error rate could cost nearly 2 million Americans to be wrongly denied or delayed in starting work each year.

Furthermore, I am a strong supporter of civil rights, and this system would represent a major assault on the privacy rights of all Americans. The verification would lead to an intrusive national ID card. Just as we have seen the uses for Social Security cards being expanded beyond its original purpose, there are already calls being raised to use a national verification system to give police broader access to personal information and to retrieve medical records.

In committee, I also voted for an amendment to strike the provisions for an employment verification system, and I urge my colleagues to join me today in voting ''yes'' on the Chabot-Conyers amendment and voting ''no'' on the Gallegly-Bilbray-Seastrand-Stenholm amendment.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Ohio [Mr. CHABOT], as modified.

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

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

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 8 offered by Mr. BRYANT of Tennessee; amendment No. 9 offered by Ms. VELÁZQUEZ of New York; amendment No. 10 offered by Mr. GALLEGLY of California; and amendment No. 12 offered by Mr. CHABOT of Ohio.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, except the electronic vote, if ordered, of amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MR. BRYANT OF TENNESSEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee [Mr. BRYANT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 11, as follows:

[Roll No. 73]

AYES—170

Andrews	Franks (CT)	Norwood
Archer	Franks (NJ)	Packard
Bachus	Funderburk	Parker
Baker (CA)	Gallegly	Paxon
Baker (LA)	Gillmor	Petri
Ballenger	Goodlatte	Pombo
Barr	Goodling	Portman
Barrett (NE)	Gordon	Pryce
Bartlett	Graham	Quillen
Barton	Gutknecht	Ramstad
Bass	Hancock	Regula
Bateman	Hansen	Riggs
Bereuter	Hastert	Rogers
Bilbray	Hastings (WA)	Rohrabacher
Bilirakis	Hayes	Roth
Bliley	Hayworth	Roukema
Boehner	Hefley	Royce
Bono	Heineman	Salmon
Brown (OH)	Hilleary	Sanford
Bryant (TN)	Hoekstra	Saxton
Bunning	Hoke	Scarborough
Burr	Horn	Schaefer
Burton	Houghton	Seastrand
Buyer	Hunter	Sensenbrenner
Callahan	Hutchinson	Shadegg
Calvert	Istook	Shaw
Camp	Jones	Shays
Canady	Kasich	Shuster
Castle	Kim	Smith (TX)
Chabot	Kingston	Solomon
Chambliss	Knollenberg	Souder
Christensen	Kolbe	Spence
Clement	LaHood	Stearns
Coble	Largent	Stockman
Collins (GA)	LaTourette	Stump
Combest	Laughlin	Tate
Cooley	Lewis (KY)	Tauzin
Cox	Lincoln	Taylor (MS)
Crane	Linder	Taylor (NC)
Cremeans	Livingston	Thornberry
Cubin	LoBiondo	Tiahrt
Cunningham	Manzullo	Torricelli
Deal	Martini	Traficant
DeLay	McCollum	Upton
Dickey	McCrery	Vucanovich
Dornan	McInnis	Waldholtz
Dreier	McIntosh	Wamp
Duncan	McKeon	Watts (OK)
Ehrlich	Metcalf	Weldon (PA)
Ensign	Meyers	Weller
Everett	Mica	Whitfield
Ewing	Moorhead	Wicker
Fawell	Myers	Wilson
Fields (TX)	Myrick	Young (AK)
Flanagan	Nethercutt	Young (FL)
Foley	Neumann	Zimmer
Fowler	Ney	

NOES—250

Abercrombie	Coleman	Flake
Ackerman	Collins (MI)	Foglietta
Allard	Condit	Forbes
Armey	Conyers	Ford
Baesler	Costello	Fox
Baldacci	Coyne	Frank (MA)
Barcia	Cramer	Frelinghuysen
Barrett (WI)	Crapo	Frisa
Becerra	Danner	Frost
Beilenson	Davis	Furse
Bentsen	de la Garza	Ganske
Berman	DeFazio	Gejdenson
Bevill	DeLauro	Gekas
Bishop	Dellums	Gephardt
Blute	Deutsch	Geren
Boehlert	Diaz-Balart	Gibbons
Bonilla	Dicks	Gilchrest
Bonior	Dingell	Gilman
Borski	Dixon	Gonzalez
Boucher	Doggett	Goss
Brewster	Dooley	Green
Browder	Doolittle	Greenwood
Brown (CA)	Doyle	Gunderson
Brown (FL)	Dunn	Gutierrez
Brownback	Durbin	Hall (OH)
Bryant (TX)	Edwards	Hall (TX)
Bunn	Ehlers	Hamilton
Campbell	Emerson	Harman
Cardin	Engel	Hastings (FL)
Chapman	English	Hefner
Chenoweth	Eshoo	Herger
Chrysler	Evans	Hilliard
Clay	Farr	Hinchey
Clayton	Fattah	Hobson
Clinger	Fazio	Holden
Clyburn	Fields (LA)	Hoyer
Coburn	Filner	Hyde
Inglis	McKinney	Sawyer
Jackson (IL)	McNulty	Schiff
Jackson-Lee (TX)	Meehan	Schroeder
Jacobs	Meek	Schumer
Jefferson	Menendez	Scott
Johnson (CT)	Miller (CA)	Serrano
Johnson (SD)	Miller (FL)	Sisisky
Johnson, E. B.	Minge	Skaggs
Johnson, Sam	Mink	Skeen
Kanjorski	Molinari	Skelton
Kaptur	Mollohan	Slaughter
Kelly	Montgomery	Smith (MI)
Kennedy (MA)	Moran	Smith (NJ)
Kennedy (RI)	Morella	Smith (WA)
Kennelly	Murtha	Spratt
Kildee	Neal	Stenholm
King	Nussle	Studds
Kleczka	Oberstar	Stupak
Klink	Obey	Talent
Klug	Olver	Tanner
LaFalce	Ortiz	Tejeda
Lantos	Orton	Thomas
Latham	Owens	Thompson
Lazio	Oxley	Thornton
Leach	Pallone	Thurman
Levin	Pastor	Torkildsen
Lewis (CA)	Payne (NJ)	Torres
Lewis (GA)	Payne (VA)	Towns
Lightfoot	Pelosi	Velazquez
Lipinski	Peterson (FL)	Vento
Lofgren	Peterson (MN)	Visclosky
Longley	Pickett	Volkmer
Lowey	Pomeroy	Walker
Lucas	Poshard	Walsh
Luther	Quinn	Ward
Maloney	Rahall	Watt (NC)
Manton	Rangel	Waxman
Markey	Reed	Weldon (FL)
Martinez	Richardson	White
Mascara	Rivers	Williams
Matsui	Roberts	Wise
McCarthy	Roemer	Wolf
McDade	Ros-Lehtinen	Woolsey
McDermott	Rose	Wynn
McHale	Roybal-Allard	Yates
McHugh	Sabo	Zeliff
	Sanders	

NOT VOTING—11

Collins (IL)	Nadler	Stark
Hostettler	Porter	Stokes
Johnston	Radanovich	Waters
Moakley	Rush	

☐ 1634

Messrs. HYDE, ZELIFF, FOX of Pennsylvania, EMERSON, LIGHTFOOT, DIXON, HOBSON, LONGLEY, and DOOLITTLE changed their vote from ''aye'' to ''no.''

Messrs. WELLER, PACKARD, LAUGHLIN, BATEMAN, HEFLEY, BOEHNER, PAXON, RAMSTAD, SOLOMON, and Mrs. MEYERS of Kansas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings, except the vote by electronic device, if ordered, on amendment No. 10, which will be a 15-minute vote.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ] on which further proceedings were postponed and on which the ''noes'' prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 151, noes 269, not voting 11, as follows:

[Roll No. 74]

AYES—151

Abercrombie
Ackerman
Andrews
Baldacci
Ballenger
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Canady
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Davis
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dingell
Dixon
Dooley
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Mollohan
Morella
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pombo
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Schiff
Schroeder
Scott
Serrano
Skaggs
Slaughter
Souder
Studds
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Towns
Velazquez
Ward
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates
Young (FL)

NOES—269

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Deutsch
Dickey
Dicks
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Zeliff
Zimmer

NOT VOTING—11

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Porter
Radanovich
Rush
Stark
Stokes
Waters

☐ 1644

Mr. SMITH of Michigan and Mr. SAWYER changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GALLEGLY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. GALLEGLY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 257, noes 163, not voting 12, as follows:

[Roll No. 75]

AYES—257

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—163

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman

Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Campbell
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Green
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Kolbe
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Molinari
Mollohan
Morella
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Velazquez
Vento
Volkmer
Waldholtz
Ward
Watt (NC)
Waxman
Weller
White
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Peterson (FL)
Porter
Radanovich
Rush
Stark
Stokes
Waters

☐ 1702

Mr. VOLKMER changed his vote from ''aye'' to ''no.''

Mrs. KELLY changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT, AS MODIFIED, OFFERED BY MR. CHABOT

The CHAIRMAN pro tempore. (Mr. RIGGS). The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 12, as follows:

[Roll No. 76]

AYES—159

Abercrombie
Andrews
Baesler
Barcia
Bartlett
Becerra
Boehner
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bunn
Bunning
Buyer
Camp
Chabot
Chapman
Chenoweth
Chrysler
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (GA)
Collins (MI)
Conyers
Cooley
Crane
Crapo
Cubin
DeLay
Dellums
Diaz-Balart
Doolittle
Doyle
Durbin
Edwards
Ehlers
Engel
English
Ensign
Evans
Ewing
Fields (LA)
Filner
Flake
Flanagan
Fox
Funderburk
Gibbons
Gillmor
Green
Hall (OH)
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hilleary
Hilliard
Hinchey
Hoekstra
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
King
Kingston
Klug
LaHood
Lewis (GA)
Lewis (KY)
Linder
Longley
Lucas
Manzullo
Martinez
Matsui
McDade
McDermott
McHugh
McIntosh
McNulty
Meek
Menendez
Mica
Miller (FL)
Mink
Mollohan
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pastor
Paxon
Payne (NJ)
Pelosi
Petri
Pombo
Portman
Poshard
Quillen
Rahall
Ramstad
Rangel
Reed
Richardson
Roemer
Ros-Lehtinen
Rose
Roybal-Allard
Salmon
Sanders
Sanford
Scarborough
Schroeder
Sensenbrenner
Serrano
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Souder
Stockman
Stupak
Tate
Taylor (NC)
Tejeda
Thompson
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Vento
Waldholtz
Walsh
Ward
Watt (NC)
Weldon (PA)
White
Woolsey
Wynn
Yates
Young (AK)

NOES—260

Ackerman
Allard
Archer
Armey
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Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Collins (IL)
Hostettler
Johnston
Moakley
Nadler
Porter
Radanovich
Rush
Solomon
Stark
Stokes
Waters

☐ 1317

The Clerk announced the following pair:

On this vote:

Mr. Hostettler for, with Mr. Radanovich against.

Mr. GEKAS and Mr. LAUGHLIN changed their vote from ''aye'' to ''no.''

Mr. NORWOOD and Mr. PAXON changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

☐ 1715

The CHAIRMAN. It is now in order to consider Amendment No. 13 printed in part 2 of House Report 104–483, as modified by the order of the House of March 19, 1996.

AMENDMENT, AS MODIFIED, OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Mr. Chairman, I offer an amendment, as modified, made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. GALLEGLY:

Amend section 401 to read as follows (and conform the table of contents accordingly):

SEC. 401. EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.

Section 274A (8 U.S.C. 1324a) is amended—

(1) in subsection (a)(3), by inserting ''(A)'' after ''DEFENSE.—'', and by adding at the end the following:

''(B) FAILURE TO SEEK AND OBTAIN CONFIRMATION.—Subject to subsection (b)(7), in the case of a hiring of an individual for employment in the United States by a person or entity that employs more than 3 employees, the following rules apply:

''(i) FAILURE TO SEEK CONFIRMATION.—

''(I) IN GENERAL.—If the person or entity has not made an inquiry, under the mechanism established under subsection (b)(6), seeking confirmation of the identity, social security number, and work eligibility of the individual, by not later than the end of 3 working days (as specified by the Attorney General) after the date of the hiring, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after such 3 working days, except as provided in subclause (II).

''(II) SPECIAL RULE FOR FAILURE OF CONFIRMATION MECHANISM.—If such a person or entity in good faith attempts to make an inquiry during such 3 working days in order to qualify for the defense under subparagraph (A) and the confirmation mechanism has registered that not all inquiries were responded to during such time, the person or entity can make an inquiry in the first subsequent working day in which the confirmation mechanism registers no nonresponses and qualify for the defense.

''(ii) FAILURE TO OBTAIN CONFIRMATION.—If the person or entity has made the inquiry described in clause (i)(I) but has not received an appropriate confirmation of such identity, number, and work eligibility under such mechanism within the time period specified under subsection (b)(6)(D)(iii) after the time the confirmation inquiry was received, the defense under subparagraph (A) shall not be considered to apply with respect to any employment after the end of such time period.'';

(2) by amending paragraph (3) of subsection (b) to read as follows:

''(3) RETENTION OF VERIFICATION FORM AND CONFIRMATION.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must—

''(A) if the person employs not more than 3 employees, retain the form and make it available for inspection by officers of the Service, the Special Counsel for Immigration-Related Unfair Employment Practices, or the Department of Labor during a period beginning on the date of the hiring, recruiting, or referral of the individual and ending—

''(i) in the case of the recruiting or referral for a fee (without hiring) of an individual, three years after the date of the recruiting or referral, and

''(ii) in the case of the hiring of an individual—

''(I) three years after the date of such hiring, or

''(II) one year after the date the individual's employment is terminated, whichever is later; and

''(B) subject to paragraph (7), if the person employs more than 3 employees, seek to have (within 3 working days of the date of hiring) and have (within the time period specified under paragraph (6)(D)(iii)) the identity, social security number, and work eligibility of the individual confirmed in accordance with the procedures established under paragraph (6), except that if the person or entity in good faith attempts to make an inquiry in accordance with the procedures established under paragraph (6) during such 3 working days in order to fulfill the requirements under this subparagraph, and the confirmation mechanism has registered that not all inquiries were responded to during such time, the person or entity shall make an inquiry in the first subsequent working day in which the confirmation mechanism registers no nonresponses.''; and

(3) by adding at the end of subsection (b) the following new paragraphs:

''(6) EMPLOYMENT ELIGIBILITY CONFIRMATION PROCESS.—

''(A) IN GENERAL.—Subject to paragraph (7), the Attorney General shall establish a confirmation mechanism through which the Attorney General (or a designee of the Attorney General which may include a nongovernmental entity)—

''(i) responds to inquiries by employers, made through a toll-free telephone line, other electronic media, or toll-free facsimile number in the form of an appropriate confirmation code or otherwise, on whether an individual is authorized to be employed by that employer, and

''(ii) maintains a record that such an inquiry was made and the confirmation provided (or not provided)

''(B) EXPEDITED PROCEDURE IN CASE OF NO CONFIRMATION.—In connection with subparagraph (A), the Attorney General shall establish, in consultation with the Commissioner of Social Security and the Commissioner of the Service, expedited procedures that shall be used under the confirmation mechanism in cases in which the confirmation is sought but is not provided through confirmation mechanism.

''(C) DESIGN AND OPERATION OF MECHANISM.—The confirmation mechanism shall be designed and operated—

''(i) to maximize the reliability of the confirmation process, and the ease of use by employers, recruiters, and referrers, consistent with insulating and protecting the privacy and security of the underlying information, and

''(ii) to respond to all inquiries made by employers on whether individuals are authorized to be employed by those employers, recruiters, or referrers registering all times when such response is not possible.

''(D) CONFIRMATION PROCESS.—(i) As part of the confirmation mechanism, the Commissioner of Social Security shall establish a reliable, secure method, which within the time period specified under clause (iii), compares the name and social security account number provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided and whether the individual has presented a social security account number that is not valid for employment. The Commissioner shall not disclose or release social security information.

''(ii) As part of the confirmation mechanism, the Commissioner of the Service shall establish a reliable, secure method, which, within the time period specified under clause (iii), compares the name and alien identification number (if any) provided against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided and whether the alien is authorized to be employed in the United States.

''(iii) For purposes of this section, the Attorney General (or a designee of the Attorney General) shall provide through the confirmation mechanism confirmation or a tentative nonconfirmation of an individual's employment eligibility within 3 working days of the initial inquiry. In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Service, an expedited time period not to exceed 10 working days within which final confirmation or denial must be provided through the confirmation mechanism in accordance with the procedures under subparagraph (B).

''(iv) The Commissioners shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information.

''(E) PROTECTIONS.—(i) In no case shall an individual be denied employment because of inaccurate or inaccessible data under the confirmation mechanism.

''(ii) The Attorney General shall assure that there is a timely and accessible process to challenge nonconfirmations made through the mechanism.

''(iii) If an individual would not have been dismissed from a job but for an error of the confirmation mechanism, the individual will be entitled to compensation through the mechanism of the Federal Tort Claims Act.

''(F) TESTER PROGRAM.—As part of the confirmation mechanism, the Attorney General shall implement a program of testers and investigative activities (similar to testing and other investigative activities assisted under the fair housing initiatives program under section 561 of the Housing and Community Development Act of 1987 to enforce rights under the Fair Housing Act) in order to monitor and prevent unlawful discrimination under the mechanism.

''(G) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE EMPLOYMENT ELIGIBILITY CONFIRMATION MECHANISM.—No person shall be civilly or criminally liable for any action taken in good faith reliance on information provided through the employment eligibility confirmation mechanism established under this paragraph (including any pilot program established under paragraph (7)).

''(7) APPLICATION OF CONFIRMATION MECHANISM THROUGH PILOT PROJECTS.—

''(A) IN GENERAL.—Subsection (a)(3)(B) and paragraph (3) shall only apply to individuals hired if they are covered under a pilot project established under this paragraph.

''(B) UNDERTAKING PILOT PROJECTS.—For purposes of this paragraph, the Attorney General shall undertake pilot projects for all employers in at least 5 of the 7 States with the highest estimated population of unauthorized aliens, in order to test and assure that the confirmation mechanism described in paragraph (6) is reliable and easy to use. Such projects shall be initiated not later than 6 months after the date of the enactment of this paragraph. The Attorney General, however, shall not establish such mechanism in other States unless Congress so provides by law. The pilot projects shall terminate on such dates, not later than October 1, 1999, as the Attorney General determines. At least one such pilot project shall be carried out through a nongovernmental entity as the confirmation mechanism.

''(C) REPORT.—The Attorney General shall submit to the Congress annual reports in 1997, 1998, and 1999 on the development and implementation of the confirmation mechanism under this paragraph. Such reports may include an analysis of whether the mechanism implemented—

''(i) is reliable and easy to use;

''(ii) limits job losses due to inaccurate or unavailable data to less than 1 percent;

''(iii) increase or decreases discrimination;

''(iv) protects individual privacy with appropriate policy and technological mechanisms; and

''(v) burdens individual employers with costs or additional administrative requirements.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. GALLEGLY] and a Member opposed will each control 30 minutes.

Mr. GALLEGLY. Mr. Chairman, the modification of the amendment made

in order by a previous order of the House is at the desk, and I ask unanimous consent that it be considered as read.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I seek time in opposition to the amendment. I would also like permission to yield half of my time to the gentleman from Ohio [Mr. CHABOT] and ask unanimous consent that he be allowed to control said time.

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

There was no objection.

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

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

Mr. Chairman, I offer this amendment along with several of my colleagues from both sides of the aisle. We have been debating this bill for several hours now, and we have more to come. But I am here to tell you that this is the watershed moment in immigration reform. This is the litmus test for sincerity. This is where Members will decide to either get serious about ending illegal immigration, or to just keep talking about it.

The simple truth is we not fight illegal immigration without a reliable, reasonable way of determining who is here legally and who is not. We have to start right there. We need a system, a mandatory system, to ensure that illegal immigrants are separated from the jobs that motivate them to come here in the first place.

The voluntary verification system now in this bill will not cut it. I have often said that a voluntary system will have about as much effect as a voluntary speed limit, a very little, if any at all. Today the documents are supposed to provide definitive proof of who is here legally and illegally. We have got green cards, we have pink cards, Social Security cards, birth certificates, and a myriad of others.

Unfortunately, the range of documents has only widened the range of options to counterfeiters. In many areas of this country you can buy a fake Social Security card good enough to defraud any law abiding employer for about $30. Just think about it: A $30 investment buys a lifetime of illegal employment in America. It sounds like a pretty good deal to me.

That is the beauty of the telephone verification system. This amendment, which I call 1–800–end fraud, makes counterfeit documents obsolete because it renders them irrelevant.

Mr. Chairman, there has been an incredible amount of misleading information spread about this issue in recent weeks. Believe me when I tell you that Pinocchio has nothing on those who have opposed this critical effort. I know this because I have personally received calls from my constituents urging me to vote against my own amendment. When I asked them what they think we are talking about here, what exactly, well, first, they pause because responding to questions is not part of the script that they have been given, and then they say, ''This is a national I.D. card. This is a dangerous tracking provision that is going to follow me into my own home and put all my personal private information into a government computer.''

It is just absolutely incredible. I thought our discussions on Medicare had established a new low for this body in terms of misinformation and scare tactics. But that is nothing compared to what we have been dealing with on this issue.

In the name of truth and reason, I would like to take a second to review how this pilot program will work. Specifically, within 3 days of hiring someone an employer would make a simple toll-free telephone call to ensure that the Social Security number presented by the worker was valid; that that number matched the name and it was not being used by 40 other people working in 40 other places. That is all there is to it.

This program has been strongly endorsed by the California Chamber of Commerce, the largest State chamber in the Nation, because it provides safe harbor for employers and gives them a clear and easy way to comply with the law.

For too long we have tried to turn employers into junior INS agents. This amendment shifts the responsibility back where it belongs, to the Federal Government. Just a few of the facts: This system does not create any new data base, period. This system does not collect any information that can later be misused by the Government, period. This system does not do anything other than verify the people employed in this country are eligible to work in this country.

Nowhere in this system is there an ability for the Government to know whether you have got a gun, whether you home school your kids, or whether you prefer Cheerios or Wheaties at the breakfast table. The critics of this amendment know all this, but they have taken great lengths to make sure that the people they claim to represent do not.

A familiar refrain is that we would not need this system if we just focused more on the border. Well, this bill already does focus on the border. But it, frankly, is beyond me to know how the border enforcement can deal with those 4 to 6 million illegal immigrants already working in this country, or how any provision can provide determining who they are or who they are not.

I have consistently supported increased border enforcement, but increased border enforcement will not solve all our problems, and it certainly will not solve this one. This system puts the teeth into immigration reform. This system makes immigration reform work. Without it, we are left with a watered down bill that sounds great, but has only a limited effect.

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

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

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

Mr. Chairman, well, forget that we just passed an amendment dealing with this very same subject, the employment verification system. As a matter of fact, the name of that amendment, I would say to the gentleman from California [Mr. GALLEGLY], was the voluntary worker verification system.

Fast forward. A year later we come to the floor and make it permanent. Well, why wait for a year? Let us vote a temporary system, and then come right back and vote a permanent system, the same system.

So, to quote my good friend from California, an imminently qualified member of the Committee on the Judiciary, who said in the name of truth and reason, [Mr. GALLEGLY] in the name of truth and reason, why are you offering this amendment, when we just passed the employment verification system minutes ago?

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

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

Mr. GALLEGLY. Mr. Chairman, I appreciate the gentleman yielding.

I think it is very simple. If we have a voluntary system, there is no compliance.

Mr. CONYERS. No, Mr. Chairman, reclaiming my time, tell me why? No lectures.

Mr. GALLEGLY. Mr. Chairman, the reason why, the people that are violating the law today are not going to participate in the voluntary system. They are not the ones we are looking for. The ones we are looking for are the ones that intentionally violate the law.

Mr. CONYERS. I understand. Now, why did the gentleman not offer this amendment in the first place, instead of taking us through the voluntary charade?

Mr. GALLEGLY. Mr. Chairman, if the gentleman will continue to yield, I am sure the gentleman knows the answer to that: Because it was in the bill that passed out of the committee, the full committee that we both serve on, by a vote of 23 to 10, but was changed by leadership prior to coming to the floor.

Mr. CONYERS. Reclaiming my time, Mr. Chairman, just a moment. I am a senior Member of Congress, but the gentleman says, changed by the leadership just before it came to the floor.

Now, in the name of truth and reason, first of all, I want to congratulate my colleague for his candor and his truthfulness and his honesty. The gentleman can sit down now, because I am not going to yield anymore.

Let us analyze this legislation. We pass out millions of books about ''How our laws are made'' in Congress. Before this measure came to the floor, it was changed by the leadership.

Question. Is that leadership a person whose initials are N.G.? I did not ask the gentleman that question, Mr. Chairman. He can sit down. It is a rhetorical question.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I think it may have been someone whose initials are N.G.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I do not wish to pursue this matter, nor is it appropriate to belabor the processes, the internal processes by which legislation is created in the House of Representatives. Suffice it to say that if we had come back after a little while of fooling around with a temporary verification system, and somebody said it did not work, and there were a lot of people coming in, fine. But amendments back-to-back, do not be offended.

That is the way the system works around here these days in the 104th Congress. You vote verification; it does not come up in the committee of jurisdiction, but it takes a little detour through the Speaker's office on the way to Rules, and, whammo, here we are, strongly supporting the Gallegly amendment because the leadership said so.

Well, now, we follow the leadership too on our side. The only thing is we do not have to park our brains at the door. Our leadership does not operate like that. Relax, sir, please. Our leadership does not order all of us to be in lockstep, as you are routinely.

I notice it is getting to be a little stressful on the other side, but this takes the absolute cake. Let us now move from the voluntary to the permanent, one amendment back-to-back. Hey, this is what we really needed all the time.

Now, do not think this is 1–800–Big Brother. Please, do not think that. This is not about Big Brother. This is not about the camel's nose under the tent. I know that part. This is a perfectly wonderful system, at which the underground economy is laughing as we debate whether it is permanent or whether it is temporary. What difference does it make? They are not going to abide by any of it. Besides, you have not put any enforcement provisions in the existing I–9 law to begin with.

So I am sure this is going to impress some amount of someone's constituents somewhere, but, please, it is not a good day for those of us who would like to have a strong bill on immigration, without violating anyone's civil liberties.

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

Mr. GALLEGLY. Mr. Chairman, I yield myself 15 seconds to respond to my good friend from Michigan, and he is my good friend, and I have great respect for him. In fact, I truly admire his wit. I found his presentation extremely entertaining.

Mr. Chairman, the only thing that I would say to the gentleman from Michigan [Mr. CONYERS] is the initials in opposition were not N.G. As a matter of fact, the initials N.G. has said they are very supportive of the mandatory 1–800 number.

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

Mr. Chairman, this amendment originally, as we know in the Committee on the Judiciary we offered an amendment to strike out what I called 1–800 Big Brother. We were unsuccessful there, but it was very close. It was 17 to 15. It had bipartisan support. We had 8 Democrat votes and 7 Republican votes. The fact of the matter is, there was so much opposition to making this mandatory that the proponent of this bill, I think, knew that were it mandatory, it would have lost.

□ 1730

Now, I had concerns myself, as did the gentleman from Michigan. We did not even want what was a so-called voluntary system because we knew where this was going to lead. We knew that within a few years then it would be mandatory, and we knew within a few years, rather than being in just five States, it would be all across the country. So it would be nationwide and it would be mandatory.

Mr. Chairman, the fact is that is exactly the way it was originally in the bill in Committee on the Judiciary. This was going to be not voluntary, not in just five States, but this was going to be mandatory for every single hiring decision anywhere in the entire country, all 50 States. That is where they wanted to go originally.

Now, we defeated that and this is what we got sort of as a compromise. But let us not be misled where the proponents of this want to go, in order to make it truly effective, is mandatory, nationwide. The gentleman from Florida [Mr. MCCOLLUM], has stated very clearly in committee that even that will not really work unless we have a national ID card, which is the ultimate step here. Every American citizen at the end of this road will have to carry a national ID card around with their picture, perhaps retina scans, and God knows what is going to be on this card. But that is where we are headed.

Mr. Chairman, to me that is big brother, and that is the reason I fought this in the committee. That is the reason, along with the gentleman from Michigan [Mr. CONYERS], we have been fighting this on the floor today. Voluntary, it, in my opinion, was an unprecedented assertion of Federal power. To make it mandatory, which is what this amendment would do, clearly is unprecedented. From now on in those five States, every employment decision is going to have to be confirmed, affirmed by the Federal Government. That goes too far.

I think it is just the opposite of why we were sent here. Many of us feel that we were sent here to reduce the scope and the power of the Federal Government. We do not all agree. Some people do not mind bigger government, some of us do. I happen to mind it very much.

Another thing that I have heard this sold as, I have had several folks from California mention, well, the business people in California want this, to have a 1–800 number so that they can protect themselves in case there has been some foulup on the I–9 forms or some of the other Federal requirements. Let us look at what that basically means.

Mr. Chairman, we have big government with the I–9 forms and all the rest. Since that did not work, then we are going to go to the next level, which is additional big government. The I–9's and that system did not work, so we are going to the next stage. This does not replace the I–9 forms. It does not replace that at all. It is an additional requirement that people will have.

The gentleman from California just said before, he said the voluntary system, which we just passed, the so-called voluntary system, the previous amendment that we just passed, he said it was not going to work. The bad guys, the people who are hiring illegal aliens off the books, paying them cash right now, they are not going to call this 1–800 number. They are going to continue to keep hiring these illegal aliens and paying them under the table.

Mr. Chairman, who is going to be affected? The law-abiding citizens, as usual. Those are going to be the people that would have the additional level of bureaucracy, the additional Federal requirements to call the Federal Government and get their OK before we can hire somebody. That is wrong. There are clearly going to be errors in this system.

There was an L.A. Times article, and this was previously mentioned, that estimated the Social Security department had estimated that there would be 20-percent error rates. Then they said that would be early on. Then it would likely back off to, say, 5 percent. The Social Security Administration has indicated they really do not know what the error rate would be at this point. Even if it is 1 percent, we are talking about hundreds of thousands of American citizens that are going to get caught up in this system. They have to verify that, yes, indeed, they are employable, who could conceivably lose their jobs and have their lives put on hold if there are mistakes.

I know in our office we have dealt many times with people in my community that have problems with the IRS where they have made mistakes, with the Social Security that has made mistakes, with Veterans that has made mistakes. In this debate, the previous debate, I have heard my name pronounced Cabot, Chabot, Chaboy, just

about every name one can think of. I am dead meat in this system, you know, if it were pronunciation and the spellings. We have got the gentlewoman from Florida [Ms. ROS-LEHTINEN], we have the gentleman from California [Mr. RADANOVICH]; there is the spellings. All you have to do is have one letter that is thrown off, and you are caught up in the system. It is going to be a nightmare for these people.

Mr. Chairman, I would like to read from something here that we got from the NFIB. This is what the NFIB sent out on this. It says:

On behalf of the more than 600,000 members of the National Federation of Independent Business, the NFIB, I urge you to oppose the Gallegly amendment which would mandate that employers in at least five of the seven States with the highest illegal immigrant population call a 1–800 number to verify every new hire's work eligibility. This amendment will be offered, et cetera.

Small businesses across this country have sent a strong message time and time again that they do not want any more government one-size-fits-all mandates coming from Washington. In fact, a recent survey found that 62 percent of NFIB members oppose being required to call a 1–800 number for every new hire.

Please let small business owners know we hear their pleas for less government requirement and that it is not Washington as usual. Vote no on the Gallegly amendment.

Again, we lost on the so-called voluntary, but this is not voluntary anymore. This is clearly mandatory and it is clearly wrong, and for that reason, we strongly oppose this.

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

Mr. GALLEGLY. Mr. Chairman, as Members will see as the debate goes on, there is strong bipartisan support as evidenced by our next speaker.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

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

Mr. STENHOLM. Mr. Chairman, I rise in support of the Gallegly amendment. I want to answer the question why. The question we simply have to ask over and over is, do we have an illegal immigration problem or do we not? If Members answer as I do, we do, then this amendment makes sense.

Mr. Chairman, our amendment would create a pilot program in five of the seven States with the highest populations of illegal aliens to test a mandatory worker verification system. The system is simple: An employer makes an inquiry through a toll-free 1–800 number, a toll-free facsimile number, or other electronic media to confirm whether an individual is authorized to be employed in the United States.

This system will protect employers from civil and criminal liability for any action taken in good faith reliance on information provided through the worker verification system.

For those who believe this amendment is antibusiness, I could not disagree more. While much has been made about this being a mandate on employers, it will actually protect business men and women from harsh employer sanctions. Currently, hardworking, honest business people can do everything they are supposed to and still be held liable for unknowingly hiring an illegal alien. In addition, it will reduce the current burden on employers to be INS experts on fraudulent documents.

Currently, there are a list of 29 documents that can be used for employment verification. Fortunately, H.R. 2202 reduces this number to six. However, counterfeiters have proven quite adept at tampering with or reproducing most of our identification documents. We cannot expect the business men and women in this country to be INS investigators or experts on fraudulent documents. We must provide them with the manageable and affordable tools necessary to comply with the law. It would be irresponsible of us not to provide American employers with this type of support.

Under current law, an employer is required to see two forms of identification and fill out the I–9 form. An employer can comply with this and still unknowingly hire an illegal alien who presented fraudulent documentation. This employer can face thousands of dollars in fines from employer sanctions even though they followed the correct procedure for verifying eligibility. Their only mistake is not being able to detect counterfeit identification.

The unfortunate consequence of this uncertainty under our current system, is that an employer may not want to take a chance on hiring an individual with a foreign sounding name or appearance for fear of hiring an illegal alien. Because this amendment requires the employer to verify eligibility for every employee, it removes the incentive for employers to treat applicants differently because of their appearance or surname.

While I do not believe this is the perfect fix to our illegal immigration problem, I do believe that it takes a big step in the right direction. A pilot project, try it, test it, experiment with it, see what works, see what does not work. Junk that does not work, but try it before we mandate it nationwide, but a voluntary system, as has been said, will not work. I also believe that we are going to have to address the counterfeiting of breeder documents, such as birth certificates, to insure that an employee is eligible to work.

Without a worker verification system in place with adequate resources, we will not be able to put a dent in our illegal immigration problem. I urge my colleagues to support employers and oppose illegal immigration by voting for the Gallegly-Bilbray-Seastrand-Stenholm-Beilenson-Frank amendment.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is interesting to find out how many Members of Congress understand what business wants and needs and what they know is best for business. Yet when we get the reports and the letters and the calls from business organizations, they are saying just the opposite. They say they do not want it.

They do not want it. They do not want it even if we think they want it. They do not want it if we think they need it. They do not want it if we think that it is good for them, even if they do not know that they would be better off for it. The do not want it.

Do my colleagues get it? The business community has spoken on this pretty clearly, and yet Member after Member, in support of the Gallegly amendment, explains to us how much better off business will be and how they will learn to love this as soon as they try it and let us give it a chance.

By the way, forget voluntary. Let us go to mandatory right now. The next amendment that might be up, if it could be made in order, is to make it nationwide. I mean, why wait for a few months? Let us do it tonight, tonight, tomorrow.

Mr. Chairman, we know what business needs. We know, whether they like it or not, it is going to be good for them. The problem has been revealed by the previous speaker, the gentleman from Texas. It is that they are forging all the documents on which we are going to base the phone call a mile a minute. That is why the phone call is going to be no more worth the document than it was based upon. That document may likely well be fraudulent.

Do we not see, mandatory programs like this are not going to work. Stepping on people's rights and trying to make class distinctions within our society is not a good way to go.

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

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I want to compliment Members on both sides of this issue. We have remained on the issues and people have spoken, no matter how strongly they feel, and remained on the issues. Most of this debate has dwelt on those issues. Even though those feelings are strong in many cases, they have remained that, and I think that is where we want this floor to remain most of the time. I would say all the time.

That working environment was degraded when the gentleman from Texas [Mr. BRYANT] personally attacked the Speaker of the House. The Speaker, like the gentleman from Texas [Mr. STENHOLM], went point by point by point on his issues and spoke only to the issues of the Gallegly amendment. Then when the gentleman from Texas [Mr. BRYANT], attacked the Speaker, got into personal references, I think that was wrong. I would say to my friend that it is uncharacteristic of

him and I know him as a friend, and I say this because myself, I have lost my temper on the House floor and I have done very similar things. But I think when we chastise the position of the Speaker, which this Gallegly amendment was overwhelmingly passed, we chastise the motive of the rest of us. When over 60 percent of my voters in California support that position, I think that was wrong.

Mr. Chairman, I say that with the intention that I have done the same thing, and I think in this particular case it does disservice to what we are trying to do, and I just think it was wrong.

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

Mr. Chairman, I just wanted to quote from the Employers for Responsible Immigration Reform, and what they state in their correspondence to us is that fully one-third of the Nation would be required to participate in the creation of a huge new Federal bureaucracy. Furthermore, there is no evidence to suggest that this system will work. They oppose the Federal mandate under the Gallegly-Stenholm-Seastrand-Bilbray-Stenholm amendment.

I would just like to list a number of these business groups, because it has been stated in here that business wants this particular amendment.

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Those who oppose this amendment, among them are the American Association of Nurserymen, the American Hotel and Motel Association, the American Meat Institute, the Associated Landscape Contractors of America, Associated Builders and Contractors, Associated General Contractors, the College and University Personnel Association, the Food Marketing Institute, the International Association of Amusement Parks and Attractions, the International Foodservice Distributors Association, the National-American Wholesalers Grocers' Association, the National Association of Beverage Retailers, National Association of Convenience Stores, the National Federation of Independent Business, who in the last particular amendment took essentially a neutral position, not opposing nor endorsing the amendment that we took up before, but they oppose this amendment; the National Retail Federation, the Society for Human Resource Management, the National Retail Federation, the Christian Coalition, the Citizens for Sound Economy, Small Business Survival Committee, the American Civil Liberties Union, Concerned Women for America, National Center for Home Education, the American Bar Association, Eagle Forum, U.S. Catholic Conference, and on, and on, and on, and there are other groups that I did not have time to read.

But this is a bad amendment. For that reason we oppose it.

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

Mr. GALLEGLY. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I think really what I hear here is a different perception of the immigration issue, and to try to sensitize this institution to the fact of the level of concern we should have about this immigration issue, let me just show my colleagues the different perspective.

All over America, when people drive down a highway, this is what they see, and I am sure many of my colleagues, that is what they see in their neighborhoods. But let me show my colleagues what the people of California see and people around the border see, and this is 70–80 miles north of the border. This is the kind of thing that we are confronted with, with absurdity. CalTrans from California was kind enough to send this sign to try to sensitize my colleagues to the fact that Washington must wake up and address this absurd, immoral situation.

Mr. Chairman, people are being slaughtered on our freeways because Washington needs to address this issue and has been ignoring it. Mr. Chairman, this amendment makes it possible for us to try to address the reason why people are coming here: Jobs. Jobs are what are drawing them across our freeways and being killed and slaughtered. The fact is this amendment will finally address the issue in the least intrusive way of addressing the issue of trying to keep people from hiring people who are not qualified.

Mr. Chairman, there may be those who think that this is a bad idea, but ask those who know that are affected. The Chamber of Commerce of California supports this amendment because they know. They have the reality of today of illegal immigration. They are not sitting in some insulated place, way off away from the problem. They know the problem, and they want this amendment.

I would ask my colleagues to recognize that those who are against the national ID system should support this amendment. It is the least intrusive alternative to a national ID card.

And those of my colleagues who say that they support the concepts of business, small business, more than any other segment of our society, uses telephonic, and listen to this. Of any part of society, small business is using telephonic verification now and has developed a dependency on it for business more than anyone else.

All we are saying is let us learn from business, and Government should learn to use technology for the benefit of our society, just as the private sector is, and we should use technology for the benefit of protecting our citizens and noncitizens, and their freedoms and liberties.

So support this amendment. It is the best nonintrusive, efficient way to be able to get the job done.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BRYANT] for defensive remarks.

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

Mr. BRYANT of Texas. Mr. Chairman, I regret that the gentleman from California [Mr. CUNNINGHAM], made remarks which apparently the Speaker sent him in here to make, and then he left. I do not see him anywhere. I also regret that they would bother to take time in the debate to come and make remarks like that. That is patently absurd.

I will say this. I will just reiterate what I said before. This reminds me a little bit of the lobby bill in 1994. We worked for a 2-year period trying to put that bill together. It was a totally bipartisan effort until the last minute when the Speaker, now Speaker, sensed the possibility of political advantage and came in at the last minute, blind sided us, and opposed it and tried to kill it. Mr. Chairman, we overcame it.

Today, once again we worked for two, virtually a year and a half now, trying to put together an immigration bill everybody can be for. There are two dealbreakers in it; one is this on education, and one is the deal on hospitals. And then the Speaker of the House, unable to resist political opportunity, comes to the floor, the Speaker of the House comes to the floor and makes a speech about this one amendment and talks about liberals this and about how we have these evil illegal aliens that are taking away our children's education and so forth.

It was, in my view, a performance beneath the rank of the Speaker. It was, in my view, a performance designed to make this into a political opportunity instead of a bipartisan bill, and he may have succeeded. It is a shame.

Mr. Chairman, I think that passionate objection to his action was clearly warranted. I regret very much the mischaracterizations by the gentleman from California [Mr. CUNNINGHAM], no doubt probably calculated by some speech writer in the Speaker's office of anybody out here losing their temper. I have not seen anybody lose their temper today, but I have been willing to stand apart and say, ''You know, Mr. SMITH and I worked a long time to put this bill together to make it work, and along comes the Speaker of the House and basically tries to bring us down to the lowest common denominator.''

Do my colleagues know why what I am saying is true? Because these guys over here whipped that amendment, they whipped it hard to make sure that they would win, to make sure they would have a political issue, not a bill, not a new policy for the public, but an issue, and with that kind of leadership on their side and with that guy in charge of the House of Representatives, I submit to my colleagues I think the public is not long going to be on their side. I regret it.

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

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

Mr. GALLEGLY. Mr. Chairman, as the gentleman knows, I have great personal respect for our relationship. We have worked hand in hand on the issue of illegal immigration for many years.

But I think the gentleman would be the first to yield to the fact that this is an issue that I have worked very hard for a long, long time without any partisan involvement at all. It is a philosophical issue that I have a tremendous passion for, that I think affects all Americans. I think that is one of the reasons that we saw a fairly significant number of Democrats that voted for that as well.

Mr. BRYANT of Texas. Reclaiming my time, I agree with everything the gentleman said, except I want to make very clear to him that it was made clear in the very beginning there were a couple of issues along the way that would derail this bill and get it vetoed and cause a bunch of us to feel like we could not continue to support it. And those two were brought up today, and one failed and one passed. The gentleman's passed. The gentleman has been consistent from the very beginning.

The fact that the Speaker of the House came down here and made the kind of speech that he did, in my view, brought a bill that really was bipartisan down to a very partisan level and was not, in my view, fitting of the office of the Speaker of the House, and I——

Mr. GALLEGLY. If the gentleman would further yield, I would hope that he would still consider strongly supporting the bill, in the final analysis, that he has worked so hard on, like so many others of us have.

Mr. BRYANT of Texas. I would like to. I just hope my colleagues do not make it any worse.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

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

Today we are offering this amendment that would call, and I want to underline this, for a 3-year mandatory pilot program in 5 of 7 States: California, Arizona, Texas, Florida, New York, Illinois, and New Jersey. And these States are most impacted by illegal immigration.

As is pointed out, this amendment simply is going to put back into the bill the original language that was passed by the House Committee on the Judiciary.

Now, I want to stress that the requirement that illegal aliens be verified for work eligibility is crucial to true immigration reform. I want to repeat that this does not establish a national ID card or even a system by which a worker can be tracked throughout their career.

This amendment does none of the following: It does not require any new data to be supplied by the employee. It does not require any new personal information on the employee. It does not create a new Government data base. It is a pilot program that cannot be expanded into a national program without a specific vote by this House.

I think anyone who has watched my voting record would agree that I am opposed to any Government intrusion, and this is a simple way to keep American jobs by people that come here legally.

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

If a citizen is not approved to work, and that is really what this is all about here, is what the committee report says happens. And I would like to read from the committee's own report. If he or she wishes to contest this finding, secondary verification will be undertaken. Secondary verification is an expedited procedure set up to confirm the validity of information contained in the Government data bases. Under this process, the new hire will typically contact or visit the Social Security Administration and/or the INS. The employee has 10 days to reconcile the discrepancy. If the discrepancy is not reconciled by the end of this period, the employer must then dismiss the new hire as being ineligible to work in the United States. I find that to be very objectionable; in fact, outrageous.

It is the individual employee, the individual American, that is the person who is really going to be hurt in this. The individual innocent American employee gets caught up in the mess because perhaps they used a maiden name or perhaps there was a typo or one of the numbers was typed in wrong or whatever.

As I mentioned earlier today, we had a situation in my district where for 4 months they still have not been able to clear up the Social Security, the fact that they are married and ought to have a married name on there.

What we also heard earlier referred to today is that it took 8 months to prove to Social Security that one particular woman was not dead. That is the proof she was not dead 8 months, and they still have not cleared it up. So that is the type of problem we got with this, and this particular person could be an American citizen, perfectly legal, has 10 days to clear it up, or they are out of work. And that is not the way it should be in this country.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to this amendment. Mr. Chairman, there are a number of groups who oppose this amendment. Among them are Americans for Tax Reform, the ACLU, the Small Business Survival Committee, the National Retail Federation, Empower America, Citizens for a Sound Economy, NFIB, and the Food Marketing Institute.

Mr. Chairman, I wholeheartedly agree with Grover Norquist, who is the president of Americans for Tax Reform, when he said, whether voluntary or mandatory, employment verification represents an enormous intrusion by the Federal Government into the rights of individuals.

The debate should not be over what type of employment verification systems we have but whether we really have an employment verification system at all. I realize, living in Idaho, that we have problems with illegal immigration, but let us not reach so far that we violate our own civil rights.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BEILENSON], who is from the San Fernando Valley and parts of Ventura County.

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

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Mr. BEILENSON. Mr. Chairman, I am not a member of any of those fine groups that either the gentleman from Ohio [Mr. CHABOT], or the gentlewoman from Idaho [Mrs. CHENOWETH], mentioned, so I am free, apparently, to rise in strong support of this amendment.

If we are serious about stopping illegal immigration, then we must provide a sound method for employers to find out if prospective employees are legally authorized to work in the United States. Otherwise, it would be virtually impossible to enforce the existing law against hiring.

The telephone verification system included in the bill, provides a very promising way for employers to easily determine whether a prospective employee is legally authorized to work. It was, as Members know, one of the key recommendations of the Jordan Commission, which did an extremely thorough and creditable job of producing very reasonable recommendations for regaining control over our Nation's immigration system.

But for the telephone verification system to work, it has to be mandatory rather than voluntary in the States where it would be tried on an experimental basis. If it is not, those employers who intend to flout the law will obviously not participate in the system, and the INS will have no way of determining whether the system is actually working.

The Committee on the Judiciary, as Members again were reminded, recognizes the importance of making this system mandatory. Unfortunately, the Committee on Rules changed the system to a voluntary one, to some of us who serve on that committee in what was an egregious example of overreaching by our own committee, in disregard for the deliberative process of the committee of jurisdiction.

This portion of the bill should now be restored to the form it was in when it was approved by the Committee on the Judiciary. Employers should welcome

this telephone verification system, since it would give them a simple, reliable way of determining who is legally authorized to work here and who is not. Right now they do not have a sound and dependable way to do that because we failed to provide any such method when Congress enacted employer sanctions as part of the Immigration Reform Control Act of 1986.

Mr. Chairman, much is being said about the potential for governmental intrusiveness in hiring practices that would result from this new system. Nothing could be further from the truth. All this verification system does is to provide a way for us to finally enforce the existing 10-year-old law against hiring illegal immigrants and for employers to be able to confirm that they are in fact obeying the law.

The only people who will experience any negative effects are the people who should feel those effects, employers who are breaking the law by deliberately hiring illegal immigrants, and immigrants who are breaking the law by trying to get a job here when it is illegal for them to do so.

Mr. Chairman, I urge our colleagues to support this very important amendment.

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

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

Mr. Chairman, illegal immigrants are from all over the world. They are not just from South America, they are from Asia, they are from Europe, they are from Russia. One thing they all have in common, they mostly want a job.

As an employer, you have certain responsibilities in this country. One of those responsibilities is to fill out an I–9 form. That has given employers a cover, because once you have that I–9 form in the personnel jacket, along with two pieces of identification, along with that Social Security card, in every case, if the INS comes into your establishment and you have met that criteria, even though you have a great number of illegals working in that business, you are not held accountable for that, because there is no way for you to verify whether or not a Social Security card is a fraudulent document.

This is all that does. It gives an opportunity for an employer to call a number and check a name to a number. This is a system that we must have, and quite frankly, if it is a voluntary system, those people that are not very good employers and who are knowingly hiring illegals are going to continue to do so.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California, Mr. ESTEBAN TORRES, who has a great deal of experience in this matter.

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

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California. The amendment would take a Federal employer verification system to new Orwellian heights. For the past hour we have debated the merits of a voluntary employer verification system. The amendment before us would require every employer, in at least five States, to call a toll-free number to verify the name and Social Security number of every new hire.

You can be sure that these States won't be Rhode Island, Delaware, Montana, Alaska, and North Dakota.

No, the States will likely include New York, California, Texas, and Florida—or nearly half the population of this country.

From a small business standpoint, this amendment piles on more bureaucratic redtape and more costly reporting requirements. The INS estimates that the compliance cost per employer will be at least $5,000.

If this amendment is enacted there is no guarantee that the Federal Government could handle even a small percentage of those employers mandated to use the Big Brother system. Not only would we have problems with compliance, there is no guarantee that the system would approach any level of useful accuracy.

The current database upon which the system would be based is grossly unreliable and would cause citizens and legal residents to be denied employment. Experts estimate that 20 out of every 100 legal job applicants would be denied jobs under this flawed system.

And the price tag for this gargantuan Big Brother computer verification system would sink us even deeper in red ink.

We can't even afford to pay the INS to keep up with its current workload, much less pay for a giant new system. And in the end, even if all these problems could be resolved, nothing, I repeat, nothing in this Big Brother verification system will prevent the black market from selling stolen Social Security numbers. Nor will it prevent a situation like the sweatshop owner in El Monte, CA, who deliberately broke the law and hired undocumented workers.

The Big Brother approach will serve only to impose new requirements on businesses that are already complying with the law and do nothing to punish those that are not.

Let us not forget the basic principle that makes this country great: Freedom. Let us not be tempted to rule our citizens through an identification card. This is a terrible amendment and I ask you to vote no.

Mr. GALLEGLY. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I will begin by stipulating that I do not purport to represent business here. I understand that a lot of businesses do not like this amendment. A lot of businesses, unfortunately, like to hire people who are here illegally. They find them easily exploitable. That is why there was, for many in the business community, opposition to what is really the central point here, whether or not we have employer sanctions.

In fact, during this debate people have been blaming a verification system, when in most cases they should have been complaining about sanctions. It is logical to say we should not have employer sanctions. Understand that that is a decision we made in 1986. We said, and by the way, people should understand, there is a universal recognition here in this debate that people come to this country, whether legally or illegally, to get jobs. We recognize that. That is the magnet. It is not illegal welfare, and so forth, it is jobs.

We have said that when people come here illegally and get jobs, they jeopardize our ability to maintain rules and laws that maintain occupational safety and health, minimum wages, et cetera. When you are here illegally, you cannot claim your rights.

In 1986, this is when business got the mandate. In 1986 Ronald Reagan signed the law that said, ''You cannot hire people who are here illegally.'' It set up the verification system. That was set up in 1986. The difference now is that we believe we have a more rational verification system. The current system gives a whole bunch of documents that can be used. That is where you get counterfeiting. That is where you get inconsistency in who is asked and who is not.

What we are saying is that given we have sanctions, and nobody has moved to repeal them, given that the employer is responsible for verification, and nobody has moved to repeal that, then the only question is what is a more efficient way to do it. We are saying that the most efficient way, the fairest way, is to say, not that you single out anybody, that is just a nonsensical argument, but this in fact says everybody who comes in must be verified. We have a 10-day period to catch up.

No, I do not believe 20 percent of the American people are unfairly identified as illegal aliens. That is an exaggerated figure. We also have in here 10 days in which you can straighten it out. I believe my office can help people prove that they are here legally.

Then we are told, ''But it is going to interfere with privacy.'' We have had a lot of inconsistencies here today. My favorite are the people who think that asking people to prove that they are here legally is an invasion of their privacy, but checking their urine is not, because we have people who have been for drug testing, mandatory drug testing, and they have imposed that on people, but no, we cannot ask people whether or not they are here legally.

Now we have the question, ''Well, would the government abuse it?'' I understand some of my friends on the left who, I think, are unduly suspicious here, because I think it is in the interests of working people to have a good

verification system. On the right, I guess we are dealing in part with the Republican wing that we were told on the floor of the House trusts Hamas more than the American Government. Maybe we can pick up a couple of votes if we subcontracted this out to Hamas, but I do not think they are here legally, so they could not work for us, fortunately.

What we are talking about is efficiency. We have on the books the sanction system. If Members do not like it, they should be moving to repeal sanctions. We have on the books a requirement that we verify that you are here, but with a lot of documents in an inconsistent way. This is the most logical way to carry out the existing legal requirements.

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

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

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California [Mr. GALLEGLY], and appreciate his leadership on this issue.

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

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

Mr. DREIER. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, I rise in strong support of this amendment, because it is a pro-small-business amendment. If we look at our State of California, California's Chamber of Commerce has come out in support of this. Many of the people who are opposing this amendment claim that they understand the small business sector of our economy. The author of the amendment, the gentleman from California [Mr. GALLEGLY], has been, throughout his entire lifetime, adult lifetime, a small-business man, up until he joined this distinguished body a decade ago.

Mr. Chairman, I have been involved in businesses myself before I came here, and I still am. Quite frankly, I believe if we look at the issue of employer sanctions, which my friend, the gentleman from Massachusetts was just discussing, there were many of us who opposed the employer sanctions provision, believing that we should not force those employers to be responsible for what clearly is a Federal issue. They should welcome the prospect of having this process of verification, which is easier than going and expending $10 at a K-Mart store.

Quite frankly, Mr. Chairman, we should join in a bipartisan way supporting the Gallegly amendment. I urge my colleagues to do that.

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

Mr. Chairman, I would only close our debate on this amendment in opposition to it by pointing out that we have gone from voluntary to mandatory. Maybe next month we will hit nationwide. We are up to 3 years and counting. But do not worry about it. The wonderful patronizing statements of my colleagues, who are my friends, that tell us that employees should welcome this telephone verification system, one Member went as far as to suggest that one reason they might not welcome it is because they themselves support illegal immigration. I do not think that is a fair canard. I do not think it is the thing we should be saying about these business associations.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. GALLEGLY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. DEAL].

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

Mr. Chairman, we have heard some very interesting debates here today. I support this amendment because I think it is a common-sense amendment. I would like to tell the Members why I think it is good common sense. On the one hand, we have a system in which we as taxpayers spend millions of dollars, hire tens of thousands of employees, to maintain a Social Security system that is designed to have records that relate to employment and records that relate to your contributions as an employee into the system. We also have tens of thousands of people and spend millions of dollars trying to put in place a system that will verify those who are legally in our country, and we have purposes in doing so.

On the other hand, we have hundreds of thousands of people who are illegally in our country who are likewise spending, probably, millions of dollars trying to duplicate and reproduce the same kinds of documents that those that are employed by the taxpayers are also doing. Then we have the employer in the middle, and the employer, because of the way our system operates, is faced with an individual standing in front of him, presenting him with documents. He does not know whether they are produced by the legal system or by the illegal system.

Yet the employer says, ''Well, if I am a taxpayer paying for the legal system to be in place, whey can I not just ask that system to tell me if these are true or forged documents?'' And the system does not allow him to do so. That, to me, makes no common sense at all. If we are going to make the employer the enforcer, we ought not to put him in a position of simply saying, ''We are going to send the INS into your office, and if you did not have the right documents there, then gotcha.''

We all know, ''Don't ask, don't tell.'' I say that this is a system of ''Do ask, do tell.'' We ought to ask, as an employer, and as the Government, we ought to tell whether or not these are in the one category of legal documents, or in the other category of illegal documents. Mr. Chairman, I urge support of the amendment.

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

Mr. Chairman, I first of all want to make very clear that those of us that oppose this amendment do very much want to crack down on illegal immigration.

There are many things which I support. I supported the Tate amendment which basically stated that if, for example, somebody does try to come into this country illegally, they will then not be able to come into this country legally at some later time, so do not even bother to try to come in again. One-strike-and-you're-out. I think that is good policy. Harsh, tough, but I think it is good.

I also very strongly support eliminating welfare as a magnet. We have got too many American citizens, I believe, on welfare in this country right now. I think we ought to completely overhaul the welfare system. We have got far too many people that ought to be supporting themselves and their own kids that are American citizens right now. But unfortunately we have got people coming into this country because welfare is too often a magnet. I do not think welfare ought to be given to illegal aliens.

There are many things. We ought to beef up the patrols on our borders to keep illegal aliens out. But to have one more requirement on American businesses to call the government before they hire somebody or right after they hire somebody and clear everything up within 10 days, I think that is the wrong way to go.

Malcolm Wallop, for example, a former Senator from Wyoming for whom I have a tremendous amount of respect said, ''This is one of the most intrusive government programs that America has ever seen.''

The Wall Street Journal called this system odious. The Washington Times asked, ''Since when did Americans have to ask the government's permission to work?''

The National Retail Federation said, ''It's yet another Federal Government mandate on business and we're trying to get rid of government mandates.'' This is a government mandate in essence that would require every American to get the government's OK to work in this country. It should not be that way.

Many of us believe very strongly that we were sent here to lessen the intrusiveness of the Federal Government in their lives. This goes in just the opposite direction. It runs against the grain of many of us who are trying to reduce Federal involvement in our life.

That is the reason I oppose this amendment. Also, it is not going to work. As I stated before, the bad guys that are hiring illegal aliens now, they are not going to call the number. So it is not going to work. It is just more government. We ought to oppose it.

Mr. GALLEGLY. Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, the previous remarks highlight the disconnect between reality and what the opponents are saying. There is now on the books such a mandate. The gentleman acts as if this amendment would create it.

The law now says, and has for 10 years, that you must show to the employer that you are legally entitled to work in the United States. Employers are legally at risk. If they fail to ask and it turns out they have hired someone who is not legally entitled to work, they are at risk.

I do not understand this argument. If you want to abolish sanctions, okay, but you cannot argue that this amendment creates an obligation which we have had for 10 years. I would point out, by the way, that it is so onerous an obligation that most people apparently do not even realize we have it.

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

Mr. BERMAN. Mr. Chairman, I support the Gallegly amendment, although in a conference committee I want to make sure, if this bill reaches a conference committee, that what he is proposing here is truly feasible. But I would like to just go construct my notions of why I think this is important.

No one in this House, as far as I know it, is in favor of illegal immigration. There are some people who believe in open borders, but I have not heard anyone in this House ever articulate that.

Now the issue is, are we going to stop with border enforcement, or are we going to have some interior enforcement? I am sorry to say that my friends in the majority do not seem to want to put a lot of resources into investigating industries that historically recruit undocumented workers, but now we have the question of the employment. As the gentleman from Massachusetts [Mr. FRANK] has just mentioned, employer sanctions were established to make it illegal to hire someone who is not here legally.

The voluntary program now in the bill has none of the privacy protections, none of the discrimination protections, none of the protections against mistakes that the Gallegly amendment has. The Gallegly amendment says if this system wrongfully terminates a person from a job, they have a remedy to recover their lost compensation. The Gallegly amendment provides for testers which can go out and make sure that any employer is doing this across the board as to all of his employees, not just the ones who might have a foreign accent.

It has the protections, it deals with the issue of making sanctions enforceable, and the only question now for me which I hope to learn about in the months ahead as we deal with this legislation is, is it feasible? I am not sure it is, but I think we should give this approach a boost because it is the right approach, at least in concept.

I urge an ''aye'' vote.

Mr. GALLEGLY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I am rising here today to support the Gallegly amendment. If things are going to be made illegal, we have to provide the means of enforcing that decision. Otherwise we are just philosophizing. Our voters did not send us here to sit down and talk together about ideas. They wanted us to change the way things are in the United States.

It is not enough to say you are against illegal immigrants flooding into our country. You have got to be able to do something about it, or that is not what your public life is all about. We are not here to philosophize with one another. We are here to try to solve a problem.

In California and elsewhere, we have a mammoth tide, a wave of illegal immigration, sweeping across our country. We should give the people the tools to make sure that those illegal immigrants when they come here are not the recipients of workers' comp, unemployment insurance, Social Security, and all the other government benefits that go with being employed in this country.

The fact is that we have made it illegal for an employer to hire these people. Otherwise, let us just take off that ban. If you want to take off that ban, that is fine. Or, if you want to say it is legal for illegal immigrants to get government benefits, fine, make that your position.

But do not tell the American people you are against illegal immigration if you are trying to undercut every single attempt that is being made to try to enforce that decision. We are here not to just philosophize, we are here to solve problems and get things done. Please take your heads out of the clouds and make sure your feet are on the ground.

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

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

Mr. GOODLATTE. Mr. Chairman, I rise in support of the Gallegly amendment.

Mr. GALLEGLY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA].

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

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this amendment. I would like to thank the three sponsors from California for their commitment to seeing that we put this mandatory pilot program back into the bill—a commitment which they know I strongly share.

I strongly believe that we cannot accurately claim that these are effective and efficient reforms without this amendment. And, above all, I urge that the business community recognize its responsibilities and that they become part of the solution and not part of the problem.

As we all know, the original bill, as passed by the Judiciary Committee, contained this mandatory pilot program. Its purpose is to make it easier for employers who continue to struggle understanding the enforcement and eligibility requirements of the Immigration Reform and Control Act of 1986 [IRCA].

Under IRCA, employer sanctions are imposed on any employer who knowingly hires an illegal alien unauthorized to work in the United States. Employers are required to verify worker eligibility and identity by examining up to 29 documents and completing an INS I–9 form. In enforcing these measures, employers are allowed a good faith defense and are not liable for verifying the validity of any documents, but instead are only responsible for determining if the documents appear to be genuine.

Unfortunately, between the proliferation of fraudulent documents, and the overconcern of INS with sanctioning employers for paperwork violations, such as incorrectly completing I–9 forms, little has been done to catch unauthorized/illegal workers.

Mr. Chairman, opponents of the pilot program claim that it will become a big brother program giving the Federal Government the sole power to decide who will work for an employer. This is just not true. It seems to me that this argument is being used more and more liberally every time it is perceived by some that the Federal Government is overstepping its powers when it clearly isn't.

Furthermore, opponents claim to fear that mistakes made by the computer data base could either be used against an employer as evidence of hiring an illegal alien or could be used against a prospective employee as evidence of discrimination. Well, come on my colleagues. This is a weak argument that no one would deny, and an easy one to use as justification for opposing the pilot program.

Even without computer verification, these same problems still persist because of paperwork/administrative mistakes. With increasing uses of computer technology in all public and private sectors, this is a real problem that we deal with every day and will continue to deal with every day in the future. The bottom line is that there are always going to be computer errors and data entry mistakes. Should we therefore pass a blanket prohibition on computers in the workplace? I think not.

In fact, Mr. Chairman, under this program an employer is provided with a good faith defense similar to that provided under IRCA, shielding him from liability based on the confirmation number he receives after verifying an employee's Social Security number. And, if an employee is not offered a position because of an informational error which cannot be resolved within a 10-day period, then he is entitled to compensation under existing Federal law.

The success of phone verification has been proven in southern California which has in place a similar pilot program that began with 220 employers. After 2,500 separate verifications and a 99.9-percent rate of effectiveness, it is now being used by almost 1,000 businesses.

Mr. Chairman, the purpose of the mandatory pilot program is to make it easier for employers to verify the work eligibility of prospective

employees. It will help to prevent confusion over documents and alleviate concerns about hiring/not hiring someone who looks like he is illegal. It is in the direct benefit and interest of all employers because it will help to eradicate all of the fears, uncertainties, and arbitrary sanctions that employers have complained about for the past 10 years.

At the same time, just as we require legal and illegal aliens to comply with the law, so too must employers. This program will also hold employers accountable for their hiring decisions. By this I mean that unscrupulous employers could no longer get away with knowingly employing illegal aliens because they would have to verify their work eligibility.

And, my friends, this is the end to the means for the 400,000 illegal aliens who enter our country every year. As long as the jobs are there, and someone is willing to hire them to do the work, they will always keep coming.

Reducing the number of allowable documents from 29 to 6 and increasing by 500 the number of INS employment inspectors, which this bill does, is a strong step in the right direction. But, it is not enough.

This is another commonsense amendment, and one that should be supported by everyone, including the business community.

Therefore, I urge all of my colleagues to show their support for a simpler yet more complete employer verification system by voting for this amendment.

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

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

Mr. PACKARD. Mr. Chairman, the claim that this amendment intrudes on our civil rights is a bogus argument. We see people in the grocery lines, at the cash register, and we never hear them complain about having to have calls made to verify their checks before they can take their groceries home. We cannot tighten up the enforcement of employer sanctions, which we are requiring and asking to be done, and then not give the employers a chance to be assured that they are hiring legally.

Most of my employers, which really employ a good deal of the alien labor pool, both legal and illegal, are begging for a chance to verify their legality. They want to be legal. It would be a shame not to allow them a system that would give them the verification that they are hiring appropriately and legally. I strongly urge a ''yes'' vote on the Gallegly amendment.

I rise in support of the Gallegly-Bilbray-Seastrand-Stenholm amendment which would make the employer verification pilot program mandatory.

Since I first became a Member of Congress, I have worked to put an end to the illegal immigration problem that has plagued my district, my State of California and now the Nation. Quite frankly, I have found that there are two compelling reasons that pull illegal immigrants to our country. One is the wide range of Federal benefits our country has to offer. This is being taken care of by this bill.

The second is the lure of jobs. Requiring all employers in a pilot project State to make a simple call to verify the eligibility of a new hire will put an end to the lure of jobs for illegals. A voluntary system is simply inadequate. A voluntary system allows likely illegal immigrants to believe that a job waits for them on the other side of the border. Perhaps their employer will not check. We send illegal immigrants a far stronger message if they know all employers will be checking their status. No job waits for you on the other side.

Our current system of determining whether a person applying for work is legal or illegal is lacking. In fact, it is so unbelievably easy to obtain false documentation in California, that employers are at a high risk of hiring illegals without even knowing it. A mandatory employer verification system will protect innocent employers from hiring illegals with false documentation.

Mr. Chairman, this amendment will protect employers and destroy the job magnet that brings illegal immigrants into our country. It is a pilot project that will be tested for only 3 years. If it does not work, Congress will have the ability to revamp it or cancel it completely. However, only by making it mandatory, will we be able to ensure that the employer verification pilot program will work as it is intended.

I urge my colleagues to vote for this amendment.

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

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

Mr. HORN. Mr. Chairman, the American people need to support this amendment. We need to support it. It is shameful that we would bend to the special interests and not vote for the Gallegly amendment. I fully support it.

Mr. Chairman, the American people elected a Republican majority in 1994 to end politics as usual and accomplish real reform. Without the Gallegly mandatory verification amendment, this bill is another example of do-nothing, special-interest business as usual in Washington.

Illegal immigrants come here for jobs. If we are serious about stopping illegal immigration, we need to make it impossible for illegal aliens to get jobs. Only a mandatory system in States most affected by illegal immigration would achieve that. Not enough employers would verify their employees' eligibility without one.

Stand up to the special interests. Vote for the Gallegly mandatory verification amendment.

Mr. GALLEGLY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FOLEY].

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

Mr. FOLEY. Mr. Chairman, I strongly support the Gallegly-Bilbray amendment to create a mandatory pilot program. We need a driver's license to board an airplane. We need identification with a credit card or a check.

This is not big brother. This is enforcing laws. Some of our own legal residents have found there are errors in their Social Security numbers. They have found payments being made to other people's accounts after 5 years.

This system will not only deter illegal immigration but will help perfect our own domestic work force. It is not onerous. It is not burdensome. Employers universally will call past employers to find out about backgrounds, past landlords to find out about the worthiness of the employee. We are asking a simple step.

How many people in this audience use the 1–800 number to find out about their check balances, the last five checks cashed, the last five deposits? It takes 15 to 20 seconds. It is not a difficult process. Anyone can do it. It is not complicated. It will ensure that we are not hiring illegal employees.

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

In closing, I would like to say that I have spent the overwhelming majority of my adult life as a small business person. This is the reason right here that we need a verification system. This is a counterfeit document that will meet the employer sanction requirements that a person can pick up on almost any street corner in any major city for about $30.

Let us bring some sanity to this debate. Let us stop the flow of illegal immigrants coming into this country for easy access to jobs, protect American workers, and protect this country from more illegal immigration. I would ask the strong support of the Gallegly amendment for mandatory verification.

Mr. RADANOVICH. Mr. Chairman, my vote for the Gallegly-Bilbray-Seastrand amendment will be cast for three reasons:

First, it should not be the employer's burden to decide whether work permission documents are real or phony.

Second, the guest worker program for agriculture, which I shall support when it is brought up later in this debate, will work better with 800 number verification.

Third, finally—and most importantly—I am committed to immigration reform, especially putting a stop to illegal immigration.

U.S. borders are breached by those looking for work here.

American employers should be able to pick up the phone and quickly and accurately determine whether an applicant is legally entitled to work. Those who aren't won't be hired. They'll have little reason to stay, and there'll be reduced incentive for others to follow the same wrong route.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 86, noes, 331, not voting 14, as follows:

[Roll No. 77]

AYES—86

Baker (CA)
Barton
Bateman
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bono
Borski
Bryant (TX)
Burton
Calvert
Campbell
Canady
Cardin
Castle
Condit
Cunningham
Deal
DeFazio
DeLauro
Dreier
Duncan
Eshoo
Farr
Foglietta
Foley
Frank (MA)
Furse
Gallegly
Gejdenson
Geren
Gilchrest
Goodlatte
Goss
Holden
Horn
Hunter
Jacobs
Johnson (SD)
Kennedy (MA)
Kennedy (RI)
Kim
LaFalce
Leach
Levin
Lewis (CA)
Lowey
Manton
Markey
Martinez
McCollum
McKeon
McKinney
Meehan
Metcalf
Meyers
Miller (CA)
Moorhead
Neal
Obey
Packard
Pallone
Payne (VA)
Rohrabacher
Roth
Roukema
Royce
Sabo
Schumer
Seastrand
Shays
Smith (NJ)
Smith (TX)
Stenholm
Torricelli
Traficant
Vento
Visclosky
Vucanovich
Waxman
Wilson
Wynn
Young (AK)
Young (FL)

NOES—331

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bevill
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Camp
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Luther
Maloney
Manzullo
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McNulty
Meek
Menendez
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Parker
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roybal-Allard
Rush
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Upton
Velazquez
Volkmer
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Yates
Zeliff
Zimmer

NOT VOTING—14

Collins (IL)
Hayes
Hostettler
Johnson (CT)
Johnston
Moakley
Nadler
Radanovich
Rose
Stark
Stokes
Studds
Tate
Waters

□ 1847

Messrs. BISHOP, PORTER, HOBSON, GRAHAM, SAXTON, MCDERMOTT, EMERSON, and RIGGS changed their vote from ''aye'' to ''no.''

Mr. SABO, and Ms. MCKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 14 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTIERREZ: Amend section 505 to read as follows (and conform the table of contents accordingly):

SEC. 505. REQUIRING CONGRESSIONAL REVIEW OF WORLDWIDE LEVELS EVERY 5 YEARS.

Section 201 (8 U.S.C. 1151) is further amended by adding at the end the following new subsection:

''(g) REQUIREMENT FOR PERIODIC REVIEW OF WORLDWIDE LEVELS.—The Committees on the Judiciary of the House of Representatives and of the Senate shall undertake during fiscal year 2004 (and each fifth fiscal year thereafter) a thorough review of the appropriate worldwide levels of immigration to be provided under this section during the 5-fiscal-year period beginning with the second subsequent fiscal year.''.

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

The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

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

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] will control 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. GUTIERREZ].

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

Mr. Chairman, the Brownback-Gutierrez amendment deletes the new Immigration and Nationality Act sections 201(g)(2) and 201(g)(3).

This is a rather simple amendment that would preserve a very simple idea. America's immigration policy should continue to allow families to be reunited with their loved ones.

At first glance, the section of the bill we seek to delete might appear to do nothing more than require a periodic congressional review of the numerical limits placed on immigration. Unfortunately, this is not the case. The bill actually requires specific legislation reauthorization as early as the year 2004 for our Nation to continue to allow any family-based and employment-based immigration.

Let me be clear. This Congress will have to pass a specific legislative reauthorization in the year 2004 if our Nation is to allow any family-based or employment-based immigration.

Reuniting with family members accounts for 60 percent of all legal immigration to the United States, and this bill puts that type of critical legal immigration in danger.

The bill says that without congressional action, brothers and sisters, parents and children, husbands and wives will be prevented from reuniting in the United States. In effect, this bill creates a sunset provision on the most important and positive reason people come to the United States. It creates a sunset provision on our basic and fundamental commitment to any immigration policy at all.

Well, I do not want this Congress to allow the Sun to set on our Nation's desire to offer opportunity to newcomers from throughout the world. I do not want the Sun to set on our Nation's commitment to serving as a source of hope and for those who desire to work and contribute to make America a better, stronger nation. I do not want the Sun to set on America's commitment to one of the most basic family values, allowing immigrants to reunite with the people they love.

Yet, this is precisely what the proponents of this bill are suggesting. Passage of this bill with this provision would be a huge victory for extremists whose only interest in immigration is ending it forever.

But do not take my word for it. The Wall Street Journal wrote on their editorial page last week that the sunset clause would ''stop all job-based legal immigration and provide a powerful lever to immigration restrictionists after the turn of the century.''

The bipartisan Brownback-Gutierrez amendment is our opportunity to take away that powerful lever from those who would like to completely abandon our Nation's commitment to legal immigration. I urge my colleagues not to be swayed by the argument that reauthorizing this bill is just a formality, that it is really no big deal. The history of the U.S. Congress clearly shows that immigration legislation is never a formality. It is always a big deal.

Mr. Chairman, the author of this legislation has said over and over again that this represents only the third time this century that Congress has dealt with an immigration bill of this magnitude. I believe the gentleman from Texas [Mr. SMITH] recognized the facts and he does not oppose this amendment, which I appreciate very much.

So we should all realize that reauthorization, which will decide whether mothers are reunited with sons, will not come easily unless we correct this potential problem today.

The sunset provision is a silver bullet that is aimed at every heart of our commitment to immigrants. By passing this amendment, we can unload that silver bullet.

To use the language that so many of my friends on the other side of the aisle are using, we can truly take a stand for family values. We send a clear signal that we value keeping family members united and together, that we value a policy of fairness for every person who wants to come to our country legally, to be with family they love and care about, that we value the history and character of our Nation and that the United States values inclusion and understanding and opportunity, rather than exclusion, blame, and fear.

If my colleagues value these ideas, I urge them to join us in supporting this amendment today.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me. I want to commend the gentleman from Illinois, [Mr. GUTIERREZ] and the gentleman from Kansas [Mr. BROWNBACK] for being so diligent and looking at the specifics of this bill and determining that this egregious provision had been retained that would sunset the quotas and all of the priorities that were set for the family reunification principle.

The families that are being permitted to enter under these various privileges are extremely limited already. The siblings are not going to be permitted to come in, and adult children are not going to be able to come in. In many cases, parents are not going to be able to come in. But under the limitations which this bill provides, what has happened under the legislation is that, after a certain period of time, the provisions will sunset.

Now, if we have any questions as to the interpretation of this section, I would like to call our attention to the Congressional Research Service opinion dated February 28 in which it says under the sunset provisions of section 504, categories of aliens who are subject to worldwide levels of admission under section 201 of the Immigration Act could be admitted after fiscal year 2005 only to the extent set by future law.

That is the difficulty. What if the Congress did not pass a law? As the gentleman from Illinois [Mr. GUTIERREZ] said, what if there was a filibuster in the Senate that prevented this legislation from being authorized? What would happen is that our families that were waiting for these loved ones to come in would not be permitted. It would have the effect of a moratorium on immigration.

So I commend my colleague for offering this amendment and urge that this House adopt it. I understand that the majority will accept this amendment.

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

I would like to respond to the concerns of my colleagues that have been expressed about the provision of the bill that has the legal immigration provisions sunsetting in the year 2006 and explain to my colleagues the reason for having this provision in the bill. It was put in there at the recommendation of the Subcommittee on Immigration and Claims simply because we wanted to force Congress to address the very complex subject of immigration on a regular basis.

There was no nefarious plot here involved in trying to sunset the legal immigration numbers. In fact, I am on record numerous times as being opposed to a moratorium. So I hope my friend will realize that, although he suggested I was endorsing a moratorium, I have never done such, nor is that the purpose of this provision of the bill. Once again, the motive is very good, and I have agreed to this amendment to try to avoid any misinterpretation or misconstruction of the original provision.

Mr. Chairman, the motive again was to force Congress to do something that it has never really done before, and that is take a look at our immigration policy on a regular basis. We have found so often in the past that by not forcing Congress to address this subject, our immigration policies oftentimes have developed in ways unexpected. And we certainly hope that will not be the case here.

I might say also I hope we will not come to regret that this amendment passes and 7 or 10 years down the road want to address immigration but not have any mandate to do so.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FOLEY].

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Mr. FOLEY. Mr. Chairman, I appreciate the chairman of the subcommittee yielding me this time for a colloquy.

Mr. Chairman, this bill authorizes an increase in Border Patrol agents by 1,000 agents each year from 1996 through the year 2000. Yet, the report language requires the deployment of these new agents at sectors along the borders of the United States in proportion to the number of illegal border crossings. Therefore, I am concerned that some States which are not officially designated as border States, such as Florida, will be overlooked when the INS distributes the new agents.

Earlier this year, the INS temporarily deployed eight Border Patrol agents from Florida to the Southwest border. Border Patrol agents in Florida have gradually diminished from 85 agents a few years ago to just 41 agents today. In my home district, the Palm Beach Border Patrol office has just three agents and one supervisor who are responsible for covering eight counties and 120 miles of coastline. These are not enough resources to effectively protect our shores from illegal immigration. Florida experienced an estimated 52-percent increase in Border Patrol apprehensions from 1994 to 1995. One in nine of our Nation's illegal immigrants now reside in Florida and could be as high as 450,000.

These alarming statistics clearly demonstrate the critical need for a strong Border Patrol force in Florida. While I support a strong Border Patrol force for the entire Nation, it seems that the unique illegal immigration problems facing Florida has not been fairly recognized by the INS. Therefore, I would seek the support of the gentleman from Texas [Mr. SMITH] on this issue during conference and the appropriations process to ensure that in the distribution of the new agents, States such as Florida will receive their fair share.

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Florida for expressing these concerns. It is clearly not the intent of this bill to preclude new Border Patrol agents from serving in coastal States with a high incidence of illegal entry into the United States. I recognize the serious nature of the illegal immigration problems facing Florida and the importance of maintaining a strong Border Patrol presence in that State. I can assure the gentleman that I will be supportive of his efforts to prevent a further degradation of Florida's Border Patrol.

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

Mr. GUTIERREZ. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR], chairman of the Hispanic Congressional Caucus.

Mr. PASTOR. Mr. Chairman, I also want to congratulate the gentleman from Illinois [Mr. GUTIERREZ] for giving us this amendment. Even though

we heard that the motive is very simplistic and does not mean to cause any problems, the so-called sunset provision is still troubling. We heard the chairman, and the majority will contend that this provision merely amends section 201 of the Immigration and Nationality Act to require periodic congressional review of the numerical limits placed on immigration. In reality, according to the Congressional Research Service, this so-called sunset provision will end all family and business preference immigration, all diversity immigration and all humanitarian visas into the United States after the fiscal year 2004, the year the bill designates as the first period of review.

This provision is nothing more than a backdoor attempt to have a moratorium on immigration, and, therefore, I ask that my colleagues support the Gutierrez amendment.

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

I simply want to end by saying I want to thank the chairman, the gentleman from Texas, Mr. LAMAR SMITH, for his support of this amendment, and I want to apologize for any inference that I might have made with the probably bungling of the reading of my statement, because that is the only way I can come to that conclusion that I might have stated in any way, shape or form that it was his intent to have a moratorium. I do not believe that, and so I probably just misread something into the RECORD.

But, fortunately, we sent a copy up there that I am sure will clarify what I really meant to say, and I apologize to the gentleman and thank him for his support on what I think is a very important amendment.

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

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

I have to tell my colleagues how much I appreciate the gentleman from Illinois' generous comments, and I certainly understand what he was saying, and, as he just suggested, the intent here was never to end legal immigration. It was just to force Congress to do its job and regularly review our immigration numbers. And I do appreciate the gentleman from Illinois making his statement clear and appreciate his being so open and honest about the whole subject.

Mr. Chairman, let me also commend the gentleman for his amendment and for rectifying the situation that none of us anticipated, but at least we are doing the right thing.

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

Mr. UNDERWOOD. Mr. Chairman, I rise today in support of the Chrysler-Berman-Brownback amendment to H.R. 2202.

In its current form, H.R. 2202 dramatically reduces family-related immigration. About three-fourths of the bill's reductions in the number of legal immigrants come in the family-related category. It eliminates the current preference category for brothers and sisters of U.S. citizens. The bill limits the number of adult children immigrants admitted to include only those who are financially dependent upon their parents, unmarried, and between the ages of 21 and 25. It also allows parents of citizens to be admitted only if the health insurance is prepaid by the sponsor.

What practical effect will these provisions have on law-abiding Americans who want to reunite with members of their immediate nuclear family? According to this legislation, virtually no American would be able to sponsor their parents, adult children, or brothers and sisters for immigration. If your only son or daughter turns 21 then he or she ceases to be a part of your ''nuclear'' family and would never be able to immigrate once he or she turns 26. If you have a brother or sister, they're not part of your nuclear family either. And if you cannot afford the type of health and nursing home care required in the bill then your mother and father are not part of your nuclear family either.

While the Chrysler-Berman-Brownback amendment would strike these provisions, I would point out that there is one area which it does not cover. Unfortunately, this amendment does not deal with the so-called 200-percent rule. Another title of the bill requires that an individual sponsoring an immigrant must earn more than 200 percent of the poverty line. This provision effectively means that about 46 percent of all Americans cannot sponsor a relative to enter the United States. The message this sends to all Americans is that in the future we will continue to be a nation of immigrants, but only rich immigrants.

On Guam, we put a high premium on the role of families, which includes mothers, fathers, sons, daughters, and brothers. In our community, supporting families means helping them stay together. That's what we consider family values.

If this bill becomes law, it will have a definite practical effect on may families, particularly those of Filipino descent, on Guam. It will prevent many of them from reuniting with their brothers or sisters, even though in some cases they have waited for upwards of 10 to 15 years. Furthermore, it will shut out all future family reunification, even in categories that were not eliminated, for many immigrants on Guam because they do not earn over 200 percent of the poverty line or cannot afford to pay for their parents' health insurance.

In each of the cases of sponsoring families, you are talking about people who have played by the rules. They have worked through the system and petitioned to be reunited with their nuclear family. They have waited patiently. Now we will turn our backs on them.

These proposed restrictions and eliminations of entire categories is unwarranted and unnecessary. The Chrysler-Berman-Brownback amendment would strike the restrictions and restore the current system which supports family-based reunification.

I urge my colleagues to vote in favor of the Chrysler-Berman-Brownback amendment to restore the family categories and reject these arcane provisions. While I regret that it does not cover the 200-percent rule, I believe that its passage will make the bill better than what we have in the current bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. GUTIERREZ].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. KIM

Mr. KIM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KIM: In section 512(a), in the matter proposed to be inserted—

(1) in paragraph (1), strike ''and (3)'' and insert ''through (4)'',

(2) in paragraph (3), strike the closing quotation marks and period that follows at the end of subparagraph (D)(iv), and

(3) add at the end the following:

''(4) OTHER SONS AND DAUGHTERS OF CITIZENS.—Immigrants who are the sons or daughters (other than qualifying adult sons or daughters described in paragraph (3)(C)) of citizens of the United States, who had classification petitions filed on their behalf under section 203(a) as a son or daughter of a citizen before March 13, 1996, and who at any time was not unlawfully present in the United States shall be allocated visas in a number not to exceed the number of visas not required for the classes specified in paragraphs (1) through (3), plus a number equal to the number by which the maximum number of visas that may be made available for the fiscal year under subsection (b) exceeds the number of visas that will be allotted under such subsection for such year.

''(5) BROTHERS AND SISTERS OF CITIZENS.—Immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, who had classification petitions filed on their behalf under section 203(a) as a brother or sister of such a citizen before March 13, 1996, and who at any time was not unlawfully present in the United States shall be allocated visas in a number not to exceed the number of visas not required for the classes specified in paragraphs (1) through (4), plus a number equal to—

''(A) the number by which the maximum number of visas that may be made available for the fiscal year under subsection (b) exceeds the number of visas that will be allotted under such subsection for such year, reduced by

''(B) any portion of such excess that was used for visas under paragraph (4) for the fiscal year.

Amend section 519(b)(1)(A) to read as follows:

(A) in subsection (a)(1)(A)(i), by striking ''paragraph (1), (3), or (4)'' and inserting ''paragraph (2), (3), (4), or (5)'';

Strike section 555 (and conform the table of contents accordingly).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. KIM] and a Member opposed will each be recognized for 5 minutes.

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

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

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

As a legal immigrant myself, I believe it is important to recognize the difference between legal and illegal immigration. My compliance with the law and subsequent naturalization has instilled in me a sense of pride and responsibility. I am sure that these same

feelings are shared by all legal immigrants who come to the United States in search of American dreams and a better life for their families.

The close ties between family members provide a sense of family responsibility and unity, something many in this country appear to have forgotten. This is why I strongly support this bill's basic principle of family reunification. However, I believe it is unfortunate that, in the rush to reform our immigration system, we have overlooked a key part of that basic premise.

As currently written, the bill eliminates immigration by adult sons and daughters and brothers and sisters. I am concerned by the arbitrary determinations being made about which family member is more important than the other member. They are based on age alone.

According to the bill, someone's 20-year-old son is considered their son, but once he turn 21, he is no longer their son unless he is unmarried. Then he is their son, all right, but until, only until, he turns 26. Let me try this again. It is no longer their son when he is over 21. He is no longer their son if he is married and over 21, but under 26. Does it make sense to anyone? I do not think so.

Why are we punishing marriage? Is that not the core of family values? This really arbitrarily makes absolutely no sense, and I simply do not understand why the age or relationship between family members makes any differences as to their importance to the family. As far as I know, families last a lifetime.

My amendment is a compromise effort to fix this oversight. The amendment makes sons and daughters and siblings who have filed the petitions before March 13, 1996, qualified. It is a grandfather amendment giving those legal immigrants currently in the line a chance to be reunited with their families. How? They would be eligible to use any unused family- or employment-based visas on an annual basis.

It does not raise immigration numbers. It simply allows sons and daughters and siblings the chance to immigrate on the space-available basis using any leftover quotas.

Let me repeat again: It does not raise immigration numbers. It does not jeopardize the overall bill or any priorities. These individuals have followed our immigration laws impatiently waiting for many, many years.

These honest immigrants deserve a chance to be with their families. Some have already made financial and personal arrangements by putting their homes on the market and preparing for resettling in America. Otherwise, we slam the door in the face of this law-abiding immigrant. This retroactive denial is unfair, downright un-American.

My amendment is a responsible way to fix this injustice. Remember, it only applies on a space-available basis, using any leftover quotas.

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

Mrs. MINK of Hawaii. Mr. Chairman, I claim the 5-minutes allocated under the rule.

The CHAIRMAN. Is the gentlewoman opposed to the amendment?

Mrs. MINK of Hawaii. Yes, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentlewoman from Hawaii [Mrs. MINK] for 5 minutes.

Mrs. MINK of Hawaii. Mr. Chairman, I rise to make my comments at this point. I want to commend the gentleman from California [Mr. KIM] for his amendment, for being able to present it, and to have been accorded the opportunity to offer the amendment is a point of great distinction.

What his amendment does is to recognize that H.R. 2202 contains provisions which totally categorically eliminate family preferences for adult children and siblings, and that is a very, very unthinking, and cruel amendment repealing the opportunities of family reunification which have been part of the law for the last 30 years.

It is not enough to say children under the age of 21 may come in accompanied with parents or the spouses may come in or parents under certain circumstances. The family context is the wider family which includes all children. The fact that they are over 21 or married or have other kinds of circumstances does not indicate that they are no longer part of the family.

If we are going to preserve the idea of family reunification, which the bill attempts to do, the sacrifice of adult children and siblings, is a very, very cruel elimination from this bill.

So what our colleague from California, Mr. KIM, has done is to grandfather all applications which have been filed over the years, because as he indicated, there are some people that have been waiting over 10 years to fit into the categorical limitations for adult children, unmarried or married, or the sibling category. Some of them have waited in my district well over 15 years, and now they are panicking, and calling, and writing letters and saying they have read in the newspapers that we are about to eliminate this category, and they have been waiting patiently for their numbers to be called. Some of them probably will have their numbers called as early as next year, and yet, if this bill passes, they will have completely lost that opportunity to be reunited with their families in America. I think that that is a very, very cruel blow.

What the gentleman from California [Mr. KIM] has done is to indicate that we should grandfather these categories of people who have applied by March of 1996 and use space-available vacancies that may come along on an annual basis and allow these family members to come in.

The cruelty of this provision however, I need to point out, is that the likelihood of any vacancies and space becoming available are unlikely for maybe another decade or two. There will not be any excess numbers that can be allocated to this category.

So, while the concept and the compassion that is contained in the Kim amendment is worthwhile, I am taking the floor to say that it does not correct the basic exclusions that have been made to this legislation.

I do not believe that we can stand on the floor of the Congress and comment about family reunification, and now important the family is, and how allowing the people who become new Americans to bring their families into the United States is an important step integrating and moving them forward toward their full responsibilities as Americans. To deny them the opportunity to reunify their family puts us back to the period when many Asians were not even permitted to come into this country because of the 1924 Exclusion Act, which was only repealed in 1965. Until 1965 Persons from the Asia Pacific perimeter were refused entry and again under this bill will not be able to bring their families. They have been waiting for so many years to bring their families in, and this Congress is going to exclude them again.

The rule did not permit us to offer specific amendments to this issue. This is the only opportunity to address these very, very important and egregious actions which have been taken in H.R. 2202. I cannot support H.R. 2202 because of what it does to families.

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Mr. KIM. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have always supported strengthening families and fair treatment for legal immigrants. Many people have waited for years to be reunited with their families,while others have blatantly disregarded U.S. policy and flooded our Nation with illegal immigrants.

We must not place more restrictions on those who await reunification with their families. We must not go back on our promise to reunite the families of these law-abiding United States citizens with their parents, their children, brothers, and sisters who have waited for this day.

Mr. Chairman, in support of the integrity of our Nation, of controlling illegal immigration, and encouraging the use of correct procedures for legal immigration, I strongly strongly support the Kim amendment, and hope that my colleagues will do so as well.

Mr. KIM. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. BECERRA].

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

Mr. Chairman, I have a question. In his amendment, there is also a line at

the very end of his amendment which strikes a provision that we have put in in committee and I have fought for to make sure people who can no longer sponsor an immigrant get reimbursed the fee they paid. If they cannot get the service, they should be reimbursed the fee they paid. That is now taken out of the bill in the amendment.

I was wondering if the gentleman knew that.

The CHAIRMAN. All time has expired.

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 16 printed in part 2 of the House Report 104–483.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA

Mr. CANADY of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CANADY of Florida: Amend subsection (c) of section 514 to read as follows:

(c) ESTABLISHING JOB OFFER AND ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS.—Paragraph (2) of section 203(c) (8 U.S.C. 1153(c)) is amended to read as follows:

''(2) REQUIREMENTS OF JOB OFFER AND EDUCATION OR SKILLED WORKER AND ENGLISH LANGUAGE PROFICIENCY.—An alien is not eligible for a visa under this subsection unless the alien—

''(A) has a job offer in the United States which has been verified;

''(B) has at least a high school education or its equivalent;

''(C) has at least 2 years of work experience in an occupation which requires at least 2 years of training; and

''(D) demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

Redesignate section 519 as section 520 and insert after section 518 the following new section (and conform the table of contents, and cross-references to section 519, accordingly):

SEC. 519. STANDARDS FOR ENGLISH LANGUAGE PROFICIENCY FOR MOST IMMIGRANTS.

Section 203 (8 U.S.C. 1153), as amended by section 524(a), is amended by adding at the end the following new subsection:

''(i) ENGLISH LANGUAGE PROFICIENCY STANDARDS.—(1) For purposes of this section, the levels of English language speaking and reading ability specified in this subsection are as follows:

''(A) The ability to speak English at a level required, without a dictionary, to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, such as current events, work, family, and personal history, and to have a basic understanding of most conversations on nontechnical subjects, as shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States.

''(B) The ability to read English at a level required to understand simple prose in a form equivalent to typescript or printing on subjects familiar to most general readers, and, with a dictionary, the general sense of routine business letters, and articles in newspapers and magazines directed to the general reader.

''(2) The levels of ability described in paragraph (1) shall be shown by an appropriate score on the standardized test of English-speaking ability most commonly used by private firms doing business in the United States. Determinations of the tests required and the computing of the appropriate score on each such test are within the sole discretion of the Secretary of Education, and are not subject to further administrative or judicial review.

''(3) The level of English language speaking and reading ability specified under this subsection shall not apply to family members accompanying, or following to join, an immigrant under subsection (e).''.

Amend paragraph (3) of section 513(a) to read as follows:

(3) by adding at the end the following new paragraphs:

''(8) NOT COUNTING WORK EXPERIENCE AS AN UNAUTHORIZED ALIEN.—For purposes of this subsection, work experience obtained in employment in the United States with respect to which the alien was an unauthorized alien (as defined in section 274A(h)(3)) shall not be taken into account.

''(9) ENGLISH LANGUAGE PROFICIENCY REQUIREMENT.—An alien is not eligible for an immigrant visa number under this subsection unless the alien demonstrates the ability to speak and to read the English language at an appropriate level specified under subsection (i).''.

In section 553(b)—

(1) in paragraph (1), strike ''paragraph (2)'' and insert ''paragraphs (2) and (3)'', and

(2) redesignate paragraph (3) and paragraph (4), and

(3) insert after paragraph (2) the following new paragraph:

(3) In determining the order of issuance of visa numbers under this section, if an immigrant demonstrates the ability to speak and to read the English language at appropriate levels specified under section 203(i) of the Immigration and Nationality Act (as added by section 519), the immigrant's priority date shall be advanced to 180 days before the priority date otherwise established.

The CHAIRMAN. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would establish an English language proficiency requirement for immigrants arriving in the United States under the Diversity Immigrant Program and the Employment-Based Classification. Under the amendment, proficiency in English would be determined by a standardized test established by the Secretary of Education.

The amendment would also establish a preference for backlogged spouses and children of lawful permanent resident aliens who demonstrate English language proficiency. Such immigrants would have their priority date advanced by 180 days.

This amendment would be an important addition to the underlying legislation. It is our common language that brings us together as a nation. As de Toqueville said, ''The tie of language is perhaps the strongest and most durable that can unite mankind.''

There is a substantial body of empirical evidence to support the proposition that there is a direct correlation between an individual's ability to speak English in America and that person's economic fortunes.

The 1990 census found that nearly 14 million Americans did not have a high level of proficiency in the English language, more than two-thirds of them immigrants.

A study conducted by Richard Vedder and Lowell Gallaway of Ohio University concludes that if immigrant knowledge of English were raised to that of the native born population, their income levels would have increased by over $63 billion a year.

In April of 1994, the Texas Office of Immigration and Refugee Affairs published a study of Southeast Asian refugees in Texas which demonstrated that among that population, individuals proficient in English earned over 20 times the annual income of those who did not speak English.

Another study which focused on Hispanic men concluded that those men who did not have English proficiency suffered up to a 20 percent loss of earnings compared with those who were English proficient.

In addition, Mr. Chairman, there are substantial costs incurred by government at all levels in providing services in languages other than English. For example, the Office of Legislative Research of the Connecticut General Assembly was able to identify over $3 million of State funds spent on providing services in a language other than English—and this amount does not include expenditures for bilingual instruction in schools.

My amendment is targeted at bringing in legal immigrants to our society who will arrive with the most important skill necessary to succeed in America—command of the English language. By focusing on the Diversity Immigrant Program and Employment-Based Classification visas, the amendment would require that immigrants fully capable of becoming proficient in English do so before coming to the United States.

The amendment also will provide an incentive to those backlogged spouses and children of lawful permanent resident aliens who demonstrate English language proficiency. We should encourage all immigrants who come to America to speak English. With my amendment, we will provide a tangible benefit to potential immigrants who can speak English—and who sometimes wait up to 10 years to enter this country—by modestly advancing them on the waiting list.

Support for an amendment of this kind cuts across the ideological spectrum of the immigration debate. Ben J. Wattenberg, a Democrat and a distinguished demographer and commentor, has written and spoke extensively in support of increasing the levels of legal immigration to the United States. In a February 1, 1993 article in National

Review, Mr. Wattenberg wrote that, ''We would do well to add English language proficiency * * *'' to our immigration laws.

Similarly, Peter Brimelow, author of the well-known book on U.S. immigration policy Alien Nation and a strong proponent of decreasing legal immigration, makes the point that an English language requirement for potential immigrants would make Americanization easier.

I suggest that when Ben Wattenberg and Peter Brimelow agree on anything having to do with immigration policy, we should pay attention. My amendment takes the important contributions to the immigration debate of these two experts and incorporates them into a fair and workable provision that will enhance our immigration laws.

Critics of requiring English language proficiency for certain immigrants or giving any advantage for English language skills argue that we might pass over the best and the brightest the world has to offer simply because they lack English skills.

In my view, it does little good for a person to be the best and the brightest if it is impossible for that person to impart knowledge in our society because of inability to communicate in our society. It is virtually impossible to think of a situation where a highly skilled immigrant, for which the employment-based classification is designed, would not have English skills or be capable of acquiring them before coming to the United States.

Mr. Chairman, we all know intuitively that to succeed in the United States, one must have a command of the English language. Our immigration policy should support this goal. Unfortunately, current immigration laws do not take this into account.

By establishing an English language proficiency requirement for immigrants who are fully capable of learning the language and providing an incentive to learn English for people waiting to be admitted, we will help ensure that immigrants are better equipped to succeed in America.

Mr. Chairman, although this amendment does not address this problem across-the-board, I believe that the amendment makes a big step in moving us in the right direction.

Mr. Chairman, I know we all share the goal of speeding the success of immigrants in our society. My amendment is an important contribution to that goal, and I urge Members to support the amendment.

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

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

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 15 minutes.

Mr. BECERRA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is an important issue. It really is connected to a debate that we have been having in various other committees having to do with the establishment of English as the official language. I think this amendment probably is an attendant idea connected to that proposition.

The amendment to add an English-speaking requirement to the existing requirements for the diversity immigrant program and the employment-based program I believe is diametrically opposite to the original intent of these programs. It serves no real purpose except to pander to this wave of antiimmigrant foreigners coming to the United States, and one of the criteria that this amendment is seeking to attach to this kind of notion is if the person is not fluent in the English language.

Mr. Chairman, let me tell the Members that the specific intent of the diversity immigrant program is to expand the ability of people in underrepresented countries of origin to have the opportunity to come to the United States, not only English-speaking people but everyone throughout the world. Those that are not represented in sufficient categories coming to the United States have special opportunities through this lottery system to apply and to have the opportunity to qualify for admission.

Mr. Chairman, each year 55,000 of these persons are selected through the lottery system. They have to meet educational criteria in order to qualify. When they come in, they may also be accompanied by spouse and minor children. Mr. Chairman, the intent is to diversify the people that are coming into this country, both under the work employment classification category and also in the diversity category.

When we impose upon this idea of opening up opportunities to people of other countries than those that have applications and visas, to increase the diversity of our visa admittees to other places in Asia, other places in Latin America and Africa and so forth. When we impose this English-speaking requirement, we are eliminating wide sectors of individuals who would otherwise qualify, and render a nullity the basic concepts of diversity.

Diversity by definition means that you do not set exclusionary criteria. You want a diverse group of people coming to the United States that are sufficiently educated so they can come in, find jobs, and be well integrated, but no necessarily fluent in English as indicated in this amendment.

Mr. Chairman, to the same extent that the English-speaking requirement will impinge upon the diversity program, it also will have a very detrimental effect on the employment-based classification, extremely counterproductive to what was intended: to bring in people who are uniquely qualified in the medical, scientific, technological categories.

There are people that have come and testified and sent letters to us suggesting that this is a terrible amendment, because the kinds of people who have particular technological skills or have special competencies, may not meet the English-speaking requirement.

Mr. Chairman, I would hope that Members think seriously about the rationale of adding this kind of burdensome requirement to this special category of diversity and employment based admissions and I hope that we will defeat this amendment.

If the concern is the ability of these people to become readily integrated and become a major part of the communities, we have all sorts of ways in which this highly educated group of people can become competent once they get here, learn English, and participate as citizens in our society. Therefore, Mr. Chairman, I would hope that under all of these considerations, that this amendment will be defeated.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Arkansas [Mr. HUTCHINSON].

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

Mr. Chairman, I rise in strong support of this amendment that would establish an English-language proficiency requirement for immigrants arriving in the United States under the diversity immigrant program and under the employment-based classification.

These are people who are coming here with the stated purpose of working here, living here, being permanent residents here, and hopefully, eventually becoming citizens of the United States of America. There are a whole host of other immigration programs in which people come in on a different basis and which this amendment would not involve at all, but these are people who live here permanently.

Mr. Chairman, I believe that it is our common language, English, that unites us and brings us together as a nation. Proficiency in English is the civic responsibility of all U.S. citizens, as well as those individuals residing in this country while seeking citizenship. Being proficient in English is an indispensable part of educational, social, and professional assimilation into our society and into our culture.

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It is clear that we have an increasing number of immigrants entering our country, entering our society, who are not proficient in the English language. In my district in northwest Arkansas, in one school district, the Rogers school district, in the last 4 years the English as a second language program has increased from 80 students in the 1991–92 school year to 760 students this year. That is a ninefold increase in 4 years. That is just one evidence, and I think that story can be repeated over and over again across our country and throughout our society, that we have this great increase of those coming

into our country not proficient in the English language.

The Canady amendment does not solve all of those problems, but it is a start. It is narrow, it is targeted, it is modest, but it is a step, and it addresses the issue of speeding the success of immigrants in our society, a goal, I believe, that we all share.

By requiring immigrants arriving in the United States under certain programs to demonstrate a firm command of the English language, we recognize English, our common language, as part of the glue, as a component of the bond that brings us together as a people, as a society, and as a culture.

I believe that anyone who truly desires that we have immigrants in our society who are better equipped to assimilate and thrive in America, those Members of this body who want to speed the success of those coming into our society, making contributions to it, will support the Canady amendment.

Mr. BECERRA. Mr. Chairman, I yield 3 minutes to the gentleman from Guam [Mr. UNDERWOOD].

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

Mr. Chairman, I rise in strong opposition to the Canady amendment, which would give preference to those immigrants who have proficiency in English, in effect the English-only immigrant. There is no disguising the fact that this is connected to a number of issues relating to language and language policy in this country.

I was particularly struck in that context by the remarks of the previous speaker that this amendment is circumscribed in its application and that it is a start. That is the dangerous part. If we are going to start having this kind of a policy for a very limited group, but we frame it in the discussion of language policy for the country and we talk about it as just being the start, well, one wonders what is remaining.

This amendment is a prime example of all the contradictions in this immigration reform bill. Earlier we were told that this bill would make it easier for spouses and children to be reunited even though the number of visas are going to be slashed by 240,000. Then in the Kim amendment we are told that adult children and siblings of legal immigrants may be eligible for unused visas in other categories, such as employment-based visas, even though very few could qualify under the strict employment-based criteria. It was an amendment meant to go nowhere.

Now we are told that every child, or even if a child or sibling could do all that, we find in the Canady amendment a new hurdle, one that is weighted clearly in favor of European immigrants at the expense of Latin American countries, Asian countries, African countries, where there are other vibrant and equally intelligent languages at work. We all know what the practical effect of this amendment will be on the diversity program.

When the last major attempt at immigration reform in the 1920's moved away from ethnically and racially based immigration reform, we were all happy and we all endorsed that. However, this particular amendment is in effect a backdoor attempt that introduces an ethnic element into the discussion of immigration policy.

We all know what the underlying motive is for English requirement proposals, and it clearly is not economic. You want immigrants that sound like you because chances are they are going to look like you, too. If you want to separate families, let us have a straight-up vote on that. If you want to favor certain European countries, let us have a straight-up vote on that. But let us stop claiming to be pro-family and nondiscriminatory in these proposals.

Mr. CANADY of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. I thank the gentleman for yielding me the time.

Mr. Chairman, this issue of the English language has become more and more pronounced in our country in the last number of years, but basically it has always been an issue ever since the founding of this country. The wonderful blessing that we have had is that we Americans are people from every corner of the globe, every religious, every ethnic, every linguistic background, but we are one Nation and one people. Why? Because we have had a wonderful commonality, a common glue. What? It is called the English language.

We are losing that today to a large degree. One out of every seven Americans does not speak English. Basically, as I interpret this amendment, what this amendment is saying is this: That we are giving immigrants an incentive to learn the English language. That is not only helping our country keep it one Nation, one people, but it is also helping the immigrants that are coming to our shores.

How can a person climb the ladder of opportunity in America today, in the United States if they do not have a good foundation in the English language? All the want ads, the CONGRESSIONAL RECORD, newspapers, everything is in English.

I think by giving people an incentive to learn English when they come here, it is really helping the immigrant. It is not only helping our Nation as a whole but it is also helping the immigrant.

For 200 years when people came to these shores, they adopted English as the language. Even in our own household, in our own State, people may have spoken one language at home but when they worked with the government, when the youngsters went to schools, it was all done in English. It has been a historical tradition here in America.

Thanks be to God that it has been because we have been able to keep this Nation one country and one people. Take a look all over the world what has happened. Take a look, for example, at Quebec in our neighboring country of Canada.

Mr. Chairman, I have been involved in this because I am concerned about what is happening to America. I think that America is splitting up into groups. I do not want to see that happen. I want to keep this one Nation, one people. Woodrow Wilson in 1918 said that as long as you consider yourself a part of a group, you are not really American, because America is not a nation of groups. America is a nation of individuals.

So we want people, immigrants and others, of course, to assimilate, to become part of this country. The way we do that, one of the wonderful melting ingredients in the melting pot is the English language.

I think that this is a good amendment. It not only helps the individual but also helps our country.

I am sure that everyone in the Chamber has read ''One Nation, One Language?'' recently in U.S. News. It is becoming more and more of an issue. It talks about the people who have not assimilated, who have not adopted English, and the tough time they are having.

I think that the gentleman's amendment is a praiseworthy amendment and one that I hope the Chamber will vote for.

Mr. BECERRA. Mr. Chairman, I yield myself 1½ minutes.

It is unfortunate that more Members of this body were not able to attend or chose not to attend a recent citizenship swearing-in ceremony that was held here in the Capitol. I believe that was the first time in the history of this Nation that we had a citizenship swearing-in ceremony held here in the Capitol of this country. I am surprised to learn that, but I think that is in fact the case.

We had over 100 people from over 40 or 50 countries come to this Capitol and take the oath saying that they are committing themselves as U.S. citizens, they are relinquishing their previous citizenship, and they are binding themselves to this country. I must tell the Members that a number of those people probably still cannot communicate extremely well in English but, by God, I must tell you, you look at the faces of each and every one of those people and not a one of them would have said to you that there was a prouder American in this country at that time.

To believe that there are people in this country who are saying, ''I wish to legally emigrate and become a lawful permanent resident of this country,'' in essence saying, ''I want to permanently reside here,'' and believe that these are folks that are saying they do not wish to learn English I think is myopic. I do not believe that we can really claim that we are interested in what the Statue of Liberty has always stood for if we take that type of position.

Even more to the point, this amendment deals with those immigrants who are coming in based on employment offers from a firm in this country or those who are coming in from countries where we see smaller numbers of people emigrating, so we want to make sure that there is diversity in the pool of people that come into this country. To believe that someone who wishes to get employment and has an offer of employment is not interested in learning English, to me really seems very contradictory to what the initiative of that individual is. The diversity requirement, we want to make sure we get folks from everywhere. This amendment makes it almost impossible.

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

Mr. CANADY of Florida. Mr. Chairman, I yield myself 2 minutes.

Let me read some of the language from the bill which makes very clear that this requirement is not an onerous requirement. Here we are talking about demonstrating the ability to speak English at a level required, without a dictionary, to meet routine social demands and to engage in a generally effective manner in casual conversation about topics of general interest, and to have a basic understanding of most conversations on nontechnical subjects. Also, the ability to read English at a level required to understand simple prose in a form equivalent to typescript or printing on subjects familiar to most general readers.

This is not an onerous requirement. Also, I think it is important for us to understand that this applies only to those individuals coming in the employment-based classification and under the diversity program who will be permanent residents here. These are people who are coming to live in this country and to stay.

There are a variety of classifications under which nonimmigrant visas can be issued to people for business reasons. We have temporary visitors for business; registered nurses; alien in a special occupation; representatives of foreign information media; intracompany transferees of an international firm; aliens with extraordinary ability in sciences, art, education, business or athletics; artist or entertainer in a reciprocal exchange program; artist or entertainer in a culturally unique program; and a variety of other nonimmigrant visa categories that allow people to come in for a limited period of time for a particular purpose.

We are focusing here on people that are going to be coming to this country to stay. Furthermore, with respect to the employment-based classification, we are talking about people who start a process that in most cases is going to take a couple of years before they are ever going to get the visa to get in. I believe that from the outset of that process, if they are on notice that they need to be proficient in English, they have an opportunity before they come here to develop that skill so they can come here and become part of our society and make a contribution from the very start.

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

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

Mr. BRYANT of Texas. Mr. Chairman, I want to pose a question to the gentleman from Florida.

Is there some report or some evidence or some indication that we have a problem with immigrants in these categories coming over here and refusing to learn to speak English? Because you describe them as people who are coming here to stay. If they are coming here to stay, they better become a citizen and they cannot become a citizen unless they learn to speak English.

So what is the origin of your concern?

Mr. CANADY of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. CANADY of Florida. The evidence that we have is not broken down by specific categories, but we know that there are 14 million Americans who do not have a high level of proficiency in English.

Mr. BRYANT of Texas. Are these immigrants?

Mr. CANADY of Florida. Two-thirds of those are immigrants. That is based on the 1990 census.

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Two-thirds of those without the high level of proficiency in English are immigrants. Not all of them, but two-thirds.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, they presumably are on a track toward citizenship, and you cannot become a citizen unless you learn to speak English. My point is we have historically required of everyone who becomes a citizen English proficiency. This is the first time I have ever heard about a proposal that says you cannot come in the door unless you already speak English in these categories. There is no evidence, nobody has come forward and said this is a problem. We have had no hearings that indicated this is a problem. This is sort of out of the blue.

Mr. CANADY of Florida. If the gentleman will yield further, it is a demonstrated problem. We have 14 million people in the country, two-thirds of which are immigrants, who cannot speak the English language. We have heard evidence of school districts where the number is going up among children who need instruction in English as a second language. There is an increasing problem. Now, I do not suggest this is going to solve the whole problem, but I believe it is a step in the right direction.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, I would just point out of these people, these figures you are using of these people, they are not going to be in this category that your amendment applies to anyway, No. 1.

No. 2, the fact is, we have got no evidence indicating that there is a problem with regard to this category of immigrant. They come into the country and they immediately start trying to learn how to speak English. You probably heard the figures a moment ago, but the Department of Education reports there are 1.8 million people in this country in English as a second language classes. In New York City, 35 community colleges, 14 CBO's, community based organizations, are offering English as a second language, and there is a waiting list of 18 months. It is the same with Los Angeles, and I know it is the same situation in my own city of Dallas. It is not like the people are refusing to learn to speak the language.

I just say to the gentleman that you are just continuing to invent these things, to bring them up, and really I think this is for this purpose of raising an issue everybody is concerned about, and that is English in the country, as opposed to addressing the practical concern, because there is just no evidence that people in these categories are coming here and refusing to speak English.

They are described by the gentleman from Florida [Mr. CANADY] as the category of immigrant that comes here and plans to stay. That is true. You cannot stay unless you learn to speak English. So what is the point in making them learn to speak English before they get here?

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will yield further, obviously they can stay without learning to speak English. We have many people who do not become citizens. That is the problem.

Mr. BRYANT of Texas. Mr. Chairman, reclaiming my time, the gentleman described these people himself as people that are going to stay here if they come, because that is the nature of the immigration category. If that is the case, they have to learn to speak English.

Mr. CANADY of Florida. Mr. Chairman, if the gentleman will continue to yield, that is not true, because they do not have to become citizens. We have many people who are coming and staying, not learning English, and not becoming citizens. I do not think that is good for them or good for our country. We should be moving people into citizenship as quickly as possible.

Mr. BECERRA. If the gentleman will yield, we have to remember, we are talking about a category of immigrants, especially those under the employment-based category, that are coming here to secure jobs. These are jobs that have been offered to them by employers here in the United States. What are the chances that these are individuals who wish to never learn English, knowing that they are coming

here because a job has been offered to them? My goodness.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, to address the question my friend from Texas raised, the question I think can be asked, what harm would this amendment cause? The amendment would cause no harm. I think that we do have a problem. We do have a problem today with English. We do have a problem that our country is breaking up into linguistic groups.

I was on a call-in show in Canada, and one of the people called in and said, ''Don't you Americans realize how fortunate you are to have this one language, this commonality? Look what is happening here in Canada, where they are tearing the heart out of our country. Yet in America, you have hundreds of little Quebecs.'' I think that is clear.

Mr. BECERRA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT of Texas. Mr. Chairman, the gentleman said what harm would the amendment cause? That is not the right standard. The question is, Do we have some reason to indicate we need this?

The harm is simply this. The diversity program, in my opinion, is a bad program anyway, because it is really a scheme to let a lot of white folks into the country, because some folks do not like it if there are a lot of people coming in from Asia and the Hispanic areas of the world.

Now, that is not your amendment, that is not your fault. That was put in the bill in 1991, and the law in this bill carries it forward. This amendment that the gentleman is putting in here is going to guarantee that nobody comes in under that category, except the very nondiverse group, and that is principally folks from Ireland, folks from England, and so forth like that. I suggest to you it does not solve the problem at all. These people are going to learn to speak English as soon as they get here.

Mr. CANADY of Florida. Mr. Chairman, I yield myself 30 seconds.

The points that the gentleman has been making I believe support the position we are taking. The people that are going to be affected by this in the business classification, the employment-based classification, are the very people that will have the easiest time complying with this requirement.

The fact of the matter is, most of these people wait for a couple of years before they enter the country, and all we are saying is they should take advantage of that opportunity during that period of time that they are waiting to become proficient in the English language, to prepare them better for becoming full participants in our society from the day they arrive in this country.

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

Mr. GINGRICH. Mr. Chairman, let me just say to my colleagues, I think the gentleman from Florida [Mr. CANADY] has offered the sort of perfect minimum amendment. Here is what it basically says: It says that there ought to be an incentive to learn English by moving up the priority for people who learn English. It says that English is a language American citizens should know.

Now, I would suggest to you that America is a unique country held together in part by its culture. This is not like France or Germany or Japan. You are not born American in some genetic sense. You are not born American in some racist sense. This is an acquired pattern. English is a key part of this.

I read recently you can now take the citizenship test in a foreign language administered by a private company, so you never actually have to acquire any of the abilities to function in American civilization, and as long as you can memorize just enough to get through the test in your native language, you can then arrive. It seems to me that is exactly wrong.

The fact is we have to begin the process. Look at Quebec. Look at Belgium. Look at the Balkans in Bosnia. We are held together by our common civilization and our common culture. English is a key part of that. This is the narrowest, smallest step of saying to be an American you should at least know enough English to be able to take the test in English to be a citizen.

I would simply say to all of my colleagues, this is the first step in what is going to be a very, very important debate over the next few months. I would urge every one of my colleagues to look at the Canady amendment with the greatest of favor, because it takes the right first step and says we want you to be legal citizens. We are eager for you to come to America. We are eager for you to have your citizenship. But learn English so you can get a job and you can function in American society, and you can truly be part of the American way of life.

Mr. Chairman, I just commend the gentleman for having the courage to take this and offer it. I urge all of my colleagues to vote ''yes'' on the Canady amendment.

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

The CHAIRMAN. The gentleman from California [Mr. BECERRA] is recognized for 1 minute.

Mr. BECERRA. Mr. Chairman, if I can just say to the Members who are here and to the Speaker, who just finished with his remarks, all you have to do is go to the community colleges, the night schools for adults, the community-based organizations that are doing this at their own cost, and you will see that every night the rooms are filled with people trying to learn English. They are turning people away. There are 18-month wait lists. There are 50,000 people being told you will have to come back at a later time, because they are trying to learn English.

It so happens that this Congress chose to cut funds for English as a second language for those who are trying to learn English. Make sense out of that.

What we see is that for the first time in this Nation since 1924, we have an amendment on immigration that would give a preference to a certain group of people, and what we are doing is we are limiting, we are crunching, we are narrowing those who can come into this country. With this amendment what we are saying is we really only want those who sound like us, who can speak like us, and it is unfortunate, because for the longest time and through this diversity program that is being attacked, we are trying to make sure that we give folks from every part of the world a chance.

Unfortunately, this amendment will make it difficult. This amendment will deny the employers an opportunity to hire somebody they definitely need because of the high skill level that person brings with them, and it is unfortunate. What we see is we are turning this all around. People are starving, yearning to learn English, and here we see a Congress saying ''Yeah, you may be, but we don't believe you. We are going to stop you from ever coming into these doors to prove it.''

That I think is the wrong message to send those yearning to come to this country to provide us with their skills, their benefits, and make this a better country. That is not the history of this country. We should reject this amendment for that reason.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in opposition to the Canady amendment to require English proficiency for immigrants arriving under the diversity immigrant program and under the employment-based classification. Never before has English proficiency been required of immigrants, and it is not necessary now. Immigrants who come to this country are strongly motivated to learn English, because they know that their economic livelihood depends upon it. Immigrant parents instill in their children a pride in their native culture but they also encourage their children to learn English because as parents they know too well that their children's educational and employment opportunities will hinge on their ability to master the English language.

We have seen that there is an enormous demand for English classes. Nationwide, English-as-a-second-language classes serve 1.8 million people each year. In fact, immigrants are very motivated to learn English as they even wait on waiting lists for ESL classes.

I worry that this amendment will have a discriminatory effect as a back-door way of excluding certain groups of immigrants such as those from Spanish-speaking countries, as well as from Africa and Asian countries where the native language is not English. In 1990, Congress rejected a similar proposal that would have given preference to English-speaking immigrants in the diversity lottery because of concerns that the amendment was

designed to favor immigrants from certain parts of the world over others.

Furthermore, I believe that this amendment is not favorable to the interests of business in this country. Employment-based immigration is designed to allow businesses to bring in limited numbers of highly skilled workers. If the employer believes that a future employee has the skills to do the job, the Government should not impose additional requirements.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Canady amendment, which would require English proficiency for certain immigrants.

Americans all share a common set of ideas and values. It is the common belief that common goals rather than a common language bond us together.

To insist that a common language be a prerequisite for entry into our country is unnecessary. Immigrants realize that learning English is imperative and are not reluctant to do so. In Los Angeles, the demand for English as a second language class is so great that some schools run 24 hours a day. Current generations of immigrants are learning English more quickly than those of previous generations.

This amendment sets up a system to exclude certain groups of immigrants. It contributes to an atmosphere of intolerance for diversity. I urge my colleagues to oppose the Canady amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. CANADY].

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

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

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

The CHAIRMAN. It is now in order to consider amendment No. 17 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey: In section 521 (relating to changes in refugee annual admissions), strike subsection (a), and in subsection (c) strike ''subsections (a) and (b)'' and insert ''this section.''

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. SMITH] and a Member opposed will each control 15 minutes of debate time.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

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

Mr. Chairman, many of us are supporting numerous sections of the bill before us because it is time to crack down on illegal immigration. It is therefore ironic and I believe very unfortunate that the very deepest cuts imposed by the bill as presently written is not on illegal immigrants, it is not even on legal immigrants, but it is on refugees.

Refugees would be cut from an authorized level of 110,000 last year to 50,000 in 1998 and succeeding years, a reduction of 55 percent, compared to less than 25 percent for other legal immigrants.

Mr. Chairman, the refugee cap would be a dramatic departure from U.S. human rights policy. As chairman of the Subcommittee on International Operations and Human Rights, the committee that has prime jurisdiction over our refugee policy, and also over the budget from the authorizing level perspective, and also over human rights in general around the world, I would submit that it would be a tragedy and just plain wrong to slash refugee admissions to the United States and to depart from what is now the current law adopted back in 1980 of an annual consultation between the Congress and the executive branch to prescribe the correct number of admissions for that year.

Our first refugee laws were enacted just after World War II, when it became clear that we had effectively sentenced hundreds of Jewish refugees to death by forcing them back to Europe. The most dramatic instance was the voyage of the St. Louis, many of whose 1,000 passengers died in concentration camps after being excluded from the United States in 1939.

Let us be very clear about what we are talking about. The four largest groups of refugees admitted to the United States are all people who are in deep trouble because they share our common values about human rights and freedom: First, Jews and evangelical Christians and Ukrainian Catholics from the former Soviet Union. There has been a lot of talk about how these people are not really refugees. But my subcommittee and also the Commission on Security and Cooperation in Europe, which I also chair, has held several hearings on the resurgence of repression aimed at people of faith and people who, just because they are Jews or Christians or evangelicals, find themselves at the wrong end of their government.

Mr. Chairman, those hearings made it crystal clear that it is not the time now to stop worrying about resurgent anti-Semitism and ultra-nationalism. The communists may be back in power. We heard from Mr. Kovalev, Yeltsin's human rights leader, but sacked because of his criticisms in Chechnya. Just a couple of weeks ago, he came to our commission, he is still a member of the Duma, and he said within 6 months democracy could be lost in Russia. Recently the President of Belarus stated that modern governments had a lot to learn from Adolf Hitler.

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Second, Mr. Chairman, are old soldiers and religious refugees from places like Vietnam. These are the people who served years in reeducation camps for their pro-American and pro-democracy activities. There are many thousands of them still in the pipeline, but the proposed refugee cap would effectively require that the Vietnamese refugee program be shut down.

I have been to the camps in Southeast Asia and looked into the eyes of these people who fought with us in Vietnam. Yet, they are on line to be forcibly repatriated, minimally the cap keeps open that possibility of bringing them here or to some other country of asylum. These people are our friends and they are our former allies. They risked their lives for freedom, and Americans do not abandon those who risk their lives for freedom.

Mr. Chairman, the next largest refugee groups are victims of ethnic cleansing, in Bosnia, in the few thousand refugees again, mostly political prisoners, and persecuted Christians who we managed to get out of Cuba every year. The refugee camp would almost certainly require cuts in these groups as well.

Opponents of this amendment complain that refugees cost money. Well, everything costs some money. But again we are talking about a humanitarian pro-human rights policy that helps those who are fleeing tyranny, who have a well-founded fear of persecution. We ought not remove the welcome mat to these very important people.

Mr. Chairman, finally, this amendment is backed by a whole large number of individuals and organizations, like the United States Catholic Conference, the Council of Jewish Federations, the Lutheran Immigration and Refugee Services, the Hebrew Immigrant Aid Society, Church World Services, the U.S. Committee for Refugees, Americans for Tax Reform, the Family Research Council, and the list goes on and on. I urge support for this amendment.

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

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

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] is recognized for 15 minutes.

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

Mr. Chairman, let me say to my colleagues that I actually rise in reluctant opposition to this amendment, and my opposition is reluctant for two reasons. First of all, I know that the proponents of the amendment are well intentioned. Second, I know that we share the same goals, and that is a generous level of admission for refugees. But still, in my judgment, Congress should set the level of refugee admissions. The bill ensures that Congress, not the White House, sets refugee admission levels that are responsive to humanitarian needs and that serve the national interest.

To me this amendment in many ways is the equivalent of Congress saying

that we do not trust ourselves with the responsibility of setting those refugee admission levels and that only an administration, regardless of whether it is a Republican or Democratic administration, could handle the responsibility.

The bill also gives the President acting in consultation with Congress, though, sufficient flexibility to meet emergency humanitarian situations by admitting additional refugees. The bill sets refugee admissions at a target level of 75,000 in fiscal year 1997 and 50,000 per year thereafter. Under current law, refugee admissions are set by the President with minimal impact from Congress.

Under the bill, the target level may be exceeded either if Congress approves a higher level or if the President declares a refugee emergency. Based on administration projections of future refugee resettlement needs, the bill will not result in a reduction of refugee admissions. The administration projects that refugee admissions will be 90,000 this year, 70,000 in fiscal year 1997, and 50,000 in fiscal year 1998, which is almost exactly in line with what the bill has as its targets.

In fact, in one of those years the bill actually has 5,000 refugees more than the administration recommends. The refugee provisions in H.R. 2202 also follow recommendations of the bipartisan commission on immigration reform chaired by the late Barbara Jordan. Given the positions of the State Department and the Jordan commission, the bill reflects a consensus on the need for permanent resettlement of refugees into the United States.

Mr. Chairman, current refugee admissions consist primarily of refugees admitted through special programs operating in the former Soviet Union and in Indochina. Of the 90,000 refugees who will be admitted this year, 70,000 will come from just those two resettlement programs. Since these programs are due to phase out soon in the next couple of years, the targets contained in the bill will ensure that refugee admissions do not drop below historically generous levels.

H.R. 2202 creates a new category in immigration law that allows 10,000 visas to be granted every year to those who do not qualify for refugee status but whose admission is of a humanitarian interest to the United States. Congress should get back into the business of setting refugee admission levels. We simply cannot afford to continue to give any President unfettered discretion in determining refugee policy.

Let me conclude, Mr. Chairman, by emphasizing two points. The first is that we are not really talking about any difference in numbers. Both the bill, the commission on immigration reform, and the administration through its State Department, have all recommended the exact same levels concluding 2 years from now in a level of about 50,000. So numbers are not the issue. We all know what the numbers are going to be.

The second point is that the real question is who gets to decide. Should it be the President alone? Or should Congress have a role in determining our refugee policy? Historically, Congress has always had a role in setting immigration policy. Quite frankly, under the Refugee Act of 1980, Congress is supposed to have an equal role with the President, with the administration, in establishing refugee policy. We know that is not the case, that consultation procedures that we now go through have in effect become a situation where the administration dictates to Congress what the refugee levels will be.

So the whole point of this amendment again is to guarantee that we have generous levels of refugee admissions. In fact the commission on immigration reform said in testimony before the Subcommittee on Immigration and Claims that the reason they recommended the target of 50,000 is because they were afraid that if we did not have a target of 50,000, the levels would drop below that 50,000. For example, as I have already explained, 70 of the 80,000 refugees expected this year are in two categories that are soon to expire.

So the motive behind the bill again was to continue a generous level of refugees in accordance with the projects by the State Department and the recommendations of the Commission on Immigration Reform.

Again, the second point is that I think that Congress does have a role to play when it comes to setting refugee policy, and that is why I have to say that I reluctantly oppose this amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Mexico [Mr. SCHIFF]. He is one of the cosponsors of this amendment.

Mr. SCHIFF. Mr. Chairman, I appreciate working with the gentleman from New Jersey in putting together this amendment.

Mr. Chairman, I want to say first that even though I am offering an amendment to this bill, I want to express my personal appreciation to the gentleman from Texas [Mr. SMITH] who is the sponsor of the bill. This is the first attempt to look at our immigration laws in 10 years, and I think that it is something that is obligated to be done by the Congress.

Mr. Chairman, it is obviously something that is not easy to do. All of the Members of the House and all of the public watching us know what difficult issues and questions we have to review and resolve here in this issue, and we are here because of the leadership of the gentleman from Texas [Mr. SMITH] on this bill. I want to add also that although there is always room for legislation, there is always room to consider new laws, I have become convinced that in the area of immigration, along with numerous other areas, the real solution ultimately is enforcing the laws that are already on our books.

Mr. Chairman, I am informed that a significant percentage of those people in the country illegally at this time entered legally. They entered on student visas or tourist visas or some other legal way of entering the United States and simply would not leave when their time expired. We have such a poor system of keeping track of these individuals that basically they stay with impunity and ignore our laws, just as much as people who enter illegally in the first place. A portion of this bill would try to improve our system in terms of keeping track of these individuals. But I think that if we simply are able to more efficiently enforce laws we have, we will go a long way toward solving the immigration problems that have been identified.

Mr. Chairman, I want to speak in favor of this amendment. This amendment would eliminate the new refugee process that is placed in the bill. Currently, the refugee limits every year are set in a consultation process between the President and the Congress. The bill would change that to making the figure whatever it is set in statute, so that it could only be changed by law. Congress must pass a bill, the President must sign the bill. Otherwise, there can be no change in the figure, upward or downward, for refugees regardless of the world situation. We would have a fixed figure virtually forever.

The reason the provision is in the bill to change the refugee system is that the bill argues that the consultation process could be abused. In other words, the administration, Republican, Democrat, or Independent, could say these are the figures and we will just pretend to have consultation about it, but we are not going to change. Therefore, that is the justification for changing the process to a statute.

Mr. Chairman, there is no serious allegation that the consultation process has been abused. There is no allegation that the refugee figures set over the last number of years and then distributed among various countries was not the proper setting of the refugee figures and the allocation among the different countries which have refugee problems at this time. In other words, we are changing the law because of a hypothetical problem that could exist in the future but no one has demonstrated it has existed yet.

Mr. Chairman, in my judgment, I hope we never reach such a problem. If we do, if the consultation process is ever abused, then I would have to say we should, at that time, consider the provision in the bill. At the present time, what we are doing is stratifying the system. We are taking the refugee number, we are setting it in granite. We cannot raise it. We cannot lower it unless we actually have literally an act

of Congress, and signed by the President. I think that is too much rigidity that is unnecessary at this time and, therefore, that is why I am supporting this amendment to keep the consultation process, because I think it has worked as it is supposed to have worked in the years past.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Smith-Schiff amendment. Not too long ago, the Congress of the United States established a U.S. Commission On Immigration Reform, or CIR. It was a very distinguished panel. They have made their recommendations to the Congress. Among the more active members of that Commission was our late distinguished colleague from Texas, Ms. Barbara Jordan. I think that we should pay attention to what they recommended.

Mr. Chairman, here are the most important recommendations, and they are consistent with the legislation coming from the committee. The United States should allocate 75,000 refugee admission numbers in 1997 and 50,000 admission numbers each year thereafter to the entry of refugees from overseas not including asylum adjustments. Second, they said other than in an emergency situation, refugee admissions could exceed the 50,000 admissions level only with the direct and affirmative participation by Congress. That should occur instead of the current, and I think very ineffective, consultation process that actually works today, or does not work.

Third, in the case of the emergency, the President may authorize the admission of additional refugees upon certification on the emergency circumstances necessitating such action. The Congress may override the emergency admissions only with the two-House veto of the Presidential action. That is what the Commission has recommended. The legislation before us, if we do not amend it, implements those kind of recommendations.

Mr. Chairman, some time ago, there was a story about a very high official of the United States visiting with a very high official, the highest, of the People's Republic of China, and they were talking about Jackson-Vanik. Jackson-Vanik relates to immigration issues. The story goes that we were querying the Chinese about whether immigration was possible from their country, and they said, how many would you like? Would you like 5 million, 10 million, or 15 million Chinese a year? No problem.

Mr. Chairman, now we have a very interesting kind of process underway today where some people are trying to suggest that refugee status should follow what is alleged to be, by a person, coercive abortion practices. Now, if that happens, I want to ask my colleagues, how many refugees do you think we will have in this country from China alone or from any place else that allegedly has these kind of activities, or which has them in some parts of their society? Do we expect to have 2 million, 3 million, 4 million? What is going to be the limit of the refugees we have coming in under that kind of situation?

Mr. Chairman, I want to remind my colleagues about three very important points here. First, the provisions of this act that is before us today are consistent with the recommendations of the congressionally mandated U.S. Commission on Immigration Reform.

Second, they place Congress in control of determining U.S. refugee policy. Currently, the administration, I will say, unilaterally sets the numbers with very minimal congressional input.

Third, the legislation before us provides sufficient flexibility in the legislation to allow the administration to increase admission numbers in an emergency, which is defined, or for Congress to take action to increase the numbers in any single year.

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That is what is in the bill now. That is what the Smith-Schiff amendment eliminates.

My colleagues, I am urging that we stick with the Commission. It was a legitimate effort. It was conducted by very distinguished Americans. They made their best recommendations, and in this area I think the burden of proof should lie on those that want to reject the amendments of the Commission.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER], one of the cosponsors of the amendment.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the arguments have been made quite well. Let us make no mistake about this. First of all, let us distinguish between refugees and asylees. There has been a good deal of abuse in the asylum process. We have tried to fix that in this bill. In fact, it has been fixed almost too far, from my judgment, and that is one of my regrets about this bill.

But refugees are the people not only who have been persecuted, but who have waited on line. They have not tried to come hear illegally. They cannot claim refugee status here. They wait and wait and wait, oftentimes risking political persecution, torture and everything else until the time is for them to come hear.

So these, if there was ever a meaning to the Statute of Liberty, it is in the refugee allotment. The refugees who come are those who have a well-founded fear of persecution, are those who have waited in line a long time and are those that make the fact that we accept them, makes America the beacon that it is to citizens who cannot point to us on map, who do not know English, but around the world it brings us an aura of goodness, an aura of doing the right thing, an aura of being the hope and the last great hope of the world, as a poet said, more than anything else.

The benefits to America are beyond the benefits that so many refugees have contributed in terms of science and the arts. The benefits are that around the world we are looked up to as the best country. That is a benefit we should not throw out lightly to reduce a number by 30,000 or 40,000.

I dare say, talk to business people, and diplomats and people like that. They will say the benefits come back economically because we are so well thought of for this small amount of people that we take in.

So, while I certainly agree that immigration must be reformed, cutting back on refugees beyond what is in the present law goes way too far, and I would urge respectfully that my colleagues support the amendment that Mr. SMITH, the gentleman from New Mexico, Mr. SCHIFF, myself, and the gentleman from New York, Mr. GILMAN, have sponsored.

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

I just want to respond briefly to my friend from New York and repeat what I said awhile ago, that the bill, as it stands right now, does not cut or is not expected to cut the levels of refugees. The State Department, the Commission on Immigration Reform, and the bill all have projected levels that have virtually the same; that is, 50,000 in 2 years.

So the intent was not to cut any refugees, and in fact the Commission on Immigration Reform recommended that we have a level of 50,000 in there so that we would not go below 50,000 when the two resettlement programs now in operation expire.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

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

Mr. GILMAN. Mr. Chairman, I am pleased to rise today as a cosponsor of this worthy amendment to the Immigration in the National Interest Act. I am distressed by H.R. 2202's treatment of section 521, which would limit annual refugee admissions to 50,000 by the fiscal year 1998.

Most of my colleagues will recall that the gentleman from New Jersey [Mr. SMITH] recently held a hearing on the persecution of Jews worldwide. That testimony vividly demonstrated that anti-Semitism is still rampant in the former Soviet Union. It is expected to get much worse with the rise of reactionary forces throughout the republics. Attacks on synagogues and grave sites are on the rise again. Men and women have been beaten by gangs and skinheads.

In just as ominous a sign is the Russian Duma voting overwhelmingly to condemn the 1991 decision to break up the Soviet Union.

We all know the public policy cannot be altered quickly enough to meet the challenges in the suddenly changing world. What would opponents of this amendment suggest if a new regime in Moscow sanctions discrimination against its minorities, that we ask Russia's new leaders to wait until we repeal our refugee ceiling before they persecute Jews or evangelical Christians or other minorities.

Mr. Chairman, if we had a refugee policy that was engineered to meet the needs of persecuted peoples in 1939, there would not have been the tragic ending of the voyage of the *St. Louis*, where hundreds of Jewish passengers died in concentration camps after they were excluded from entering the United States.

Refugee policy is not any social or economic concern. It is a question of morality.

Accordingly, Mr. Chairman, I urge my colleagues to support the Smith-Schiff-Gilman-Schumer-Boucher-Fox amendment to H.R. 2202.

Mr. SMITH of Texas. Mr. Chairman, I yield 1¼ minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

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

Mrs. LOWEY. Mr. Chairman, I rise in support of the Smith amendment.

History has shown us what happens when the United States closes its doors to the refugees of the world.

In 1939 930 Jews fled Nazi Germany for Cuba on the ship the St. Louis. Although the refugees had valid visas, the Cuban Government refused to let the St. Louis dock when it arrived in Havana. From Havana the St. Louis sailed to the United States. Sailing close to the Florida shore, the passengers could see the lights of Miami. But the United States Government refused to let the refugees land—because we had a refugee cap. U.S. Coast Guard ships even patrolled the waters to ensure that no one on the St. Louis swam to safety.

So the passengers of the St. Louis were forced to return to Europe—where they were sent to the Nazi death camps and murdered.

This incident is a blight on our Nation's history—and it must never happen again.

Mr. Chairman, innocent people die when the United States closes its doors to refugees. The United States must always be a safe haven for persecuted victims.

I urge you to strike the refugee cap that is contained in this bill. Support the Smith amendment. Lives depend on it.

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

Mr. SMITH of New Jersey. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, as one of the three Democrats who voted for H.R. 2202 in the Judiciary Committee, I rise in strong support of this bipartisan amendment which would eliminate the cap on refugee admissions to the United States. The United States has historically played an important role in addressing the needs of persons from other countries with a well-founded fear of persecution and I believe the United States should remain sensitive to levels of international refugee migration. This is not to say that this policy should be open-ended. The current process for setting refugee admissions, determined annually by the President in consultation with the Congress, is restrictive yet flexible. It allows for the President and Congress to adjust to international conditions that are continuously changing.

The United States has been a leader in humanitarian and foreign policy, and legislating a cap on refugee admissions would send the wrong message to nations that share the responsibility for the world's refugees. I believe the current process in which the Congress has an opportunity to participate is the most responsible and I urge my colleagues to vote in favor of this amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of our time to the gentleman from Virginia [Mr. WOLF] a tenacious fighter for human rights who has been to the Sudan, People's Republic of China, Romania. He has been in prison camps. No one has fought harder on behalf of persecuted Christians, Jews, and others.

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

I rise in very strong support of the Smith amendment. I want to thank the gentleman from Texas [Mr. SMITH], and his cosponors. The adoption of this amendment will help so many people who do not even know today that they are going to be in need of this amendment. So I take my hat off to the gentleman from Texas [Mr. SMITH].

There is tremendous presecution still going on. Anti-Semitism is alive and well all over the world, in the Middle East and in Russia. In fact, as it has been said, in Russia they are not privatizing anti-Semitism in Russia. The persecution of Christians in the Middle East, the persecution of Christians around the world, the persecution of Christians in China, the persecution of Christians in Vietnam, in fact, is the issue that this Congress will have to deal with in the next Congress. It is the persecution of Christians that is going on around the world; and this administration and this Congress, but for tonight, has been silent on this issue.

As the gentleman from New York [Mr. SCHUMER] said, this is what America is about, is a fundamental major moral issue, and quite frankly, in many respects the world is more dangerous today and more turbulent with more wars and more persecution going on than almost any other time, and perhaps this is needed more now than it was even back in the 1980's or any other time.

So I want to commend the sponsor of the amendment. I hope and pray that this thing passes overwhelmingly because the number of people unfortunately, unfortunately that will need this amendment, will be more than we will ever realize, and I strongly urge, hopefully, almost a unanimous vote for the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] has 3 minutes remaining.

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

Ms. PELOSI. Mr. Chairman, I rise in support of the Smith-Schiff amendment, striking the provision which cuts refugee admissions.

The 50,000 refugee cap is a drastic, arbitrary reduction that will cut annual refugee admissions in half. This extreme cap represents less than half of our country's current admissions.

This is an unfair and unnecessary provision. The cap would severely limit the flexibility of the U.S. refugee system to respond to unpredictable humanitarian crises. For example, the administration set aside 2,000 refugee admission slots for Bosnians, many of which were filled by women who had been systematically raped by Serb forces. There are atrocities occurring throughout our world that cannot be factored accurately into a fixed number of refugee admissions.

Women and children constitute 80 percent of the world's refugees. This cap would have a tremendous negative effect on these people fleeing from danger and persecution.

If this provision is passed, the United States will be sending a clear signal to the international community that it is backpedaling from its commitment to refugee protection.

I urge my colleagues to exercise their compassion for the world's refugee population and vote for the Smith-Schiff amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 18 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DREIER: After section 810, insert the following:

SEC. 811. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Resettlement in a manner that ensures that each qualifying county shall receive the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not more than 60 months prior to such fiscal year.''.

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. DREIER] and a Member opposed, the gentlewoman from Florida [Mrs. MEEK], will each be recognized for 5 minutes.

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

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

We are about to embark upon 10 minutes of action-packed debate on a very important issue. The amendment I offer today seeks to provide for fair distribution of targeted refugee assistance. The Targeted Refugee Assistance Program [TRAP] provides aid to counties with high concentrations of refugees that suffer from high welfare dependency rates. This Federal assistance is needed to help those refugees achieve economic independence.

Congress appropriates nearly $50 million annually for this program. However, currently over 40 percent of this aid goes to just one county with only about 7 percent of all those eligible refugees. This concentration of resources means that every other participating county nationwide must pick up the added cost of training refugees to get them into the work force or providing them social services.

Mr. Chairman, the existing earmark dates back over a decade and was intended to ease the resettlement of refugees who arrived in 1980. Advocates of the current distribution may argue that certain areas of the country are dealing with communities that remain especially difficult to make self sufficient. But the parameters of the TRAP program set this as a requirement for every county that participates.

The regulations governing the award of assistance state that the services funded are required to focus primarily on those refugees who, and I quote, ''because of their protracted use of public assistance or difficulty in securing employment continue to need services beyond the initial years of resettlement.''

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Mr. Chairman, no qualifying county, regardless of the community served, can claim to be more deserving of this aid than any other county in the Nation.

My amendment would maintain the existing 10 percent discretionary setaside for counties that are heavily impacted by refugees but do not otherwise qualify for formula TRAP assistance. Apart for this, aid would have to be distributed on an equal per-refugee basis. Let me say that again. Under this amendment, aid would have to be distributed on a per-refugee basis.

This amendment requires the Federal Government to pay for its refugee policy. It recognizes that all counties with significant refugee populations deserved equal assistance in helping them become self-sufficient. Failure to enact a fair formula for distribution of TRAP aid is tantamount to another unfunded mandate on State and local governments. I am going to urge my colleagues to support this, Mr. Chairman. It is a very fair and balanced amendment. I believe it will address the concerns of the entire country.

Mr. Chairman, I included for the RECORD the following letter.

THE CITY OF NEW YORK,
WASHINGTON OFFICE,
Washington, DC, March 20, 1996.

Re refugee assistance amendment H.R. 2202, Immigration in the National Interest Act of 1995.

To: Members of the New York Delegation
From: Alice Tetelman, Director

I am contacting you to inform you of the City's support for an amendment on the Refugee Targeted Assistance Program that will be offered by Rep. David Dreier (R–CA) during consideration of H.R. 2202, the Immigration in the National Interest Act of 1995.

The Refugee Targeted Assistance Program, which is administered by the Office of Refugee Resettlement in the Department of Health and Human Services, provides grants (through states) to counties and local entities that are heavily impacted by high concentrations of refugees and high welfare dependency rates. This funding is intended to facilitate refugee self-employment and achievement of self-sufficiency. This includes training, job skills, language and acclimating to the American workplace.

Under the current Targeted Assistance Program, New York City's refugee population, which is the largest in the nation, does not receive their fair share of assistance because the House and Senate Appropriations Committees have traditionally earmarked a disproportionate share of these funds for Cuban and Haitian entrants. For example, of the $50 million allocated for targeted assistance nationally in FY 1995, the state of Florida received $18 million, with a per capita rate as high as $497 in some areas. In contrast, New York State received only $4.1 million of the FY 1995 funding, with only $30 available for each refugee residing in New York. The national average is $35 per refugee among non-Florida recipients.

The Dreier amendment would ensure that all qualifying counties would receive the same amount of targeted assistance per refugee. Thus, all refugees who have been in the U.S. under five years would receive the same level of assistance as others under this program. Enactment of the Dreier amendment will restore fairness and equity to a very worthy program and the City urges you to support its passage.

Please do not hesitate to contact Tom Cowan (624–5909) in the City's Washington office if you or your staff should have any questions or need additional information on this amendment. Thank you for your consideration of this request.

STATE CAPITOL,
Sacramento, CA, March 20, 1996.

Hon. DAVID DREIER,
House of Representatives,
Washington, DC.

DEAR DAVID: I am writing in support of your amendment to the pending immigration reform legislation regarding the equitable distribution of refugee targeted assistance funds.

As you know, roughly one-third of the refugees in the United States reside in California, yet California receives less than 23 percent of these funds. In FY95, Congress appropriated a little over $49 million for the Refugee Targeted Assistance Program to assist communities highly impacted by refugees. Of this amount, approximately $19 million, or nearly 40 percent was set aside for one state. This disproportionate allocation comes only at the expense of other participating counties in California and around the nation.

Your amendment will eliminate this set aside and give California its fair share by providing that qualified counties receive refugees targeted assistance per refugee, thereby ensuring an equitable allocation. Further, California counties, which are highly impacted by high concentrations of refugees and welfare dependency, would receive approximately $7.5 million in additional targeted assistance funds. These additional funds could be used to facilitate training in job skills and language, as well as assisting refugees in adapting to the American workplace.

Again, I endorse your amendment and commend you for your leadership in this area.

Sincerely,

PETE WILSON,
Governor.

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

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I stand in strong opposition to this amendment. First of all, Mr. Chairman, and my dear friend, the gentleman from California [Mr. DREIER], who is my hallmate, in this amendment I do not think there is anyone in this House that would oppose Cuban and Haitian children who are already in this country, and already here; they are not coming. There will be about 20,000 more of them coming because of the policies that this Federal Government has already agreed upon.

My good friend, the gentleman from California [Mr. DREIER], speaks about equality in distributing targeted assistance funds, but we are talking more about fairness in terms of the guidelines of targeted assistance.

No. 1, the money is targeted for counties that have a large number of Cuban and Haitian immigrants. What the gentleman from California wants to do, he wants to take away the target from the Cuban and Haitian immigrants and wants to waive it, so other people who are not Cubans and Haitians, he lets it remain. He lets it remain for the Hmongs, the Laotian, Cambodians, and the Soviet Pentacostals. I am saying that that is not fair in that we already have Cubans and Haitians in this country, but his amendment would take it away from us and distribute it to all the other counties.

I want to tell our colleagues why south Florida needs most of this money. Mr. Chairman, the amendment of the gentleman from California [Mr. DREIER] is well-intended, but it is not fair. It is the Federal Government's immigration policy, not ours. If Members hate Fidel Castro, and they have already demonstrated that, they supported the Libertad bill, just as I did, that we passed, and if they oppose dictatorships in Haiti and El Salvador and Nicaragua and Guatemala, they should vote against this amendment. They should be with me, against this amendment, because the people who are fleeing these dictatorships come to Miami

and to Florida. The Dreier amendment would cut them out.

If Members think that this targeted assistance earmark is a gain to the United States taxpayers, they are wrong. I will mention, we chose this as a Federal Government. Now we want to come back and seek to take the funds away from Dade County and south Florida. The funds are already there, Mr. Chairman.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentlewoman for yielding me this minute.

Mr. Chairman, I want to compliment her for her statement. Mr. Chairman, this is money that has already been earmarked. South Florida has been pelted with the burden of caring for so many of these people that are coming onto our shores. Even as we speak tonight, more and more people are being awarded visas with the deal that the Clinton administration made with the Castro people in order to try to stop the flow of refugees into this country. They come into Florida and they stay in Florida. We all know well about the exodus that we have had from Haiti.

Regardless of where Members come down on this particular issue, we know that they remain in south Florida, and they become the burden of the taxpayers in south Florida. This money was earmarked. It should stay earmarked. I think we, in the Congress, are really starting a dangerous precedent if we start looking around the country and find out where certain moneys have been, and then start getting into raiding these particular funds.

Believe me, Florida is not coming out on this deal at all. It is costing us much more in health care, social services, than we are getting from the Federal Government. I urge a ''no'' vote on the Dreier amendment.

Mr. DREIER. Mr. Chairman, I am privileged to yield 1 minute to the gentleman from New York [Mr. GILMAN], distinguished chairman of the Committee on International Relations.

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

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

Mr. Chairman, this amendment is not aimed at Florida or any other State. The refugee targeted assistance program is designed specifically to provide assistance to counties that are heavily impacted by refugees and who have had a hard time moving them into the work force. No county, in Florida or elsewhere, has a greater claim to this assistance than any other.

The Dreier amendment maintains a 10-percent discretionary set-aside for counties that do not qualify for formula assistance but are nevertheless impacted by refugees. Counties that do participate in this program currently bear an unfunded mandate, either providing additional money to move refugees into the work force, or paying for social services where they cannot find work.

The city of New York's mayor's office sent us the following note: ''Enactment of the Dreier amendment will restore fairness and equity to a very worthy program. New York City urges support for its passage.''

Accordingly, Mr. Chairman, I urge my colleagues to support the Dreier amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Miami, FL [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the Dreier amendment is dressed in a cloak of fairness, but it is not fair. The Dreier amendment talks about standardizing this targeted assistance for refugees, and yet it excepts, there is an exception for the aid that California gets for Laotian and Cambodian refugees, which by the way, I think should remain.

We are not trying, and I do not think we should try to except out that aid; so why, then, except out the aid that south Florida gets for the refugees from the Caribbean? It is not fair, and it is really an artificial cloak. Let us defeat it.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I appreciate the gentleman yielding time to me.

Mr. Chairman, Snohomish County in my district is a recipient of TRAP funding. This vital program provides essential training for refugees. However, currently Snohomish County receives less than 7 percent of the funding per refugee that some other counties receive. For example, Snohomish County gets $31 per refugee. Another county in this country gets $497 per refugee; $31, $497. This is not right. TRAP funding is intended to benefit all refugees in this Nation, no special population. I support the amendment of the gentleman from California, to bring fairness and equity to this program.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Florida Mr. PORTER GOSS.

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

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

Mr. Chairman, it is not often that I rise in opposition to the position taken by my colleague from California. But I am opposed to the Dreier amendment, which would alter the current allocation of targeted refugee assistance. The issues here are insufficient Federal funds and geography—and the proper response of the Federal Government to the disruption that has been caused by the failure of Federal immigration policies. Mr. DREIER proposed dividing up 90 percent of the funds for refugees assistance among all impacted counties.

On its face, that might seem reasonable. But the problem is that the Dreier amendment instead of seeking additional justified funding—robs areas that are already hurting badly from lack of funds.

The amendment ignores today's reality, as well as the recent past, attempting to treat all regions of the country as if they were starting at the same place when it comes to refugee policy. The fact is that certain regions of the country have suffered a systemic disproportionate and cataclysmic impact from Federal refugee programs. That's why we have in place currently the practice of targeting portions of the refugee assistance funds to deal with specific refugee crises, such as those in recent years that have substantially affected Florida.

Although the program as it stands was set up to deal with the massive refugee flows of the Mariel boatlift, the last few years of United States policy in Cuba and Haiti have meant that Florida's need for special refugee assistance has not subsided. Florida counties have done their part through the ups and downs of successive administrations' policies in the Caribbean by welcoming refugee influxes from places like Cuba and Haiti. We have willingly done so, and at a very great cost to our State. However, Floridians have consistently argued that the Federal Government must be made to facilitate the resettlement of those refugees in our State. We are, after all, talking about the direct result of Federal immigration and foreign policies. As such, we support the current program because it recognizes the importance of distributing funding to areas with the greatest need. The Dreier amendment would reverse this policy. Mr. DREIER has argued that this is a matter of principle—a question of equality on its face. If that is the case, I am somewhat surprised to find that my colleague's amendment leaves in place a 10 percent discretionary program for counties impacted by Laotian Hmong, Cambodians, and Soviet Pentecostal refugees entering the United States after 1979. If equality is the issue, I would think that Mr. DREIER would argue that all 100 percent of the available funds should be on the table. Otherwise, if we are going to have targeted assistance, doesn't it make sense to lay out a formula that truly addresses the need? I oppose this amendment and hope my colleagues will join me in doing the same. The idea is to put the money where the need really is—not rely on some Washington one-size-fits-all response.

Mr. DREIER. Mr. Chairman, do I have the right to close debate as the author of the amendment?

The CHAIRMAN. The gentleman from California [Mr. DREIER] does have the right to close debate.

Mrs. MEEK of Florida. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Chairman, originally this impact aid or targeted assistance program was designed exclusively for the Cuban and the Haitian refugees in Florida. It was $19 million.

It has been continued at that level ever since because that is what is needed there. It is great that we have added the pot up to $50 million, but there is absolutely no justification for reducing the $19 million that was originally there that we have each year allocated to south Florida to the Cuban-Haitian impact area. We need to keep it there. If we want to expand it more, fine, but what is going to happen is south Florida is going to get next to nothing when you start spreading this around.

In California, the gentleman's State is going to get almost all of the $50 million. Very little is going to go anywhere else. Let us leave the law alone as it is. If we need to add money for California, let us do it, but south Florida cannot survive the impact if we take the $19 million away.

Mr. Chairman, I rise today in strong opposition to the amendment offered by my colleague from California, Mr. DREIER. My colleague's amendment would alter the distribution of funds made available under the targeted assistance program, which offsets the costs associated with absorbing refugee populations. As you know, Florida has been adversely impacted by incoming refugees from Cuba and Haiti.

Florida's proximity to Cuba and Haiti has made it the natural destination for those fleeing these two countries. However, there is nothing in Florida that makes it naturally equipped to deal with sudden and large influxes of refugees.

Realizing this, Congress wisely established the targeted assistance fund—then called impact aid—to deal with the Mariel boatlift. This fund has subsequently subdivided. In subdividing these funds, appropriators have traditionally considered the original impact aid intent of service to Cuban- and Haitian-impacted counties. In fiscal year 1995, appropriators had three separate funds: First, the set aside reminiscent of impact aid totaling $19 million for communities affected by the massive influx of Cubans and Haitians; second, a 10 percent discretionary fund for grants to localities heavily impacted by the influx of refugees such as Loatian Hmong, Cambodians, and Soviet Pentacostals; and third, the generic county impact pot that divided the remaining funds according to a formula regardless of specific refugee nationality.

My colleague's amendment would delete the impact aid set-aside, returning the funds to the general pot. If this were to become law, Dade County would face a larger financial crunch than they already do in trying to cope with the large numbers of Cuban and Haitian refugees.

I understand my colleague's call to be fair in distributing refugee assistance funds. However, at some point the sheer number of refugees requires special attention and additional funds. This is the case in Dade County. Furthermore, if the issue is one of fairness, I must wonder why my colleague preserves the 10 percent discretionary set-aside, which primarily benefits his State of California. If it is an issue of fairness, all set-asides should be deleted.

Mr. Chairman, in the end, neither of the set-asides should be deleted as both serve specific purposes. I would hope my colleagues take the situation in Dade County into account before supporting Mr. DREIER's amendment. A reasonable look at the situation would reveal the need for the status quo arrangement. I would urge my colleagues to oppose the Dreier amendment.

Mrs. MEEK of Florida. Mr. Chairman, I yield 15 seconds to my colleague, the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I join my colleagues in allowing that, among other things, if we had a fair formula in Florida and if we received the taxpayers' fair share, we would not need this exceptional refugee funding. One size does not fit all in this country.

We have a unique problem in Florida that demands a unique solution. This influx causes a severe impact on our social, economic, and health services.

Mrs. MEEK of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that the Dreier amendment is grossly unfair in that it wants to cut out monies that are already going to Florida. We need it. Our people are there. They need health services and they need educational services. If we take away that now, we are intervening in a process which has worked very well in the past. I would like to say, if we need more money, fund it, but please do not cut Florida out of its funding.

Mr. DREIER. Mr. Chairman, I am happy to yield such time as he may consume to the gentleman from Texas [Mr. SMITH], the distinguished chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary, to close debate on the fair, balanced, and equitable, even for Florida, Dreier amendment.

Mr. SMITH of Texas. Mr. Chairman, I thank my friend, the gentleman from California, for yielding time to me.

Mr. Chairman, I rise in support of the Dreier amendment, which brings equity back to the process of allocating refugee assistance funds. Each year for the last decade, one State has received more than 10 times the amount of Federal refugee assistance per refugee than the national average. The Dreier amendment will allow all qualifying countries to receive the same amount of targeted assistance per refugee. I urge my colleagues to support this amendment, which again, brings equity back to the process of allocating refugee assistance funds.

The CHAIRMAN. All time has expired.

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

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

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

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

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 16 offered by the gentleman from Florida [Mr. CANADY], and amendment No. 18 offered by the gentleman from California [Mr. DREIER].

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT OFFERED BY MR. CANADY OF FLORIDA.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. CANADY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The vote was taken by electronic device, and there were—ayes 210, noes 207, not voting 15, as follows:

[Roll No 78]

AYES—210

Allard	Emerson	Leach
Archer	English	Lewis (CA)
Armey	Everett	Lewis (KY)
Bachus	Ewing	Lightfoot
Baker (CA)	Fawell	Lincoln
Baker (LA)	Fields (TX)	Linder
Ballenger	Foley	Livingston
Barr	Forbes	Lucas
Barrett (NE)	Fowler	Luther
Bartlett	Franks (CT)	Manzullo
Barton	Franks (NJ)	McCollum
Bass	Frelinghuysen	McCrery
Bateman	Frisa	McHugh
Bereuter	Funderburk	McIntosh
Bevill	Gallegly	McKeon
Bilbray	Ganske	Metcalf
Boehner	Gekas	Meyers
Bono	Gilchrest	Mica
Browder	Gillmor	Miller (FL)
Bryant (TN)	Gingrich	Minge
Bunning	Goodlatte	Molinari
Burr	Gordon	Montgomery
Burton	Goss	Moorhead
Buyer	Graham	Moran
Callahan	Gutknecht	Myers
Calvert	Hall (TX)	Myrick
Camp	Hamilton	Nethercutt
Campbell	Hancock	Neumann
Canady	Hansen	Ney
Chabot	Harman	Norwood
Chambliss	Hastert	Nussle
Chenoweth	Hastings (WA)	Oxley
Christensen	Hayes	Packard
Clement	Hayworth	Parker
Clinger	Hefley	Paxon
Coble	Heineman	Payne (VA)
Coburn	Herger	Peterson (MN)
Collins (GA)	Hilleary	Pickett
Combest	Hobson	Pombo
Condit	Hoekstra	Porter
Cooley	Horn	Quillen
Cox	Hunter	Rahall
Cramer	Hutchinson	Regula
Crane	Hyde	Riggs
Crapo	Inglis	Roberts
Cremeans	Istook	Roemer
Cubin	Johnson, Sam	Rogers
Cunningham	Jones	Rohrabacher
Danner	Kasich	Roth
Deal	Kelly	Roukema
DeFazio	Kim	Royce
DeLay	Kingston	Saxton
Dickey	Knollenberg	Schaefer
Doolittle	LaHood	Seastrand
Dornan	Largent	Sensenbrenner
Dreier	Latham	Shadegg
Duncan	LaTourette	Shays
Ehrlich	Laughlin	Shuster

Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOES—207

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (MI)
Conyers
Costello
Coyne
Davis
de la Garza
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mink
Mollohan
Morella
Murtha
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Petri
Pomeroy
Portman
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Rivers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Skaggs
Slaughter
Smith (MI)
Spratt
Stupak
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Waldholtz
Walsh
Ward
Watt (NC)
Watts (OK)
Waxman
White
Williams
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—15

Bliley
Brewster
Chrysler
Collins (IL)
Ford
Hostettler
Johnston
Moakley
Obey
Radanovich
Stark
Stokes
Studds
Waters
Wilson

□ 2102

Messrs. PORTMAN, DAVIS, MCDADE, and JOHNSON of South Dakota, and Ms. DUNN of Washington changed their vote for ''aye'' to ''no.''

Mr. BASS and Mr. PORTER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Chairman, earlier today I was unavoidably away from the Chamber and missed a number of recorded votes. On rollcall No. 73, the Bryant of Tennessee amendment, I would have voted ''no''; on rollcall No. 74, the Velázquez amendment, I would have voted ''yes''; on rollcall No. 75, the Gallegly amendment, I would have voted ''no''; on rollcall No. 76, the Chabot amendment, I would have voted ''yes''; and on rollcall No. 77, the Gallegly amendment, I would have voted ''no''.

ANNOUNCEMENT BY THE CHAIRMAN

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

AMENDMENT NO. 18 OFFERED BY MR. DREIER.

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. DREIER] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 359, noes 59, not voting 13, as follows:

[Roll No. 79]

AYES—359

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Miller (CA)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Woolsey
Yates
Young (AK)
Zeliff
Zimmer

NOES—59

Andrews
Beilenson
Bilirakis
Bonior
Brown (FL)
Canady
Clay
Clayton
Clyburn
Collins (MI)
Conyers
Dellums
Deutsch
Diaz-Balart
Fields (LA)
Foglietta
Foley
Fowler
Gephardt
Gibbons
Goss
Hall (OH)
Hastings (FL)
Hefner