will announce that designation at a later time.

A determination as to whether the resolution constitutes a question of

privilege will be made at that later time.

# ANNOUNCEMENT OF ADDITIONAL BILL TO BE CONSIDERED UNDER SUSPENSION OF THE RULES ON TODAY

Mr. NETHERCUTT. Mr. Speaker, pursuant to House Resolution 525, I announce the following suspension to be considered today: H.R. 4167, the Professional Boxing Safety Act.

# REMOVAL OF NAMES OF MEMBERS AS COSPONSORS OF H.R. 3559

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent to delete the following Members as cosponsors of H.R. 3559: Messrs. TRAFICANT, EHLERS, MCINTOSH, Ms. DUNN of Washington, Mrs. CHENOWETH, and Mr. MCHUGH.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

# PERSONAL EXPLANATION

Mr. MASCARA. Mr. Speaker, the President was in my district this morning for an event at Robert Morris College. He gave a great address and received a very warm welcome from the people of the 20th District of Pennsylvania.

However, as a result, I was detained in my district and missed several votes. If I had been here, I would have voted "no" on the rule for the immigration conference report, rollcall No. 430, "yes" on the motion to recommit, rollcall No. 431, and "yes" on passage, rollcall No. 432.

# CONFERENCE REPORT ON H.R. 2977, ADMINISTRATIVE DISPUTE RESOLUTION ACT OF 1996

Mr. FLANAGAN (during consideration of H.R. 3852) submitted the following conference report and statement on the bill (H.R. 2977) to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes:

# CONFERENCE REPORT (H. REPT. 104-841)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2977), to reauthorize alternative means of dispute resolution in the Federal administrative process, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

# SECTION 1. SHORT TITLE.

*This Act may be cited as the "Administrative Dispute Resolution Act of 1996".*