we are doing a lot of damage to this process. As long as the working people of this country want to be heard in this institution legally through their organizations that they pay dues to, we ought to listen to them and we ought to accommodate them. We ought not to single them out and take vengeance on them simply because they have another point of view that is unpopular with the majority.

□ 1415

Mr. ARMEY. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I thank the majority leader for yielding me this time, and I want to thank my colleague from California for once again letting the chairman know of his interest in making sure that there is no hearing in which labor unions have to present any testimony about anything at all. Today's hearing was, in fact, the fourth hearing in a series of hearings, which are the most extensive in the history of this Congress on the campaign finance bills that were passed in the 1970's.

Our hearings started off in a bipartisan way. We had the Speaker of the House and the minority leader of the House talk about their vision of where they wanted to go. We also had all of the Members who have introduced legislation who want to see change in campaign finance laws. In fact, there were so many Members, we had to carry some over to the second hearing.

In the second hearing we heard from corporations, we heard from people who believe constitutionally they have a right to form political action committees, we heard from labor unions about the narrow segment of union political activity under the Federal Election Commission.

In our third hearing we had national chairmen of both the Democratic and Republican Parties talking about how the law unnecessarily hamstrings political parties, in their opinion, vis-a-vis labor unions and other groups who are able to participate in the process far beyond political parties, and on a bipartisan basis those leaders urged us to look at changing the law affecting political parties.

This is the fourth hearing in our series of hearings. It seemed entirely appropriate since less than 1 week from now labor unions are meeting here in Washington to discuss increasing their dues to put more than $35 million into the political arena, which they have, and I will not yield at this time because I would like to finish my statement, in which the workers who are paying for this have no knowledge under the law, either under the FEC, or the Labor Department, or the NLRB, National Labor Relations Board, as to where and how much money is spent in the political process. The people who participate in elections, the voters, do not under the law have any understanding, or idea, of how much money because it simply is not required under current law to be reported. We invited the president of the AFL–CIO, the president of the Teamsters, and the secretary-treasurer of the AFL–CIO to provide us with some understanding of this involvement in the political process. We fully intend to go forward with additional hearings to hear from other groups.

What was the response of the minority to yet one more hearing to get a full, complete understanding of participation in this process? Either within or outside the law? Either through sheer arrogance or fear the union leaders decided they would not show up and the Democrats would not participate in the hearing.

Who did we have testifying that made it so slanted, so misrepresentative? We had two individuals from the Congressional Research Service, individuals who are pledged in their testimony to be fair and bipartisan; in fact, so much so that every opening statement of a witness from the Congressional Research Service has to state as much. We had professors of economics and labor to help us to understand that under the law, in an incomparable way, labor unions can participate in the political process without any, without any, requirement to disclose to the public when and how that money is spent, but, even more fundamentally, to the people who contribute the money themselves. That information is so shocking, so important to the Democrats, that they have to walk out of a committee and refuse to have people come to the committee so that the American people can understand when and how labor unions influence elections.

Mr. ARMEY. Mr. Speaker, I thank the two gentlemen from California for that scintillating debate, and, if I might, I would like to thank the gentleman from Missouri for having made it possible.

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

The SPEAKER pro tempore. (Mr. LAHOOD). Without objection, the previous question is ordered.

There was no objection.

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

The motion was agreed to.

A motion to reconsider was laid on the table.

## IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 384 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2202.

□ 1420

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing Border Patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 20, 1996, amendment No. 18 printed in part 2 of House Report 104–483, offered by the gentleman from California [Mr. DREIER] had been disposed of.

It is now in order to consider amendment No. 19 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. CHRYSLER

Mr. CHRYSLER. 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. CHRYSLER: Strike from title V all except section 522 and subtitle D.

The CHAIRMAN. Under the rule, the gentleman from Michigan [Mr. CHRYSLER] and a Member opposed, the gentleman from Texas [Mr. SMITH], each will be recognized for 30 minutes.

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

Mr. CHRYSLER. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. BERMAN], and I ask unanimous consent that he be able to control that time.

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

There was no objection.

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

Mr. Chairman, let me first start out by addressing some unfortunate distortions concerning our amendment. Our amendment does not increase immigration levels, and it does not touch the welfare restrictions in the bill. It does keep families together. Our amendment will simply restore the legal immigration categories that are defined under current law, strike the cuts in permanent employer-sponsored immigration, and keep refugees' admission at the current annual limit.

It is simply wrong that this immigration reform bill prohibits adult children, brothers, sisters, and parents from immigrating to the United States. That is right. Under this bill,

no American citizen will be able to apply for a visa for their close family members. The excuse being used for the closing the door on the families of American citizens is that we need to give more family visas to former illegal aliens who were granted amnesty in 1986. Mr. Chairman, slamming the door on immediate family members of U.S. citizens in order to give former illegal immigrants more visas for their families is unconscionable.

I also have a difficult time with the bill's definition of family as only spouses, minor children, and parents with health insurance coverage. I believe that brothers, sisters, parents without long-term health care coverage, and children over the age of 21 are all part of the nuclear family. In the interests of families and keeping families together, our amendment will restore the current definition of ''family'' to include spouses, children, parents, and siblings.

Mr. Chairman, in a country of 260 million people, 700,000 legal immigrants is not an exorbitant amount. There is simply no need to cut legal immigration, people who play by the rules and wait their turn, to 500,000. We are all immigrants and descendants of immigrants. In fact, 12 percent of the Fortune 500 companies were started by immigrants.

There are numerical caps on family immigration, per-country limits, and income requirements placed on sponsors. My amendment does not change any of these requirements.

In addition, title 6 in this bill will place restrictions on immigrants from receiving welfare benefits as well as increase the income requirement on sponsors to 200 percent of the poverty level. I fully support these requirements, and my amendment does not change these provisions in the bill.

Immigrants who go through all of the legal channels to come into this country should not be lumped into the same category as those who choose to ignore our laws and come into our country illegally. I agree with most of the illegal immigration reforms that are included in the bill, and I would like to vote for an immigration reform bill that cracks down on illegal immigration. But I cannot justify voting for drastic cuts in legal immigration because of the problems of illegal immigration. These are clearly two distinct issues that must be kept separate.

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

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment, and I yield 5 minutes of my time to the gentleman from Texas [Mr. BRYANT], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

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

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. SMITH].

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

Mr. Chairman, there are many reasons why over 80 percent of the American people want legal immigration reform, and there are many reasons why this legislation has attracted such widespread support, such as from organizations like the National Federation of Independent Business, the Hispanic Business Roundtable, the Traditional Values Coalition, United We Stand America, and, as of today, our endorsement by the United States Chamber of Commerce.

The reasons to support immigration reform and oppose this killer amendment are these: First, now is the time to reform legal immigration. Four times in the past 30 years Congress has acted to substantially increase legal immigration. There was the Immigration Act of 1965, the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990.

The Commission on Immigration Reform has recommended a permanent legal immigration system of 550 admissions per year plus an additional 150,000 per year for 5 years to reunify close families. This bill is very close to those recommendations. In fact, it actually exceeds those recommendations and, for that reason, is very generous.

Second, this amendment hurts American families and workers. A fundamental problem in our current immigration system is that more than 80 percent of all illegal immigrants are now admitted without reference to their skills or education. Thirty-seven percent of recent immigrants lack a high school education, compared to just 11 percent of those who are native born. Experts agree that this surplus of unskilled immigrants hurts those Americans who can least afford it, those at the lowest end of the economic ladder.

The Commission on Immigration Reform said, ''Immigrants with relatively low education skills compete directly for jobs and public benefits with the most vulnerable of Americans particularly those who are unemployed and under employed, and they total 17 million today.''

□ 1430

The Bureau of Labor Statistics estimates that low-skilled immigration accounted for up to 50 percent of the decline in real wages among those Americans who dropped out of high school. The bill addresses this problem by reducing the primary source of unskilled immigration, eliminating the unskilled worker category in employment-based immigration, but the bill actually increases the number of visas available for high-skilled and educated immigrants. Mr. Chairman, this amendment eliminates these reforms. This is the last thing we need to do, hurt Americans who work with their hands and are struggling in today's economy.

Third, this amendment will continue the crisis in illegal immigration. This status quo amendment will continue to drive illegal immigration. The myth is that millions of people are waiting patiently for their visas outside of the United States. The reality is very different. Large numbers of aliens waiting in line for visas are actually present in the United States illegally. This amendment will do absolutely nothing to solve this problem. The backlogs will increase, as will the numbers of those backlogged applicants who decide not to wait and instead choose to enter the United States illegally. Meanwhile, we can expect the backlogs to continue to grow.

Setting priorities means making choices. The elimination of the category for siblings was proposed as early as 1981 by the Hessburgh Commission on Immigration Policy, and the elimination of all categories for adult children and siblings was recommended by the Jordan Commission.

Today, a 3-year-old little girl and her mother could be separated, a continent away, from the father living in the United States as a legal immigrant. Meanwhile, in the same city, in the same country, we would be admitting a 50-year-old adult brother of a U.S. citizen.

The amendment is immigration policy as usual. It is a decision not to make a decision, not to set priorities, and not to have a real debate over what level of immigration is in the national interest. These extended family members, more than any other, contribute to the phenomenon of chain migration, under which the admission of a single immigrant over time can result in the admissions of dozens of increasingly distant family members. Without reform of the immigration system, chain migration of relatives who are distantly related to the original immigrant will continue on and on and on.

We need to remember that immigration is not an entitlement, it is a privilege. An adult immigrant who decides to leave his or her homeland to migrate to the United States is the one who has made a decision to separate from their family. It is not the obligation of U.S. immigration policy to lessen the consequences of that decision by giving the immigrant's adult family members an entitlement to immigrate to the United States.

One point raised by the gentleman from Michigan I want to respond to. That is in regard to the question, Does the bill favor the families of former illegal aliens over the families of citizens. The answer is no. The backlog clearance provisions of the bill give first preference to those who are not relatives of legalized aliens. These will be the first family members under the backlog clearance.

Last, this amendment allows continued abuse of the diversity program. Currently, diversity visas are often

given to illegal aliens, those who deliberately have chosen not to wait in line, but to break our immigration law. The diversity program has turned into a permanent form of amnesty for illegal aliens.

The bill eliminates the eligibility for illegal aliens and reserves diversity visas to those who have obeyed our laws. It also raises the educational and skills standards for diversity immigrants so we are not admitting still more unskilled and uneducated immigrants.

Mr. Chairman, I want to close by saying to an overwhelming majority of Americans, we hear you. We understand why we need to put the interests of families and workers and taxpayers first. To the National Federation of Independent Business, the Hispanic Business Round Table, the United We Stand America, the Traditional Values Coalition, and the United Chamber of Commerce, thank you for our endorsement.

Mr. Chairman, today we have the opportunity of a generation. We have the opportunity to reform a legal immigration system, but to do so we must vote no on this status quo amendment, we must vote no to kill legal immigration reform.

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

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

Mr. Chairman, I would like to just say that the report that the gentleman referred to on the Bureau of Labor Statistics was done by a graduate student and it had a BLS disclaimer on it, and also the comment was made that ''I think we made a mistake on this one.''

Mr. Chairman, I yield 30 seconds to the gentlewoman from Connecticut [Mrs. JOHNSON], the distinguished chairman of the Committee on Standards of Official Conduct.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Chrysler-Berman amendment. The case has not been made for reform of our legal immigration system. The backlog is the result of the past immigration reform effort and will be taken care of by the system. Any abuse of the welfare system by legal aliens will be taken care of by the strengthening of the sponsors obligations in this bill and the provision in the welfare reform bill.

Mr. Chairman, I rise in strong support of the Chrysler-Berman amendment, and I urge my colleagues to vote likewise.

Mr. Chairman, I appreciate the hard work and leadership of my colleague from Texas, LAMAR SMITH, and strongly support the provisions in the bill that would stem the flow of illegal aliens that now impose unfair financial burdens on many States.

Increasing the number of border patrol agents, improving border barriers, and cracking down on document fraud are all forceful steps in the right direction. In addition, limiting the number of public benefits available to illegal aliens—while still allowing emergency medical care and school lunches for children—should help States reduce the now truly overwhelming costs of providing public benefits for illegal aliens.

But while I agree that illegal immigration is a problem that must be addressed by Congress, I am not convinced that our legal immigration program needs reform, and I am concerned that our hard working legal immigrants have been unfairly criticized during debate on this issue. Most immigrants come to this country in search of a better life for themselves and their families, not to receive a welfare check. The strong work ethic of immigrants has fueled American economic strength throughout our history and will continue to do so. These immigrants deeply cherish the freedoms and opportunities of their adopted country, having left behind family, friends, and the familiarity of their native land to come here.

H.R. 2202 would significantly restrict the admission of parents of U.S. citizens, admit only a small number of adult children, and eliminate the current preference categories for adult children and brothers and sisters of U.S. citizens. Some say we need to do this because immigrants are more prone to use welfare benefits. Though there are areas of concern, particularly in regard to the elderly immigrant and the refugee populations, welfare use among working age immigrants is about the same as in the nonimmigrant population. It's especially illogical to reduce legal immigration on the grounds of welfare use, when other parts of the bill will address the matter by strengthening the obligation of sponsors to support immigrants and when our welfare reform bill will reduce access to benefits by limiting the eligibility for benefits of legal aliens and illegal immigrants.

You will also hear supporters of restricting legal immigration say that people enter the country legally with tourist and student visas and then overstay them. This is true and a legitimate problem—however, it has nothing to do with our family based immigration system. Those who overstay their visas are nonimmigrants, not family sponsored immigrants. Do we punish family members overseas who are patiently waiting to enter the country through legal methods because this country is not able to adequately track temporary visitors and students who have overstayed their time here? Of course we shouldn't. The provision that pilots a new tracking program to make sure that visitors return to their country of origin is far more appropriate.

Finally, you will hear that we must limit legal immigration in order to reduce the backlog of family-sponsored immigrants now waiting to enter this country. This backlog does exist and does need to be addressed but we do not need to eliminate the visas for the adult children and siblings of U.S. citizens in order to do so. The backlog is due to our one-time Amnesty Program in the 1980's overtime is will be cleared. We do not have to give out extra visas in the name of backlog reduction at the expense of the family-sponsored immigrants now on the waiting lists. These are people who have chosen to wait patiently for years in order to come to America through the proper and legal methods. Do we punish them by denying them admittance when their perseverance and values prove that they are just the kind of people who would thrive given the opportunities America has to offer?

I met with legal immigrants in my district who have been the best citizens a country could hope for—bright, hard working, and raising children who will continue in their footsteps. It pains and angers them to know that legal immigrants like themselves might not be able to reunite their families, see their siblings, their parents, or their adult children as their neighbors.

Finally, I want to acknowledge a teach in Connecticut named Jean Hill who was recognized in the 1995 Connecticut Celebration of Excellence Program for a lesson she taught in her elementary school class. It's a lesson from which we all could learn. Titled ''We Came To America, Too'' foreign students study the Pilgrim's voyage to America and then compare that experience to their own voyage to the United States and Connecticut. They learn that they are no different from our Nation's first immigrants—immigrants who went on to create the country we know today. We are a nation of immigrants, each with the potential to make this country a better place. So I ask my colleagues, when you find yourself swept up in the tide of antilegal immigration fervor this week—stop—remember your own heritage—and that we came to America, too.

Mr. BERMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, this debate is really about one's vision of America. I think it is fundamentally wrong to take the justifiable anger about our failure to deal with the issue of illegal immigration and piggyback on top of that anger a drastic, in 5 years, 40 percent cut in permanent legal immigration, a cause and a force that has been good for this country; 8 out of 10 Americans polled say, ''Deal with the problem of illegal immigration before you touch legal immigration.''

I hereby reaffirm my commitment to participate when the Senate, as they will, sends us over a legal reform mechanism, to participate and support legal reforms; not these drastic and draconian reforms, but reforms that deal with situations in the legal immigration system that can be changed. But do not make it part of this bill. Build a base for this. Legal immigration has been good for this country. Preserve that existing system. Do not tear it apart. Do not tear family unification apart.

Mr. BRYANT of Texas. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, what is really at stake in the consideration of the Chrysler-Berman amendment is whether we are going to do anything meaningful with regard to numbers in this whole debate.

The fact of the matter is that legal immigration accounts for about 1 million people a year coming into the country. Illegal immigration, which we all want to stop, accounts for about 300,000 a year. If Members are concerned, as I am, about the fact that in about 4 years we are going to have twice as many people in this country as we had at the end of World War II, and by the year 2050 we are going to have 400 million people, it is conservatively estimated to be that, and we do

not want to see our country have that many people in it, and I do not, then we have to stand up and face the need to deal with the question of legal immigration, because that is where the numbers are.

If we do not, we will have skipped that opportunity to really deal with the problem, and we will then have a situation where there will be a bunch of Members going around there beating their breasts, talking about how tough they got on illegal immigrants, but they avoided the tough question where the interest groups are putting the pressure on everybody; that is, the question of legal immigration.

Mr. Chairman, I submit to the Members, that is not in the national interest. We will have made the decision, if we vote for the Chrysler-Berman amendment, not to set priorities, not to set levels of immigration in the national interest, and not to address the problem of chain migration, all of which were addressed in the Jordan Commission, which recommended significant cuts, bringing us back below the 1991 levels of legal immigration.

I would point out once again, from 1981 to 1985 we had about 2.8 million legal immigrants coming to the country. From 1991 to 1995, we had 5 million come into the country. We have to deal with the question of legal immigration, or admit to the country that we are afraid to act.

Mr. CHRYSLER. Mr. Chairman, I would just point out that the GAO proved that, on average, it takes 12 years for an immigrant to bring over the next immigrant.

Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Kansas [Mr. BROWNBACK], the cosponsor of this amendment.

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

Mr. BROWNBACK. Mr. Chairman, I would like to recognize the gentleman from Michigan [Mr. CHRYSLER], the gentleman from California [Mr. BERMAN], and also the gentleman from Texas [Mr. SMITH], for the excellent work they have done on the issue of immigration.

Mr. Chairman, I would like to point out a couple of things. I rise in strong support of the Chrysler amendment. I think the bill as it is currently written would cut legal immigration far too far. According to the State Department, and I have a chart up here showing the numbers from the State Department, it would cut legal immigration a minimum of 30 percent, and maybe as much as 40 percent. That is simply too much.

The Chrysler amendment has broad support from the Christian Coalition to the AFL–CIO, from the Wall Street Journal editorial page to the L.A. Times. It has broad support because it just simply goes too far, the current bill does.

Mr. Chairman, the Senate has split this legislation already, legal and illegal immigration. We should pass this amendment, deal with illegal immigration aggressively, as the gentleman from Texas [Mr. SMITH] has dealt with illegal immigration very aggressively, and then take up the issue of legal immigration with the Senate bill.

Finally, I would just like to plead with my fellow Members, we are a Nation of immigrants. Congress should preserve this proud tradition and not threaten it. Ronald Reagan, in his final address to the Nation, spoke often and spoke then of America being a shining city on a hill, and in his mind it was a city that was teeming with people of all kinds, living in peace and harmony. Then he went on to say, ''And if this city has walls, the walls have doors, and the doors are open to those with the energy and the will and the heart to get in. That is the way I saw it, that is the way I see it,'' is what Ronald Reagan said then. That is the way we should see it. Support the Chrysler amendment.

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

Mr. Chairman, I would simply point out that State Department speculation is fine, but facts are better. If individuals will look at the bill and add up the figures, they will see that we average 700,000 for each of the next 5 years.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I rise in opposition to the amendment and in strong support of the reform of our legal immigration system contained in H.R. 2202.

The bill would allow an average of 700,000 legal immigrants annually for the next 5 years, then 570,000 per year. This is comparable to the average number of legal immigrants coming to this country every year since the 1965 Immigration Act was enacted—600,000. This doesn't close America's doors.

What it does do is put more priority on immigrants with skills that American employers need. We will continue to accept the same number of employment-based immigrants. It also puts more priority on admitting spouses and minor children of immigrants, thus reunifying nuclear families.

The reduction in immigration is primarily in the area of adult relatives of immigrants. Under current law, these all get preference over immigrants with skills but no relatives already here. This misallocation of priorities will be changed by the bill. In most cases those grown-up children don't continue to live with their parents. We just have to make a decision as to what is more important, reuniting 10 year olds with their parents, or 30 year olds? In some cases, a sibling will be brought to this country, go home and marry, thus reuniting a family that was never disunited.

On the other hand, this amendment will increase legal immigration to the United States by 500,000 over 5 years. This is not what the American people want. This amendment will keep all that is wrong with our current legal immigration system. We need to make changes. Let us make them now.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, No. 1, the last comment of the gentlewoman is simply inaccurate. The author of the bill knows that. There was a technical correction made in the rules, and this bill simply returns to existing law.

Second, the State Department says it is not 1 million people a year coming in now, it is 800,000 coming in through permanent legal immigration.

Third, the gentleman from Kansas [Mr. BROWNBACK] was right, and the gentleman from Texas [Mr. SMITH] is wrong. His bill will result in a cut of 30 percent, and a 40-percent cut in overall numbers.

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

Mr. DOOLEY. Mr. Chairman, I rise today to express my strong support for the Chrysler-Berman amendment. This amendment will repeal the antifamily, antigrowth provisions of the underlying bill.

While I support H.R. 2202's attempts to control illegal immigration, I believe that the issue of legal immigration should be addressed at a later time by separate legislation. The issues of legal and illegal immigration are separate and distinct issues, and should be addressed in separate bills.

As the bill is currently drafted, after a 5-year transition period, H.R. 2202 cuts legal immigration by 40 percent—a level unprecedented in the last 70 years. In one fell swoop, H.R. 2202 slashes family immigration by approximately one-third. In addition to arbitrarily reducing the number of family members admitted each year, the bill completely eliminates major eligibility categories. H.R. 2202 not only eliminates visa categories for adult children and siblings but would also unfairly wipe out the corresponding backlogs of visa applications. Individuals who have played by the rules, paid necessary fees, and waited patiently for as many as 15 years would be summarily rejected for legal immigration.

The bill also places nearly insurmountable obstacles for parents and adult children who are attempting to legally reunite with family members. H.R. 2202's restrictive family based immigration policies undermine American families and American family values.

In addition to my concerns regarding family based immigration, H.R. 2202 is an antigrowth bill. As our economy grows, the job base expands. Both the Wall Street Journal and the Washington Times editorial pages have noted that the U.S. economy benefits from legal immigration. In fact, in a recent Cato Institute study, not one economist surveyed believed that reducing legal immigration would increase economic growth. In addition, not one

economist believed that reducing the level of legal immigration would increase Americans' standard of living.

As drafted, H.R. 2202 is an antifamily and antigrowth bill. I urge Members to support the Chrysler-Berman-Brownback amendment so that we can address the issues of illegal and legal immigration thoroughly and responsibly through separate pieces of legislation.

□ 1445

Mr. BRYANT of Texas. Mr. Chairman, I yield myself 30 seconds, simply to say that I think it is extremely unfair and extremely inaccurate for the advocates of this amendment to describe the bill as antifamily. It is not antifamily.

What it does is recognize what the Jordan Commission observed, and that is that we have chain migration and we cannot continue forever allowing everyone who is allowed to come into the country legally to bring in brothers and sisters. That is really what is at stake here. The same recommendation was made in 1981 by Father Hessburgh's commission. It is not a radical proposal. What is radical is the idea of doing nothing, which is what they advocate, and letting the population increase to 500 million people in this country.

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

Let me just add that I do not know anyone who does not consider their brothers and sisters extended family.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. CRANE], a cosponsor of the amendment.

Mr. CRANE. I thank the gentleman for yielding me the time, and I compliment him on his amendment.

Mr. Chairman, I think there are many good provisions of H.R. 2202 dealing with illegal immigration, and adding approximately 6,000 people to monitoring our borders certainly can address that problem. But what we are proposing in the current language, unless the Chrysler amendment is adopted, to me runs contrary to all our values.

Just stop and think where your ancestors came from. Why did they join the cosmic race here? It was for the same reasons that we enjoy being Americans. It is the land of opportunity and the home of the brave, and we enjoy a degree of personal liberty that is unprecedented. Looking at the historic figures, the first time we deviated from our traditional policy was with the Chinese Exclusion Act in 1882. We locked Chinese out for a decade. Then in 1924 we started establishing quotas and we discriminated against the Orient in that package.

This kind of thing is inconsistent with our historic tradition. Our percentage of immigrants in this country today is infinitely lower than it was for the first 150 years. I urge Members to support the Chrysler amendment.

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

Mr. Chairman, I just want to point out to some of my friends on the other side of the issue, they may not be aware that the new figures for the 1995 immigration levels are in. The 1995 level was 715,000. Under this bill we average 700,000 each for the next 5 years. I might concede a 2-percent reduction at most.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

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

Mr. COX of California. Mr. Chairman, I just wanted to briefly ask the gentleman from Texas a question. That is, having listened to the comments of the gentleman from California [Mr. DOOLEY], with which I generally agree, that is, that kind immigration and illegal immigration are rather separate subjects and for various purposes deserve to be discussed separately. It is the case that this amendment merely splits the two so that they can be discussed separately, or is it rather the case that the effect of the amendment would be to strike out all of the parts of the bill for good that deal with legal immigration?

Mr. SMITH of Texas. Mr. Chairman, that is an excellent question by my friend from California. In point of fact the whole thrust behind this amendment is not to reform legal immigration. In fact, it is to kill any reform that we have in legal immigration. There is no separate legal immigration reform bill on the House side as there is on the Senate side. The gentlemen who have put forth this amendment to my knowledge have not proposed one amendment to reform legal immigration. I think that is very regrettable.

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

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Chairman, I rise in strong support of the Berman-Chrysler amendment.

Proponents of H.R. 2202 have argued that it is profamily. On the contrary, this legislation would eliminate whole categories of family sponsored immigration.

Let me talk if I can for one moment about Mary Ward. Mary Ward emigrated to America at the turn of the century from County Down, Ireland. Mary Ward became a citizen in her late 50's and raised a family and worked as a domestic, passing on the very values that we cherish and honor in this Nation. Mary Ward was as patriotic as any American in this institution, and loved the opportunities that it brought to her family.

Our goal here should be to separate legal from illegal immigration. Legal immigration serves this Nation very well. We acknowledge that illegal immigration is a problem. But where I live there are thousands of Polish-Americans and Russian-Americans and Franco-Americans and Italian-Americans and Irish-Americans and Asian-Americans. They add to the fiber and fabric and strength of this country. They do not subtract from it. In many instances they are more patriotic and more loyal than those who have been here for decades and decades and decades, and we should not forget about that in this debate.

In our haste to address this crisis, let us not make the mistake of penalizing those who love the notion and idea that someday they might be called an American.

Think as you vote on this about Mary Ward from County Down, Ireland. Mary Ward was my grandmother.

Mr. BRYANT of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. BEILENSON].

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BEILENSON].

The CHAIRMAN. The gentleman from California [Mr. BEILENSON] is recognized for 4 minutes.

Mr. BEILENSON. Mr. Chairman, I thank the gentlemen for yielding me the time.

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

Supporters of eliminating the bill's reductions in legal immigration argue that legal and illegal immigration are separate and distinct issues, and therefore ought to be dealt with in separate bills. But we all know that if these provisions are dropped now, the chances of the House acting on legal immigration reform this year are very slim indeed.

The fact is, legal and illegal immigration are related because they both affect the size of our country's population. And, we are letting too many people into our country.

What Congress does with regard to both types of immigration will determine how many newcomers our communities will have to absorb, how fierce the competition for jobs will be, and how much the quality of life in the United States will change in the coming decades.

Fueled by both legal and illegal immigration, the population of the United States is growing faster than that of any other industrialized country. By the end of this decade—less than 4 years from now—our population will reach 275 million, more than double its size at the end of World War II. Unless we reduce our high rate of immigration—the highest in the world—our population will double again in just 50 years.

Middle-range Census Bureau projections show our population rising to nearly 400 million by the year 2050, an increase the equivalent of adding 40 cities the size of Los Angeles.

But many demographers believe it will actually be much worse, and alternative Census Bureau projections agree. If current immigration trends continue—and that's what we're debating here—our population will exceed

half a billion by the middle of the next century—a little more than 50 years from now.

Immigration now accounts for half our—and that rate of growth—proportion is growing. Post-1970 immigrants, and their descendants have been responsible for U.S. population increases of nearly 25 million—half the growth of those years.

In other words, much of what demographers consider our natural growth rate is actually the result of the large number of immigrants in our country—and the great majority of them have come here legally.

As recently as 1990, the Census Bureau predicted that the population of the United States would peak, and then level off, a few decades from now. Since 1994, however, because of unexpectedly high rates of legal immigration, the Bureau has changed its projections, and now sees our population growing unabated into the late 21st century—when it will reach 700 million, 800 million, a billion Americans—unless we start acting now to lower our levels of legal immigration.

Those of us who represent communities where large numbers of immigrants settle have long felt the effects of our Nation's high rate of immigration. Our communities are already being overwhelmed by the burden of providing educational, health, and social services for the newcomers.

With a population of 500 million or more, our problems, of course, will be much, much greater. With twice as many people, we can expect to have at least twice as much crime, twice as much congestion, and twice as much poverty.

We will also face demands for twice as many jobs, twice as many schools, and twice as much food. At a time when many of our communities are already straining to educate, house, protect, and provide services for the people we have right now, how will they cope with the needs and problems of twice as many people or more?

Without a doubt, our ability in the future to provide the basic necessities of life, to ensure adequate water and food supplies, to dispose of waste, to protect open spaces and agricultural land, to control water and air pollution, to fight crime and educate our children, is certain to be tested in ways we cannot even imagine.

But however we look at it, our current rate of population growth clearly means that future generations of Americans cannot possibly have the quality of life that we ourselves have been fortunate enough to have enjoyed.

The reductions in legal immigration in this bill are very reasonable, and humane. They are based on the well-thought-out recommendations of the Jordan Commission, whose purpose was to develop an immigration policy that serves the best interests of our Nation as a whole. These proposed changes are designed to enhance the benefits of immigration, while protecting against the potential harms.

Reducing the rate of legal immigration, as the bill in its current form would do, constitutes a modest, but absolutely essential, response to the enormous problems our children and grandchildren will face in the next century if we do not reduce the huge number of new residents the United States accepts each year, beginning now.

I strongly urge Members to reject the Chrysler-Berman-Brownback amendment.

Mr. CHRYSLER. Mr. Chairman, I yield myself 10 seconds.

I would just like to point out that the Senate split their immigration bill, so there will be a separate legal immigration bill that will come before the House.

Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

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

Mr. Chairman, I rise in strong support of the Chrysler-Berman-Brownback amendment to separating the unique concerns of legal and illegal immigration.

Proponents of deep cuts in legal immigration are blurring this distinction in order to make it difficult for us to vote against sorely needed illegal immigration reform. They know that their cuts in legal immigration cannot pass on merit alone.

Immigrant bashers argue that America needs to take a time out and limit or provide a moratorium. In the 1920's, they say, we experienced unprecedented economic growth the last time the United States had such a policy.

Mr. Chairman, in response to those specious arguments: One, that was no time out. That was a policy based on xenophobia and racism.

Two, moreover, when our Nation endured an unprecedented depression in the 1930's, the same restrictive immigration policy was in place.

I am disappointed with the anti-immigration forces who have denied us a chance to address the restrictive asylum and humanitarian parole provisions that were included in H.R. 2202.

Accordingly, I urge my colleagues to support this important Chrysler-Berman-Brownback amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY], whom I understand is the only Member of Congress who can see the southern border from his home.

Mr. BILBRAY. Mr. Chairman, my mother happened to be the first Australian war bride to become a U.S. citizen. She emigrated in 1944. I have cousins who would love to emigrate to the United States right now. But let me tell Members, I am sworn to represent the people of my district here in America, and I am not sworn to represent my cousins in Australia or to represent certain businesses that would love to be able to bring my cousins in to work for them. I am sworn to represent the general population of the 49th District of the great State of California.

☐ 1500

I think that we ought to be up front about this. Who are we serving here with the Chrysler amendment, who is going to benefit from this, and is it going to be the people of the United States?

Mr. Chairman, it is not only our right to have an immigration policy for the good of the American national interests, it is our responsibility as Members of Congress to make sure our decisions on immigration are for the good of America, and America first. In the words my mother said to me when I asked her loyalty between Australia and the United States, she said ''America, America must take care of America first and that will help the rest of the world.''

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

Mr. Chairman, U.S. law does not allow you to petition for your cousins, your uncles, your nieces, your nephews. It would not under this bill, it does not under existing law, and it never has. Bogus arguments should be dispensed with quickly.

Second, the gentleman from Texas [Mr. BRYANT] says 1 million people a year come in, to show how bad it is. The gentleman from Texas [Mr. SMITH] says ''I just got information, 715,000 a year come in. Our bill only cuts by 15,000.''

The gentlemen from Texas [Mr. BRYANT] and [Mr. SMITH] are right about the number. What they do not say is that for the first 5 years, his bill allows 700,000, and it then has a massive 30 percent drop in legal immigration to far below that. That is the accurate story.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise today as the daughter of immigrants in favor of removing the poorly designed and unfairly restrictive legal immigration provisions from the bill before us. I strongly support and have cosponsored the tough measures in this legislation to crack down on illegal immigration. But, like most Americans, although not some that we have just heard from, I believe that legal immigration is the lifeblood of this country, enriching our Nation economically and culturally.

We should, of course, be open to reasonable reforms in our legal immigration policy, but H.R. 2202 goes too far. By the year 2002, as we have already heard, the bill will cut legal immigration by 40 percent, and the bill's cap on refugee admissions, which, fortunately, has already been removed, would effectively have ended our historical commitment to helping those who, like my

father, who grew up in Nazi Germany, flee oppression and genocide.

H.R. 2202 includes important and effective tools for fighting illegal immigration. Let us not bind those changes to the unacceptable legal immigration cuts in title IV.

Mr. CHRYSLER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. DAVIS], a cosponsor of this amendment.

Mr. DAVIS. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, first of all I want to commend the gentleman from Texas for taking on a tough issue. I rise reluctantly to oppose his position on this and support this amendment.

This amendment continues the current level of immigration. It allows children and the brothers and sisters of immigrants to apply for immigration. Otherwise they are barred for the most part.

This amendment does not affect the changes in this bill regarding immigrant eligibility for public benefits and it does not affect the provisions relating to illegal immigration, but family reunification has long been a principal purpose of U.S. immigration policy. This bill's provisions barring adult children in particular turns that principle on its head by ensuring that many families will never become whole.

Why would a child who turns 26 automatically be considered extended family and not allowed to immigrate under his parents' sponsorship? Many of these adult children are exactly the type of Americans this country needs. They help in their prime working years, working many cases in family-owed businesses, helping them to prosper. They save, invest, and give back to their communities.

I see the pioneer spirit in this country alive and well in the shops in my district where you have much of this. They also help care for their elderly parents and reduce the elderly's use of social services.

Mr. Chairman, I ask approval of this amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in opposition to the Berman-Chrysler-Brownback amendment to H.R. 2202.

This bill was drafted in response to concerns echoed across this Nation about the influx of immigrants in this country, both legal and illegal. However, a vote for this amendment is a vote to kill any attempt to pass legal immigration reform in the 104th Congress.

We are a country of immigrants. Our ancestors came here for the promise of a better life and a better place to raise their families. They wanted the American dream. This bill does not deny this dream to anyone. Contrary to what has been said about this bill, it maintains America's historic generosity toward legal immigration and places a priority on uniting families.

Our current system of legal immigration is clearly flawed. There is currently a backlog of 1.1 million spouses and young children of legal immigrants who are forced to wait years to join their families. H.R. 2202 provides for the highest level of legal immigration in 70 years, averaging 700,000 per year over the next 5 years.

People should not be fooled into believing the rhetoric that only illegal immigration needs reform. The unfortunate fact is that the majority of illegal immigrants in this country entered the country legally with tourist visas. But our Government gives them every incentive to stay here illegally after their temporary visa has expired. Just by virtue of being here, they are automatically entitled to generous Government assistance for health care, food stamps, and education benefits. Where is the incentive to leave?

We can put up bigger fences, hire more border patrol agents, and establish a fool-proof system to detect fraudulent documents. However, until we reform legal immigration, we will continue to face the same problems.

The Berman-Chrysler-Brownback amendment will kill legal immigration reform. H.R. 2202 fairly and generously reforms legal immigration, and I encourage all of my colleagues to vote ''no'' on this amendment.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, with respect to the population projections, I just want to remind everyone of the demographer Malthus, who looked at population projections in the early 19th century and concluded that by the end of the 19th century, there is no way in the world there would be enough food in the world to feed the people.

I have great faith in the capacity of technology and the economy to grow, and I believe that is going to deal with the particular issue of our future ability to handle the population.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA], my friend on the Committee on the Judiciary.

Mr. BECERRA. Mr. Chairman, I support the efforts of the Chrysler amendment to try to have a reasoned debate on legal immigration separate from the very impassioned debate on illegal immigration. I would urge Members to support that particular amendment.

Let me say that the whole issue here is about family-based immigration. That is all we are talking about here. In order for someone to be able to come into this country under the provisions being debated, you must have an American petition to have that particular individual come to the country. This issue of chain migration is a false one. By the time you have someone come into this country, it usually takes 12 to 13 years before that individual can then petition to have anyone who is an immediate relative—not a distant relative—come into this country. So this issue of chain migration is really a quarter century long before you see any additional relatives possibly having the chance to come in, if even that soon.

There is no chain migration. What we do have though, if we continue to go this course with H.R. 2202, is a lack of family-based immigration, where brothers, sisters, children, and parents will not have an opportunity to join their U.S. citizen relatives.

Mr. Chairman, I urge a ''yes'' vote on this particular amendment.

Mr. CHRYSLER. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I would just point out that there are provisions in the illegal portion of the bill dealing with the problems of visa overstayers and they are not entitled in title IV.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. CHABOT], a member of the Committee on the Judiciary.

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

Mr. CHABOT. Mr. Chairman, I rise in very strong support of the Chrysler amendment, because I deeply value the fundamental character of this Nation as a land of hope and opportunity and because I cherish our unique American heritage as a country of immigrants, united by shared values, a strong work ethic, and a commitment to freedom. Let us not tarnish that heritage or ignore our greatest strength, which is our people.

Our legal immigration system doubtless could use reform, and other titles of this bill will make some useful changes, but I do not believe the rush to do something about the very real problems of illegal immigration should cloud our treatment of people who play by the rules and who come here legally and add to our human capital.

Should we crack down on illegal immigration? Yes. Absolutely. Let us, for example, not let welfare be a magnet for illegal immigrants to come here, and let us beef up our border patrols. But legal immigration is a separate and distinct issue. Let us split the issues of legal and illegal immigration and let each be determined upon its merits.

Mr. Chairman, I urge a vote for American family values, and I urge support for the Chrysler amendment.

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

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

Mr. Chairman, I think that there are two great political issues that face this country. One is welfare reform and the other is immigration reform. Unfortunately, the two of them are inextricably linked together. When you consider the fact that 21 percent of all immigrant households receive some form of assistance, when you consider that for

the 12-year period between 1982 and 1994 that the applications for SSI by immigrant families increased some 580 percent compared with only a 49-percent increase for native Americans, then you have to say that the two are linked together. Unfortunately, if we do not address one, it is going to be almost impossible to address and solve the other.

So I would urge that we defeat the amendment that is before the House.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this amendment does not touch title VI of the bill. Title VI requires before any legal immigrant can participate in any variety of public benefit programs, including Medicaid, AFDC, SSI, that you have to deem the family sponsor's income. Our amendment does not touch that particular reform.

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

Mr. MENENDEZ. Mr. Chairman, the guiding principle in our Nation's immigration policy should be to reward controlled legal immigration and dissuade illegal immigration.

As an American-born son of legal immigrants, I can tell you this bill sends the wrong message. Instead of saying to potential immigrants that if you play by the rules, wait your turn, and follow the law, you will benefit by becoming a permanent resident, we say, we're going to treat you just about the same as an illegal immigrant.

The cuts in legal immigration hurt family reunification efforts and show the hypocrisy of a Congress that promotes family values.

Why does this ''family friendly'' Congress want to prohibit the adult sons, daughters, brothers and sisters of U.S. citizens from entering the country? Legal immigration reinforces family structure, upholds family values, and benefits the Nation.

Creating a hardship for U.S. citizens by permanently separating them from their close family members does not promote family values. It disintegrates the fabric of American values and jeopardizes the Nation's future. We can fight illegal immigration and preserve family-centered legal immigration by supporting this amendment.

Mr. CHRYSLER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. Legal immigration is a basic building block in the cultural development of our United States. The family is an American tradition. When we talk about our families, we do not simply speak of our spouse or our young children. The tradition extends to our grown children, our parents, our brothers and sisters.

For years we have told new immigrants that if they play by the rules, their family members will be able to join them. Now, as many as 2 million people may be told that they are no longer qualified family members.

Having a visa petition approved may not be a guarantee that a person will actually receive the visa. However, there was an implicit act of good faith when INS approved the petitions and the people began their wait. To break faith with such a strong American tradition sends a strong message and does not address the real concerns of illegal immigration.

Our immigrant population strengthens the diversity upon which our great country is built. As a former immigrant and naturalized American, I urge us to stand up for our families, our traditions, and strike the cuts in legal immigration.

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Mr. SMITH of Texas. Mr. Chairman, I just want to point out that the reason we have the record percentage, 21 percent of all legal immigrants on welfare today, is because we admit over 80 percent of all legal immigrants with absolutely no regard to their education or skill levels. That is the reason we have the problem.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. MCCOLLUM. Mr. Chairman, I do not think there is any question that we need and must face both legal immigration reform and illegal reform. If we vote for this amendment today, we are going to kill legal immigration reform in this Congress.

Why do we need it? Why do we need to attack and change family unification principles that have been in the law for quite some time? I will tell my colleagues why, because the system is broken, because we have a backlog. Millions of close family ties, people who we would like to see be able to come over here have to wait up to 20 years to come over. The system is not working. The brothers and sisters cannot continue to be brought in under the kind of preference we have today and leave any room for seed immigrants, that is, those who can provide skills and special things we would like to see but who have no relatives here at all.

Why should just being a relative be the primary reason you get to come here? We have to have balance in our system. The current legal immigration system is imbalanced, out of whack. We need to change it.

Now, there is nothing draconian about the legal reforms we have here today. If we look at what happened in 1990, we increased legal immigration in a bill that passed this Congress and went and was signed into law by 40 percent. This bill reduces it by 20 percent. So we are kind of compromising.

Over the next 5 years under this bill we will add 3½ million new legal immigrants to this Nation which, except for the legalization years that we had right after 1986, will be the greatest increase in legal immigration in American history in the last 70 years.

This is a very generous legal immigration bill that the gentleman from Texas [Mr. SMITH] has crafted. But what it is doing is extremely important. It is trying to give us an opportunity which business and all of us should be pleased with to get more seed immigrants since almost none can come in today who have no family ties but who have skills and things they can offer America and should be allowed to come to this country and get rid of the backlog of those people who are close family relatives who really should come here, the children and spouses and so forth, instead of having the broken system we have today.

So I implore my colleagues to vote against the amendment. As well-meaning as it may be, it is not a good amendment. Keep legal immigration in this bill and allow it to exist, because a vote for this amendment kills legal immigration reform.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Of the 500 fastest growing companies in this country, 12 percent are headed by legal immigrants. They are, again, a source of economic strength, the creation of jobs, the growth of our economy.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, this amendment deals with striking the family immigration sections of the bill in order to address these issues in a more seemly and deliberative manner, and I agree with that. If we are for family values, we need to value families; and that is what the Berman amendment would do. However, disapproval of the Berman amendment will also have implications for the business community.

I recently received a letter from a Mr. Yao, who lives in Mountain View, CA. I cannot read his whole letter, but I can excerpt from it. He is a senior scientist at his company, an American company, and is originally from China. When he started with the company, it was a very small company, but it has since experienced rapid growth and expansion. Its products are well received. In fact, the company received an award for outstanding achievement from the White House.

The major reason why the company has done so well is that Mr. Yao has designed all of the antennas that the company sells and in fact is the holder of a number of patents. However, a few years ago, he missed his daughter in China so much that he was going to take his patients and go home to China. However, the company, fearing to lose him and to lose their business, petitioned to make him a permanent resident so that his daughter could come here. He wrote to me to say that

she is now 30 years old, and he is desperate to see her, but she cannot come for a visit because of the pending application.

Mr. Chairman, I guess the upshot is that, if the Smith bill passes without the Berman amendment, Mr. Yao can take his patents and go home to China. Then we can have the opportunity to compete with a Chinese company that he founds instead of dominating our economic adversaries abroad.

I think it is worth noting that one of the fastest growing companies in our country, Intel, was founded by an immigrant. Sun Microsystems was founded by immigrants. The Java computer technology that is taking off on the Internet was devised by an immigrant. We are shooting ourselves in the foot if we fail to adopt the Berman amendment, economically, and also hurting families.

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

Mr. Chairman, the Bureau of Labor Statistics reports that the high level of immigration is responsible for 50 percent of the decline in real wages for America's lowest skilled workers, that is, those who did not complete high school. Yet, Members stand on the floor of the House and tell us that we have an obligation to continue a system of chain migration in which, when immigrants decide to bring their spouse and children and come to the United States, they also are allowed later to bring in their adult children and their brothers and their sisters.

Well, I submit that 20 years of experts recommending that we change this ought to give us a heads up about something, and that is simply this. If you do not want to leave your brothers and sisters and do not want to leave your adult children, then do not leave them. The American people have no obligation to tell all the people of the world that when you immigrate here you can bring family members other than one's spouse, minor children, and parents. We cannot continue to allow new arrivals to bring brothers and sisters and adult children with them as well, and expect to maintain a manageable population size.

What about our high school dropouts? What about our low-wage workers? It is not fair to continue driving down their wages with an immigration policy that disregards the interests of low skilled American workers.

Mr. CHRYSLER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the backlog the gentleman from Florida was referring to is the 1 million former illegal aliens that were granted amnesty in 1986. Giving extra visas to former illegal aliens instead of U.S. citizens is unconscionable.

Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the Chrysler amendment and in support of legal immigration. America is a nation of immigrants. My grandfather came to America from Norway when he was 16 years old. Like most immigrants, he sought a better life for himself and his family. Three years after becoming a citizen, he was drafted, and served with distinction in the battle of the Argonne in World War I. And his story is one of only millions of immigrant stories, of hope and opportunity, and of service to our Nation.

If someone is in our country legally, and paying taxes, they should be able to receive the benefits that their tax dollars pay for.

Legal immigrants are hardworking, taxpaying contributors to our society. Legal immigrants most often have intact families, college degrees, and are working. Overall, immigrants generate $25 to $30 billion a year in tax revenues—far more than the cost of services they may consume.

There is a problem with illegal immigration in our country. We need to take strict steps to reduce and eliminate illegal immigration. But let's not destroy what has contributed to America's greatness for past centuries. Let's not treat legal immigrants as though they had broken the law, when they are law abiding.

In his farewell address to the Nation, President Ronald Reagan recalled his favorite metaphor of America as a shining city. President Reagan stated that ''If there had to be city walls, the walls had doors and the doors were open to anyone with the will and heart to get here. That's how I saw it and see it still.'' I share Ronald Reagan's vision of immigration; the same vision that brought my grandfather to these shores and ancestors for generations to come.

Mr. SMITH of Texas. Mr. Chairman, first I want to say to my colleague, the gentleman from California [Mr. BERMAN], that I appreciate what he said about the ownership of businesses by immigrants, and I trust that he will feel better about the bill when I remind him that we are actually increasing the number of skilled immigrants whom we admit in the country under H.R. 2202. We want immigrants who are going to come here to work, to produce and contribute to our communities and to own and operate businesses.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. GALLEGLY], the chairman of the task force on immigration reform.

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

Mr. GALLEGLY. Mr. Chairman, as someone that has dealt with the issue of illegal immigration in this great House for the last 10 years, I have focused my energy on trying to find ways to stop the unchecked flow of illegal immigration.

Initially I was opposed to having legal and illegal immigration combined, but the more I have studied this issue, the more I realize that we cannot deal with one without the other. We are a very generous nation. We allow more people to legally immigrate to this country every year than all of the rest of the countries in the world combined. This bill continues to provide that ability for those to continue to immigrate here. I ask you to oppose this amendment and let us address the issue of immigration once and for all in a way that will stop illegal immigration and we cannot do it without addressing legal as well.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], a member of the committee.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much, and I would like to place, Mr. Chairman, a personal face on this whole question of legal immigration.

I rise in support of the separation in this legislation of legal immigration from illegal immigration. Claudia Gonzales left her family in Houston as a teenager to care for her grandparents in Mexico. She rejoined her family in Houston at age 23 where she has begun a new job and is attending school.

Mr. Chairman, under this bill, legal residents would be prohibited from sponsoring their sons and daughters over the age of 21, hard-working sons and daughters. The adult children could be deportable or have no preferential treatment in gaining legal residency. Claudia's father said, who has lived here since 1967: I have worked hard here and pay taxes. What am I going to say to my son 21 and my daughter who is 23?

Mr. Chairman, that is the real face of legal immigrants, hard-working taxpayers. I offered a bill that would have allowed parents to be brought here. Now we have a situation where parents and children cannot be united.

Mr. Chairman, I clearly think with all respect to those who worked so hard on this issue, we would do well to pay respect to hard-working legal immigrants and to acknowledge that it is now time to separate the legislation and treat illegal immigration separately.

Mr. Chairman, I rise today in support of the Chrysler-Berman-Brownback-Crane-Dooley-Davis amendment, which would strike the parts of title V–subtitles A, B, and C—that would virtually prevent American citizens from sponsoring their adult children, siblings, and parents; reduce America's support for refugees; and place additional experience requirements that will complicate companies' ability to hire skilled foreign scientists and engineers.

The current legal immigration system is specifically designed to strengthen families by reuniting close family members and fueling prosperity by attracting hardworking individuals. We must not abandon these principles. At a time when strong family bonds are more important than ever, restrictions in family based immigration will hurt legal immigrant families in America.

It is disturbing to think that Government policy will keep such families, even parents and their children, apart just because a child is older than 21 years of age. Energetic young people, about to enter the work force, are exactly the type of new Americans that complement the existing work force. Not only will they fuel our economy along with our existing population, but they will be here to care for their aging parents. Most Americans do not think that their children, at any age, are ever distant family members.

I recently read about a family in my hometown of Houston who would be affected if this legislation became law. Claudia Gonzales left here family in Houston as a teenager to care for her grandparents in Mexico. She rejoined her family in Houston at age 23 where she has begun a new job and is attending school. Under this bill, legal residents would be prohibited from sponsoring their sons and daughters over the age of 21. The adult children could be deportable or have no preferential treatment in gaining legal residency. Claudia's father, who has lived here since 1967, said: ''I've worked hard here and paid taxes. What am I going to say to my son, who is 21, and my daughter, who is 23, if they have to leave this country? I will respect every single day the laws of this country. But this one would be unjust and I denounce this law that would hurt many families.''

Similarly, barring entry of brothers and sisters of U.S. citizens because of the current backlog in that visa category is especially unfair to the citizens and their siblings who have followed the rules and waited patiently in line—some for 15 years or more.

H.R. 2202 imposes nearly insurmountable obstacles for U.S. citizens seeking to bring their own mothers and fathers to the United States. The legislation enables the U.S. Government to control and overrule the decisions of families by requiring that U.S. citizens purchase high levels of insurance for their parents and lowers the priority for the parents' visa category. This category will only receive visas if any are left over from other categories. The State Department projects that within 3 years after the law takes effect no visas will be available for parents.

In addition, H.R. 2202 would require citizens and legal residents to show that their income will be 200 percent above the poverty line in order to bring their parents, minor children, or spouses to the United States. More than 35 percent of Americans—over 91 million people—have incomes below 200 percent of the poverty line. The bill will have a devastating impact on American families who will be barred from living in the United States with their own husbands, wives, and children.

The centerpiece of U.S. immigration policy is, and should be, family reunification. It is consistent with our Nation's values when we allow U.S. citizens to reunite with their spouses, children—both minors and adults—their parents, and their siblings. This policy is good not only for the individuals involved, but for the Nation as a whole. Our policy of family reunification brings in energetic, committed new Americans who work hard, pay their taxes, and enrich the country economically and socially. There is little rationale for limiting opportunities for family reunification, when the end results are so positive for everyone involved.

Since when is America not big enough for the parents of its citizens? A recent CNN USA Today poll shows that immigrants come with strong family values and a strong work ethic. These are values we ought to be promoting, not undermining.

Proposed restrictions in employment-based immigration will hurt the U.S. economy. It is crucial that the American workplace reflects the international character of its customers and responds to both domestic and international competitive pressures. Achieving such a work force requires looking beyond the U.S. labor market. Employees, researchers, and professors possessing both innovative technical skills and multicultural competence ensures our economic viability in world markets.

Placing a cap on the number of refugees admitted to the United States ignores the leadership role of this country in providing protection and safe harbor to those fleeing political and religious persecution. Strict levels of refugee admissions ignore the changing and urgent nature of refugee situations. U.S. policy should maintain the flexibility to respond appropriately to emergency situations.

Mr. Chairman, today, and throughout history, immigrants have come to the United States in pursuit of the American dream, to make a better life for themselves and their children. They come to the United States to join the work force and their families, to educate their children and contribute to the communities where they live, their professions and the American economy. They enrich us with their diverse cultures and languages, and with their skills, education, business, and artistic talents. The United States, a nation of immigrants, has welcomed individuals from around the world who came here seeking better economic futures or fleeing political persecution. We must not abandon this history. I urge my colleagues to support their amendment.

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

Mr. SMITH of New Jersey. Mr. Chairman, I want to thank my good friend for yielding time to me and especially thank him for his leadership.

Mr. Chairman, I strongly support the Chrysler-Berman-Brownback amendment, which will help keep the focus where it belongs, on the real danger of illegal immigration, not on orderly legal immigration by close relatives of U.S. citizens. I am particularly troubled by the provision in the current bill that would cut off eligibility for so-called adult children unless they meet a series of new tests, including economic dependency. Ironically, supporters justify these restrictions by suggesting that we somehow protect nuclear families by excluding other relatives. Most Americans I think would be surprised, perhaps shocked comes closer to describe it, to know that if their 21-year-old daughter or son gets a job, he or she is no longer a member of your nuclear family and can never live with you again.

The present language in the bill also virtually eliminates the Attorney General's power to use the humanitarian parole to deal with compelling cases at the margins of our immigration laws. Most congressional offices have had to deal with cases in which an American family has adopted an orphan overseas or wishes to sponsor a relative for a sick family, only to run up against a brick wall. Humanitarian parole is gone.

Mr. Chairman, I urge support for the Chrysler amendment.

Mr. SMITH of Texas. Mr. Chairman, I just want to remind the gentleman from New Jersey that the bill actually has an additional 10,000 visas for humanitarian purposes that the Attorney General can disseminate.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE], a former practicing immigration attorney.

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

Mr. Chairman, as he noted, I did practice immigration law, am proud of the fact I helped people from more than 70 countries immigrate to the United States during my career as an immigration lawyer, all law-abiding citizens and hard working. Many people here have noted how important it is that we maintain our Nation as a nation of immigrants. Most of us can go back just a few generations and find family members who immigrated to this country, my grandfather, my wife's parents.

Mr. Chairman, there is no question that with this bill, we are going to continue to do that, continue to be the most generous nation on earth in terms of our immigration policy. But if this amendment is passed, it does not simply split legal immigration reforms, which are needed, both to help the immigration process and to limit it from illegal immigration, it will kill it outright. We have got to defeat this amendment because of the fact that our legal immigration process needs to be reformed.

We need to help immediate family members be reunified more quickly. Young married couples with young children, they need to be able to come here more quickly when one member qualifies for a visa than to have that separation taking place for years, as it does now. How do we pay for that? By breaking immigration chains that have very remote connections.

□ 1530

Now, my colleagues say, how can a brother or sister be a remote connection? The fact of the matter is it takes 20 years now for a member of a family to come to this country and go through the process it takes to petition for another member to come. So we are not talking about a situation where the family member got left behind last year and we want to bring them to this country. It is a matter of having to reform this process to be fair to everybody and fair to everyone in this country.

This chart shows the problem. First, the highest line shows the immigration trend over the next 55 years under current law. The second line shows the trend with the reforms in this bill. Forty million people is the difference involved there.

My colleagues, we need reasonable immigration reform. We will still be very generous. Oppose this amendment and support the bill.

Mr. BERMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Rhode Island [Mr. KENNEDY].

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Chairman, this debate can more appropriate be called debate over discrimination, not a debate over immigration. What we are seeing in collecting both legal and illegal immigrants is that we are going to treat legal immigrants as if they are illegal aliens. To me, this is no more than policy by prejudice and analysis by anecdote.

Mr. Chairman, I ask my colleagues to support the Berman amendment so we can differentiate between the two issues here.

I rise today in support of the Chrysler-Brownback amendment and in support of the generations of immigrants who have built this country into the great Nation that it is today.

This debate can be more appropriately called a debate over discrimination—not immigration. H.R. 2202 places drastic restrictions on legal immigrants—essentially treating them like second-class citizens who do not deserve the rights and privileges that are afforded native-born Americans.

This short-sighted action is a part of the unfortunate antiimmigrant fervor that has swept up this House and swept across the Nation. This is of great concern to me as the land of liberty, freedom, equality, and hope will have the image of being an unwelcoming closed nation. This is a troubling image—one that goes directly against the cornerstone principles of America.

It is a travesty that in an effort to curb illegal immigration, the authors of this bill have chosen to blatantly discriminate against those individuals who are in this country legally. Not only do the legal immigrant provisions make it extremely difficult for families to be reunited, but they also deprive parents and children of assistance should they fall upon hard times. Under this bill, more than one third of all Americans will be unable to sponsor a family member—simply because they are not wealthy enough. No longer will a grown child, a brother or sister be able to join their family here in the United States. Could any of you imagine being separated from family members so close? I certainly cannot.

These provisions will only hinder many new Americans who are trying to put the right foot forward and adapt to a new country. While I agree that measures must be taken to encourage individuals to stay off the welfare rolls, denying taxpayers assistance simply because they weren't born in this country is reprehensible.

In our rush to ensure that we are not allowing foreigners to sneak across our borders and live off the fruits of our labor, we have lost sight of what ''America'' means. Have we forgotten the foundation that this great Nation was built upon? The dreams, hopes, and aspirations that embody America were first envisioned by our forefathers who immigrated here in search of freedom and prosperity.

I am also deeply troubled at the tone that this debate has taken. Rather than looking broadly at the problem of illegal immigration, we have chosen to fixate on one source of our problem—our southern border. Have we forgotten that we have a border to the north? That we have two long coasts with many harbors and ports? Are not these open doors to Canadians? To Irish? But there is silence here, while the debate is filled with sound and fury over the menace to our south. This is not right. It is blind and unfair. It fans the flames of prejudice. It makes it possible for a bill to deal so callously with our legal immigrants.

My State of Rhode Island is enriched by the many people who have brought their cultures and traditions to this great Nation to build a life for themselves and for future generations. I am proud of these hard-working Americans, who each day go to work, pay taxes, and make their contribution toward creating a stronger United States.

The Chrysler-Berman amendment is a vote for equity for all Americans—new and old. It will ensure that hard-working, tax-paying legal residents of this country are treated with decency and fairness. We owe them at least this much.

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

Mr. Chairman, this amendment is important to restore the rights to U.S. citizens to petition for their brothers and sisters and adult children to come to America.

There are currently provisions to prevent immigrants from becoming public charges, and there are additional welfare restrictions in this bill. The amendment does not change these welfare restrictions.

In addition, the Senate split their immigration bill. So we will see legal immigration reform this year in the House.

I ask my colleagues to support this profamily amendment and vote ''yes'' for this amendment.

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

Mr. Chairman, I just want to point out to my friend, the gentleman from Michigan [Mr. CHRYSLER], who just spoke, that the reason we have the record level 21 percent of all legal immigrants on welfare is because we do admit over 80 percent without any regard to skills or education.

The problem with this amendment is that it will continue the status quo. The bill tries to increase the percentage of individuals who are admitted on the basis of skills and education. This amendment would leave us right where we are, and over 80 percent would be admitted without any regard to that.

Mr. Chairman, I would like to cite some studies that have been done on the question of how legal immigrants, competition with legal immigrants, depresses wages and costs jobs, and I just do not see how the proponents of this amendment can ignore these studies when we know we are dealing with real lives and real hardship.

According to the Bureau of Labor Statistics, immigration was responsible for 50 percent of the decline in real wages for America's lowest scale workers, those who did not complete high school. A recent study by the Economic Policy Institute says that in the high-immigration States of Arizona, California, Florida, New York, and Texas, that men's wages were 2.6 percent and women's wages 3.1 percent below the average for other States that were not high-immigration States.

Dr. Frank Morris, the immediate past president of the Council of Historically Black Graduate Schools, said there can be no doubt that our current practice of permitting more than 1 million legal and illegal immigrants per year into the United States, into our already difficult low-skilled labor markets, clearly leads to both wage depression and the de facto displacement of African-American workers with low skills.

The Urban Institute says this. The immigration reduces the weekly earnings of less-skilled African-American men and women and also that group most clearly and severely disadvantaged by newly arrived immigrants is other recent immigrants. A 10-percent increase in the number of immigrants reduces other immigrants' wages by 9 to 10 percent.

Finally, in a book by Julian Simon, the patrol saint of the open-borders proponents, he says this: ''There is no doubt that workers in some industries suffer immediate injury from the addition of immigrant workers in these same categories.''

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

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry. Could it please be indicated who has the right to close?

The CHAIRMAN. The gentleman from Texas [Mr. SMITH] has the right to close.

Mr. BERMAN. And how much time is remaining?

The CHAIRMAN. The gentleman from California [Mr. BERMAN], has 2 minutes remaining; the gentleman from Michigan [Mr. CHRYSLER] has 30 seconds remaining, and the gentleman from Texas [Mr. SMITH] has 1 minute and 15 seconds remaining.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

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

I rise in strong support of the Chrysler-Berman-Brownback amendment. It is a refreshingly bipartisan amendment, and that is because it is the right thing to do.

This bill is well intentioned. It talks about the legitimate problem, which is illegal immigration. Unfortunately, it goes too far because it tries to make changes in legal immigration. We do not have a problem with legal immigration, and as I listened to the debate, I have not heard one articulated.

The fact of the matter is we are all immigrants. We are all the descendants

of immigrants, some voluntary, and some, like myself, on an involuntary basis. But the point is we all came to America.

America is a beacon to immigrants. But this bill would reduce legal immigration by 40 percent over 5 years, and yet there has been no rationale presented to justify why we should shut people out of our country, why we should pull families apart.

Why are we doing this?

This bill is not trying to increase immigration. I realize we cannot accept everyone, but there is no reason to significantly reduce the level of immigration.

There are those who want to suggest immigrants are a burden on our society. Not legal immigrants. They earn $240 billion, they pay $90 billion in taxes. They only consume $5 billion in benefits. Clearly, we need legal immigrants. We ought to vote for this amenement.

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

Mr. Chairman, I would just like to say that there is not a fixed number of jobs in America, as an American businessman for 25 years. Job totals have more than doubled from 1960 to 1995, so immigrants do not take jobs, jobs from natives and actually the bill does, indeed, cut legal immigration from 775,000 to 542,000 in 2002, and I think that is unconscionable because I think we are going to need all the workers we can get as we move into a growth opportunity that we are going to have in this country.

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

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

Mr. Chairman, Abe Lincoln used to say calling a tail a leg does not make it one. No matter how many times you cite 21 percent of legal immigrants on welfare, it is wrong. Saying it a lot of times does not make it true.

The Urban Institute says 7 percent less than the average American who did not come here as a legal immigrant relies on welfare, 7 percent less than the average.

Second, you can cite a graduate student who is working at the Bureau of Labor Statistics for a survey, Manhattan Institute, a survey, top economists in the country of all ideologies and persuasions. Eighty-one percent said legal immigration is very helpful to the economy. The other 19 percent said it is slightly helpful to the economy. No one said it hurts the economy.

We have put together a coalition on this amendment, with the great work of my colleagues, the gentleman from Michigan [Mr. CHRYSLER] and the gentleman from Kansas [Mr. BROWNBACK] and the gentleman from California [Mr. DOOLEY] and the gentleman from Virginia [Mr. DAVIS] and the gentleman from Illinois [Mr. CRANE], that includes the AFL–CIO, the Leadership Conference on Civil Rights, the Christian Coalition, the Americans for Tax Reform, a whole slew of organizations that believe in economic growth, family values and family reunification.

I urge that the Committee of the Whole adopt this amendment.

Mr. SMITH of Texas. Mr. Chairman I yield such time as she may consume to the gentlewoman for 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 opposition to this gutting amendment. This amendment would destroy this bill's ability to reform our notoriously deficient immigration laws.

No one will argue that immigrants have not formed the backbone of our country. Immigrants from all over the world have helped make this great Nation what it is today. And, they will continue to bring America forward in the 21 century.

But, we can no longer espouse an open border/open port immigration policy. In the face of increasing corporate mergers, downsizing, and technological advancement, our economy cannot absorb greater numbers of immigrants, let alone provide jobs to those people who have been laid off or can't find work.

This is a gutting amendment that refuses to recognize the problems that legal immigration causes for our country and hard-working American taxpayers.

Over half of the 400,000 illegal aliens who come to the United States every year come here legally and overstay their visas. Over 80 percent of all admitted legal immigrants are low skilled and uneducated which has resulted in a drop of 50 percent in real wages for those who never graduate from high school. Legal immigrants receive $25 billion more in public benefits than they pay in taxes, including a 580 percent surge in their SSI payments over the past 12 years.

Mr. Chairman, these figures are startling and totally unacceptable. They are a direct result of our misguided immigration policies of 1986 and 1990 which first granted amnesty to 2.7 million illegal aliens, and second almost tripled employment-based visas and removed limits on family-related categories for immediate relatives.

Consequently, legal immigration and sponsorship have ballooned. They continue to drain our welfare system and slow our economy by taking away jobs from those already here. We can no longer idly sit by and watch this happen when our own citizens are living below the poverty level, without health care, without jobs.

That is why we must restructure our current legal immigration system now. H.R. 2202 does this fairly and sensibly: By offering preference to nuclear families—spouses, minor/dependent children up to age 25, and parents whose health care is prepaid—and highly skilled workers, by allowing entrance to at least 50,000 annual backlogged nuclear family members, and by keeping categories for refugees and diversity visas. Even with the bill's numerical limits, we will still be admitting 600,000 to 700,000 legal immigrants annually. Could anyone say that these levels are not generous? I think not.

Mr. Chairman, it is impossible to implement immigration reform without tackling legal immigration. Legal immigration feeds illegal immigration, and feeds on our welfare system. This amendment would not only gut this legislation, but it would perpetuate both of these problems. We cannot let this happen.

I urge my colleagues to oppose this amendment.

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

Mr. Chairman, Mark Twain said, ''First you get your facts straight, then you can distort them all you want.'' I am afraid that we have heard some of that just a minute ago. In point of fact, when we consider both cash and noncash benefits, there is 21 percent, a record high percentage, of legal immigrants on welfare.

The point, though, of this amendment is, it is a motion to kill, it is not just a motion to strike. There is no separate legal immigration reform bill on the House side, and, as I mentioned awhile ago, the proponents have not offered any amendments to try to improve our legal immigration system.

This amendment simply makes a bad situation worse. It will keep the status quo. It will keep the huge backlogs. It will keep the long waits, and, in fact, it will allow them to grow larger and longer.

Legal immigration drives illegal immigration. Today almost half of the illegal immigrants in the country today actually came over here on legitimate visa, typically tourist visas, and then overstayed, and that is the result of these huge backlogs and long waits, which is what the bill fixes and what the amendment ignores.

Also, Mr. Chairman, I have to say that one of the worst reasons to go back to the status quo is because we have a broken legal immigration system that depresses wages and costs jobs. The American people know immigration can hurt them because they have to compete with them. This amendment ignores the wishes of the vast majority of the American people: 83 percent want us to control immigration including a majority of African-Americans and Hispanics.

Mr. Chairman, I appreciate the fact that the National Federation of Independent Business, the Chamber of Commerce, United We Stand, Hispanic Business Roundtable and Traditional Values Coalition have all endorsed this bill.

Mr. LAZIO of New York. I rise today in support of the Chrysler-Brownback amendment which separates the issue of legal and illegal immigration. Without a doubt, we need to tackle illegal immigration in this country. Hundreds of thousands of illegal immigrants pour across our border every year, and quite frankly, people have a right to be angry. Illegal aliens are after all illegal and their presence is a reflection of the Federal Government's inability to address the problem. According to the INS, there are an estimated 4 million illegal aliens in the United States. New York's share of this figure is 449,000, or 13 percent. This bill gets tough on illegal immigration, and I commend Chairman SMITH for his hard work and diligence in tackling this issue.

But I remain unconvinced that we need to target those who play by the rules, work within the process, and legally immigrate to this country. Those who are illegal aliens are breaking the law. There are tens of thousands of family members who have obeyed the law and are within the legal immigration process who would have the door slammed in their faces should this provision remain in the bill.

I have heard many of my colleagues talk about how we are a Nation of immigrants, and then in the same breath argue that we need to cut the number of legal immigrants. Although it is argued that the decrease is modest, the question is whether it is really necessary. I have heard the argument that this reduction in legal immigration is profamily. But I find it ironic that many of the groups that I have heard from in New York that would be most affected, such as Irish, Italian, and Jewish groups, among others, have told me that this would divide families, not unite them.

Some have argued that legal family-based immigrants have less to contribute, and there is always the threat that they will become a public charge. But keeping families—including extended families—intact, is culturally and empirically, a way to keep people off the public dole, especially among many foreign cultures from which these individuals come. Besides, there are other provisions in the bill which address this without excluding these individuals.

As someone who grew up in the shadow of the Statue of Liberty, and, like most of us, is a descendant of immigrants, I believe that legal immigration enriches our country, rather than pulling it down. Those who have come to this country to make a better life for themselves, and their families, have given our Nation its strength and its unique character. It is simply unfair to punish those who follow the rules for the sins of those who do not. I urge a ''yes'' vote on this amendment.

Mr. MATSUI. Mr. Chairman, much of the debate that we have had over the last 2 days is a discussion of what steps we should take to address the serious illegal immigration problem facing our Nation. That is an important debate, and I welcome it. There may be differences in this Chamber about what steps will be most effective in addressing the problem of illegal immigration, but we are in agreement that we must act and act quickly.

We should complete the illegal immigration debate and send legislation to the President. I rise in strong support of the amendment being offered by Mr. CHRYSLER, Mr. BERMAN, and Mr. BROWNBACK because I firmly believe that we should separately address the far more controversial and questionable contention that legal immigration is having a negative impact on the United States. The House should affirm, as the Senate Judiciary Committee has, that it is absolutely inappropriate to view legal immigration as a part of the same problem as illegal immigration.

When we talk about legal immigrants, we are talking about individuals who have waited patiently to enter our Nation, who have come here and contributed a tremendous amount to our society, our economy, and our tax base. I would call my colleagues' attention to observations made by the chairman of the Federal National Mortgage Association, James Johnson, in assessing the results of a recent survey by the association. Mr. Johnson wrote the following about legal immigrants in the Wall Street Journal:

> [T]hey are optimistic about our Nation's future; and they are willing to work and save to buy a home. That desire translates into millions of American jobs—in homebuilding, real estate, mortgage banking, furniture and appliance manufacturing, and the dozens of other industries that are dependent on a strong housing market. They hold significant economic power which, if realized, translates into jobs for Americans and prosperity for our Nation. . . . Before Congress enacts legislation to further restrict immigration, it should consider what the costs of ''people protectionism'' are likely to be for neighborhoods, job creation and the democratic ideals upon which our Nation was founded.

While opponents of this amendment will argue that there is a demand for legal immigration reform, a prominent Republican pollster has found that 80 percent of Americans believe that we should address the problem of illegal immigration first. This polling also suggests that seven of every eight Americans oppose penalizing those who have played by the rules in applying to immigrate to the United States. Yet this bill would slam the door on many individuals who have done exactly that—applied for visas and waited as long as 17 years to legally enter the United States.

We ought to reserve judgment on the question of whether changes are warranted in our legal immigration policy until we have taken effective steps to address illegal immigration. Let us move forward with that work before taking radical and unwarranted steps such as denying our citizens the right to reunite with their siblings, adult children, or parents.

I thank Mr. BERMAN, Mr. CHRYSLER, and Mr. BROWNBACK for offering this important amendment, and I strongly urge all of my colleagues to support it.

Mr. REED. Mr. Chairman, I rise in support of this amendment. I do so as someone who believes strongly in immigration reform. In fact, I was one of three Democrats who voted in support of H.R. 2202 when it was considered by the Judiciary Committee.

However, I believe the House should address the very different issues of legal and illegal immigration in separate legislation.

I support reasonable restrictions on legal immigration: the United States has the right and responsibility to ensure that only those who are likely to become productive citizens may immigrate to our shores. I would not support this amendment if I thought it was an effort to derail these initiatives.

But the issues of legal immigration should not be considered in the context of the emotionally charged debate on illegal immigration. Addressing illegal immigration involves criminal laws, border enforcement, deportation issues, and workplace enforcement. The policy decisions to be made regarding legal immigration are completely different and by being thrown in with what is essentially a law enforcement debate have been, I believe, distorted.

For example, the House ought to consider more carefully the impact of redefining 'family member' for immigration purposes in a way that excludes parents of U.S. citizens, as well as most children over age 21. Most Americans do not believe that any of their children, regardless of how old they are, are distant family members. The bill arbitrarily denies millions of U.S. citizens who have played by the rules and waited in line, in many cases for as long as a decade after having paid fees and gotten applications approved, the opportunity to sponsor and reunite with an overseas family member.

Again, I am not an opponent of reducing the levels of immigration or of ensuring that immigrants who are admitted are able to support themselves.

But Mr. Chairman, legal immigrants pay their taxes and abide by our laws. They are integral parts of our communities. We should give them the respect they deserve and treat the issues of legal and illegal immigration separately.

Ms. PELOSI. Mr. Chairman, I rise in support of the Berman, Brownback and Chrysler amendment, which strikes the provisions in this legislation which reduce and restrict legal immigration.

I agree with my colleagues that we must curb illegal immigration responsibly and effectively. However, as the Berman, Brownback and Chrysler amendment recognizes, the issue of legal immigration is clearly distinct and separate.

Legal immigration is currently tightly controlled and regulated. Yet this legislation proposes the largest cut in immigration in nearly 70 years.

Lawful and orderly family reunification contributes to strengthening American families. Yet almost ¾ of the bill's reductions in the number of legal immigrants admitted come in family-related categories.

Provisions in this legislation make it impossible for legal immigrants to be united with some family members. Under this legislation, virtually no Americans would be able to sponsor their parents, adult children or siblings for immigration. Not all Americans subscribe to the restrictive definition of family imposed in the bill—nor should they.

America has long been a haven for refugees seeking freedom from political, religious and gender persecution. Yet this bill would cut in half our current ability to offer asylum to people in dire need.

Immigrants today who come to our country through legal means are not at all different from immigrants of generations past—our parents or grandparents. They should have every opportunity to reunite their families. They should have every opportunity to contribute to our economy and culture. They have played by the rules. They should not be punished.

I urge my colleagues to recognize the extraordinary benefits to our country of legal immigration and support the Berman, Brownback, and Chrysler amendment.

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-fourth 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% 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 many families, particularly those of Filipino descent, on Guam. It will prevent many of them from reuniting with their brothers and 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 these 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.

Mr. KIM. Mr. Chairman, I rise in support of the Brownback-Chrysler-Berman amendment. As one of the few first generation legal immigrants in Congress, I am offended by the merging of the initiatives to combat illegal aliens with legal immigration reform. While I strongly support legislative efforts to both eliminate illegal immigration and substantially reform legal immigration, there is a significant difference between these two issues.

Illegal aliens have knowingly and willingly violated the law by entering the United States without permission. They defraud the taxpayer. On the contrary, legal immigrants have patiently waited, paid all the requisite fees and deposits, and followed all the rules and regulations for resettling in the United States. They will soon be proud, patriotic citizens. They dutifully pay their fair share of taxes. They join current citizens in totally opposing illegal aliens and their criminal actions. Thus, to consider the status of these two, totally opposite groups in the same bill is both unfair and an insult to legal immigrants.

The Brownback amendment gives this House the opportunity to deal with illegal and legal immigration issues separately—as they should be.

Without reservation, I strongly endorse the tough, anti-illegal immigration provisions in H.R. 2202. As a member of the Republican Task Force on Immigration Reform, I helped craft some of these very provisions and I am committed to enacting them into law and enforcing them in the field. Mr. Chairman, we have the votes to pass these important barriers to illegal immigration and thereby help stem the tide of illegal immigration that is engulfing my State of California. Let's do it now.

The Brownback-Chrysler amendment does not affect in any way our anti-illegal alien initiatives. Furthermore, I disagree and challenge the validity of the claims by critics of the Brownback-Chrysler amendment that it is nothing more than a back door attempt to scuttle legal immigration reform. From my perspective, it is not.

I agree fully with immigration Subcommittee Chairman Lamar Smith that our country's legal immigration system and priorities are in desperate need of reform. And, while I do not agree with every, single legal immigrant-related provision in H.R. 2202, overall I support the bill's priority for immediate family unification and I understand the need to slow down the current rate of immigration by reducing the number of annual visas. I am ready and willing to consider and pass comprehensive legal reform legislation today. It is needed.

But, I again stress, that we should deal with legal immigration independently of legislation combating illegal aliens so as to ensure that these two very different issues are not confused. The Brownback-Chrysler amendment affords us this opportunity and I urge its passage.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Chrysler, Berman, Brownback amendment and ask unanimous consent to revise and extend my remarks. This provision would enable the bill to be divided into separate legislation to deal with illegal and legal immigration reform. This is the key aspect to the immigration debate.

The greatest danger to an immigration debate in this country is the merging and confusing of issues concerning legal and illegal immigration. In truth they have nothing to do with one another. Legal immigrants strengthen America. They should not be linked with those who come here illegally.

Illegal immigration on the other hand is a matter that has reached enormous proportions and which Congress must pursue earnestly. I strongly support efforts to halt illegal immigration by strengthening our borders. I also strongly support increasing the number of border patrol agents along our borders and providing them with the resources needed to get the job done.

Those who enter this country illegally exert strain on our economy and Nation. As Representative of a border district, I am uniquely aware of the burden that illegal immigration poses on local communities. Illegal immigration must be curtailed but it is a mistake to link this important goal with legal immigration.

For these reasons, I urge my colleagues to vote in support of the Berman, Brownback, Chrysler amendment.

Mr. RICHARDSON. Mr. Chairman, almost all Americans realize the value of past immigration. They look with pride at their ancestors, who came to this country full of energy with empty pockets and were able to succeed and improved the quality of life of all Americans.

Yet, many people doubt the value of immigration today. Too many Americans wrongly believe that today's immigrants drain our economy and use far more welfare than native-born citizens. There is nothing further from the truth.

Today's immigrants come to this country with the same desire, energy, and enthusiasm to succeed and looking for opportunities, not guarantees.

I have one of these immigrants working in my office. A legislative fellow now on my office staff arrived in this country only 7 years ago without knowing English and with only a ninth grade education.

In only 5 years, this young woman managed to learn English, get a high school diploma and graduate from the School of Foreign Service at Georgetown University. She, like many of those immigrants who came to this country within the past 100-plus years, came with empty pockets and a tremendous desire to succeed and take advantage of the opportunities that America still offers.

The Chrysler, Berman, and Brownback amendment would keep the doors open to law abiding immigrants, who like the fellow in my office, come to this country not only looking for a better life, but also bring with them the desire and energy that has made America a great Nation.

The CHAIRMAN. All time has expired on this amendment.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 238, noes 183, not voting 10, as follows:

[Roll No. 84]

AYES—238

| | | |
|---|---|---|
| Abercrombie | Brown (FL) | Danner |
| Ackerman | Brown (OH) | Davis |
| Allard | Brownback | de la Garza |
| Andrews | Bunn | DeLauro |
| Armey | Camp | Dellums |
| Baesler | Campbell | Deutsch |
| Baldacci | Cardin | Diaz-Balart |
| Barcia | Chabot | Dicks |
| Barrett (WI) | Chapman | Dingell |
| Becerra | Christensen | Dixon |
| Bentsen | Chrysler | Doggett |
| Berman | Clay | Dooley |
| Bishop | Clayton | Doyle |
| Blute | Clyburn | Dunn |
| Boehlert | Collins (MI) | Durbin |
| Bonilla | Condit | Edwards |
| Bonior | Conyers | Engel |
| Borski | Costello | English |
| Boucher | Coyne | Ensign |
| Browder | Cramer | Eshoo |
| Brown (CA) | Crane | Evans |

Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hayworth
Hefner
Hilliard
Hoekstra
Holden
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran
Morella
Murtha
Myrick
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
Studds
Stupak
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walker
Walsh
Ward
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
White
Williams
Woolsey
Wynn
Yates
Young (FL)
Zimmer

NOES—183

Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehner
Bono
Brewster
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chenoweth
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Deal
DeFazio
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Goodlatte
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayes
Hefley
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kingston
Kolbe
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Longley
Lucas
Martini
McCollum
McCrery
McDade
McKeon
Metcalf
Meyers
Minge
Molinari
Montgomery
Moorhead
Myers
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Oxley
Packard
Parker
Petri
Pickett
Pombo
Pomeroy
Quillen
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Traficant
Vucanovich
Wamp
Watts (OK)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Zeliff

NOT VOTING—10

Collins (IL)
Johnston
Moakley
Radanovich
Rose
Stark
Stockman
Stokes
Waters
Wise

□ 1600

Mr. LUCAS, Mrs. CHENOWETH, and Mr. KASICH changed their vote from ''aye'' to ''no.''

Messrs. DE LA GARZA, MCINTOSH, and WELDON of Florida changed their vote from ''no'' to ''aye.''

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

Mr. CHAIRMAN. It is now in order to consider amendment No. 20 printed in part 2 of House Report 104–483.

Does the gentleman from Texas [Mr. BRYANT] wish to offer this amendment?

Mr. BRYANT of Texas. Mr. Chairman, the preceding amendment having been adopted, the Bryant amendment as listed is rendered moot. I do not wish to offer it at this time.

The CHAIRMAN. It is now in order to consider amendment No. 21 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. 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. ROHRABACHER: Amend section 808 of the bill to read as follows:

**SEC. 808. LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.**

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended—

(1) in paragraph (1), by inserting ''pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who'' after ''who'' the first place it appears; and

(2) by adding at the end of paragraph (2) the following: ''For purposes of subparagraph (A), the ground of inadmissibility described in section 212(a)(9) shall not apply.''.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

(2) The amendment made by subsection (a)(2) shall take effect on the title III–A effective date (as defined in section 309(a)).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. ROHRABACHER] and a Member opposed, the gentleman from Texas [Mr. BRYANT], will each control 5 minutes.

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

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

Mr. Chairman, my amendment will close an immigration loophole opened 2 years ago by a rider to the fiscal year 1995 Commerce-State-Justice appropriations bill. This loophole, which was put into the bill by Senator KENNEDY, rewards many illegal aliens who are in the United States illegally. Let me repeat that. This only deals with people who are in the United States illegally by allowing them to apply for permanent resident status and remain here while their applications are pending. That was the loophole that was put into that bill by Senator KENNEDY.

While waiting for their applications to be adjudicated, these illegal aliens are considered PRUCOL, Persons Residing Under Color of Law. Those individuals that we are talking about are here illegally, but they are then eligible for several taxpayer-funded government benefits.

This loophole also has serious repercussions for the security of our Nation. Under the Kennedy loophole, certain people who sneak across our border or illegally overstay their visas can apply for permanent resident status at the local INS office. That is right, right here in the United States, in their local communities, at the local INS office.

Even these aliens who have flagrantly violated our immigration laws are now able to avoid an examination by the State Department officials in their home countries because they are applying to the INS here locally. In their home countries may be, however, the only place where information such as criminal records or terrorist activities can be found. Thus, the INS does not have the availability of that information when looking at this request, but the State Department would have had that information.

Allowing these lawbreakers to apply for permanent status in the United States, rather than having to return to their home countries to do so, circumvents a screening process that has been carefully established to protect our country's security. If the records are in their native countries, how can the INS employees whose job it is to look at this request thoroughly investigate the backgrounds of these illegal aliens?

Last year I asked the General Accounting Office to investigate the impact of this new law. During the first 5 months this loophole was in effect, nearly 80,000 illegal aliens used it to stay in the United States. INS officials anticipated that that number would double by the end of 1995.

This means that possibly as many as 160,000 illegal aliens now have access to

public assistance benefits who otherwise would not have had access had this loophole not been snuck into the law. We must stretch even further our overstrained welfare system to cover these people who broke our law to come here in the first place.

This new provision of law is an absolute travesty. To reward those who have consciously violated our immigration law is an insult not only to the citizens of this country but to those persons in foreign countries who have obeyed our laws and are now waiting in line for their turn.

I hope Members will join the gentleman from Texas [Mr. SMITH] and myself in supporting this amendment to close this loophole which rewards people who have flagrantly violated our laws, people who are here illegally, and also puts our country at a security risk.

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

Mr. BRYANT of Texas. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I rise in strong opposition to the Rohrabacher amendment.

Mr. Chairman, I guess to some extent I am a little mystified as to why this would even be proposed. Years ago before I ran for Congress, I taught immigration law, at the University of Santa Clara. At the time I pointed out to my students that the provision that this amendment would reinstate made absolutely no sense whatsoever.

The correction that is now part of current law makes a lot of practical sense. For people who are here, who entered the United States legally and who have become legal residents under the current law, there is absolutely no reason to force them to buy an airplane ticket, go to an American consulate overseas and then reenter the United States. The correction that the Rohrabacher amendment seeks to undo recognizes that.

I will give an example, a circumstance where this might happen. You have a student who legally enters the United States under an F visa to attend graduate school. The individual receives their Ph.D. in physics. They graduate, and for two days they are not employed until they receive a temporary visa to do research in a high-tech Silicon Valley company. Later they fall in love and get married, and the U.S. citizen spouse decides to petition for the individual to make them a permanent resident.

Under the current law, you can pay a penalty fee to the U.S. Treasury and have your paperwork done here so long as you did not work in an unauthorized capacity. However, the Rohrabacher amendment would say, ''No, no, you can't do that. Instead you have to buy an airplane ticket, go to the overseas consulate, get your visa there, and then come back.''

There is no benefit to the U.S., there is no benefit to the integrity of our immigration laws. There is no benefit to anyone. There is no benefit to the U.S. citizen spouse, the company or anyone else. The only one who benefits are the travel agents and United Airlines. I would rather have the money go to the Immigration and Naturalization Service in the form of fees.

This has nothing to do with illegal immigrations. It has nothing to do with anything but having a sensible, pragmatic approach to having our immigration laws work smoothly.

I would add that for the business community in particular, they were strong advocates of this change in the law, because having an individual pulled out of a company to do paperwork abroad can disrupt the flow of important high-tech work, and when there is no good reason for the U.S. Government to do this, it makes no sense.

I strongly urge opposition to the Rohrabacher amendment.

Mr. ROHRABACHER. Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] has the right to close.

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

Mr. Chairman, the gentleman from Texas [Mr. SMITH] joins me in supporting this amendment because it closes a loophole which, although it has been presented today by my colleague from California as being somewhat innocent, means that 160,000 illegal aliens who otherwise would have to go to their home countries in order to have their status readjusted now can remain in the United States.

What does that mean? What that means is during that time period when it may take years, maybe 5 or 6 years, those people are eligible for government benefits. The questions we have to ask ourselves, if someone did overstay their visa, even if it was a graduate student from a university, why should that person who violated our law be provided a status in which they would be able to partake from government benefits?

Also that graduate student, for all we know, is a criminal in his home country. The loophole that we are closing permits the State Department to thoroughly investigate the background of those people because they have those resources in the person's home country. For security's sake, for the sake of a strained budget, I would propose that we close this loophole.

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

The Chairman. The gentleman from California [Mr. BECERRA] is recognized for 2 minutes.

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

Mr. Chairman, let me make sure I make this as clear as I can: Section 245(i) within the Immigration and Naturalization Act, which this amendment by the gentleman from California [Mr. ROHRABACHER] would repeal, does not permit anyone to gain lawful permanent residence who would otherwise be disqualified. So if you are someone who crossed over our border without documents, you cannot qualify for adjustment to status to be a permanent resident. This only applies in the cases where people would otherwise qualify. You cannot be eligible for this program unless you meet the criteria.

What this particular provision in the code currently does is it just takes away the fiction of having someone fly back home just to submit an application to the U.S. consulate office in that country of origin and then come back here, because the person will be entitled to come back. These are people who will be entitled to gain lawful permanent resident status.

Let me give you a quick example. If an engineer is working on a project that terminates prematurely, and this person cannot line up new employment immediately and fill out all the immigration paperwork quickly enough, the engineer would need to make a planned trip back home to the country of origin to get the green card that he or she is entitled to get. That would disrupt work, school, other things in lining up the new employment, but the person would ultimately qualify. What 245(i) was meant to do within the act was to take care of this situation.

We charge these particular individuals much higher sum to apply for permanent residency status. The reason we do that is we say to them rather than pay for the airline ticket to go back and submit paperwork to the consulate office, which is already overworked, give the money directly to the INS and let them use it immediately. That is one of the reasons why we got close to $100 million last year to do work for the INS, for border enforcement activities, for filling out paperwork for those naturalizing, and also helping people become U.S. citizens who are lawful permanent residents and have the right to be here.

This is a good provision in the law. It does not allow those who are crossing illegally to come in. This is not a good amendment. Defeat the amendment.

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

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 22 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. 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. POMBO:

**Subtitle B—Guest Worker Visitation Program**

**SEC. 821. SHORT TITLE.**

This subtitle may be cited as the ''Temporary Agricultural Worker Amendments of 1996''.

**SEC. 822. NEW NONIMMIGRANT H–2B CATEGORY FOR TEMPORARY AGRICULTURAL WORKERS.**

(a) ESTABLISHMENT OF NEW CLASSIFICATION.—Section 101(a)(15)(H)(ii) (8 U.S.C. 1101(a)(15)(H)(ii)) is amended by striking ''or (b)'' and inserting ''(b) having a residence in a foreign country which he has no intention of abandoning who is coming temporarily to the United States pursuant to section 218A to perform such agricultural labor or services of a temporary or seasonal nature, or (c)''.

(b) NO FAMILY MEMBERS PERMITTED.—Section 101(a)(15)(H) (8 U.S.C. 1101(a)(15)(H)) is amended by striking ''specified in this paragraph'' and inserting ''specified in this subparagraph (other than in clause (ii)(b))''.

(c) DISQUALIFICATION IF CONVICTED OF OWNERSHIP OR OPERATION OF A MOTOR VEHICLE IN UNITED STATES WITHOUT INSURANCE.—Section 214 (8 U.S.C. 1184) is amended by adding at the end the following:

''(l)(1) An alien may not be admitted (or provided status) as a temporary worker under section 101(a)(15)(H)(ii)(b) if the alien (after the date of the enactment of this subsection) has been convicted of owning (or knowingly operating) a motor vehicle in the United States without having liability insurance that meets applicable insurance requirements of the State in which the alien is employed or in which the vehicle is registered.

''(2) An alien who is admitted or provided status as such a worker who is so convicted shall be considered, on and after the date of the conviction and for purposes of section 241(a)(1)(C), to have failed to comply with a condition for the maintenance of status under section 101(a)(15)(H)(ii)(b).''

(d) CONFORMING REDESIGNATION.—Subsections (c)(5)(A) and (g)(1)(B) of section 214 (8 U.S.C. 1184) are each amended by striking ''101(a)(15)(H)(ii)(b)'' and inserting ''101(a)(15)(H)(ii)(c)''.

**SEC. 823. ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROCESS USING ATTESTATIONS.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 218 the following:

''ALTERNATIVE AGRICULTURAL TEMPORARY WORKER PROGRAM

''SEC. 218A. (a) CONDITION FOR THE EMPLOYMENT OF H–2B ALIENS.—

''(1) IN GENERAL.—No alien may be admitted or provided status as an H–2B alien (as defined in subsection (n)(4)) unless—

''(A) the employment of the alien is covered by a currently valid labor condition attestation which—

''(i) is filed by the employer, or by an association on behalf of the employer, for the occupation in which the alien will be employed;

''(ii) has been accepted by the qualified State employment security agency having jurisdiction over the area of intended employment; and

''(iii) states each of the items described in paragraph (2) and includes information identifying the employer or association and agricultural job opportunities involved; and

''(B) the employer is not disqualified from employing H–2B aliens pursuant to subsection (g).

''(2) CONTENTS OF LABOR CONDITION ATTESTATION.—Each labor condition attestation filed by or on behalf of, an employer shall include the following:

''(A) WAGE RATE.—The employer will pay H–2B aliens and all other workers in the occupation not less than the prevailing wage for similarly employed workers in the area of employment, and not less than the applicable Federal, State or local statutory minimum wage.

''(B) WORKING CONDITIONS.—The employment of H–2B aliens will not adversely affect the working conditions with respect to housing and transportation of similarly employed workers in the area of employment.

''(C) LIMITATION ON EMPLOYMENT.—An H–2B alien will not be employed in any job opportunity which is not temporary or seasonal, and will not be employed by the employer in any job opportunity for more than 10 months in any 12-consecutive-month period.

''(D) NO LABOR DISPUTE.—No H–2B alien will be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout or work stoppage in the course of a labor dispute in the occupation at the place of employment.

''(E) NOTICE.—The employer, at the time of filing the attestation, has provided notice of the attestation to workers employed in the occupation in which H–2B aliens will be employed.

''(F) JOB ORDERS.—The employer will file one or more job orders for the occupation (or occupations) covered by the attestation with the qualified State employment security agency no later than the day on which the employer first employs any H–2B aliens in the occupation.

''(G) PREFERENCE TO DOMESTIC WORKERS.—The employer will give preference to able, willing and qualified United States workers who apply to the employer and are available at the time and place needed, for the first 25 days after the filing of the job order in an occupation or until 5 days before the date employment of workers in the occupation begins, whichever occurs later.

''(3) ESTABLISHMENT AS PILOT PROGRAM; RESTRICTION OF ADMISSIONS TO PILOT PROGRAM PERIOD.—

''(A) IN GENERAL.—The program under this section is deemed to be a pilot program and no alien may be admitted or provided status as an H–2B alien under this section except during the pilot program period specified in subparagraph (B).

''(B) PILOT PROGRAM PERIOD.—

''(i) IN GENERAL.—Subject to clause (ii), the pilot program period under this subparagraph is the period (ending on October 1, 1999) during which the employment eligibility verification system is in effect under section 274A(b)(7) (as amended by the Immigration in the National Interest Act of 1995).

''(ii) CONSIDERATION OF EXTENSION.—If Congress extends such verification system, Congress shall also extend the pilot program period under this subparagraph for the same period of time.

''(C) ANNUAL REPORTS.—The Comptroller General shall submit to Congress annual reports on the operation of the pilot program under this section during the pilot program period. Such reports shall include an assessment of the program and of the need for foreign workers to perform temporary agricultural employment in the United States.

''(4) LIMITATIONS ON NUMBER OF VISAS.—

''(A) IN GENERAL.—In no case may the number of aliens who are admitted or provided status as an H–2B alien in a fiscal year exceed the numerical limitation specified under subparagraph (B) for that fiscal year.

''(B) NUMERICAL LIMITATION.—The numerical limitation specified in this subparagraph for—

''(i) the first fiscal year in which this section is applied is 250,000; and

''(ii) any subsequent fiscal year is the numerical limitation specified in this subparagraph for the previous fiscal year decreased by 25,000.

''(b) FILING A LABOR CONDITION ATTESTATION.—

''(1) FILING BY EMPLOYERS—Any employer in the United States is eligible to file a labor condition attestation.

''(2) FILING BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—An agricultural association may file a labor condition attestation as an agent on behalf of its members. Such an attestation filed by an agricultural association acting as an agent for its members, when accepted, shall apply to those employer members of the association that the association certifies to the qualified State employment security agency are members of the association and have agreed in writing to comply with the requirements of this section.

''(3) PERIOD OF VALIDITY.—A labor condition attestation is valid from the date on which it is accepted by the qualified State employment security agency for the period of time requested by the employer, but not to exceed 12 months.

''(4) WHERE TO FILE.—A labor condition attestation shall be filed with such agency having jurisdiction over the area of intended employment of the workers covered by the attestation. If an employer, or the members of an association of employers, will be employing workers in an area or areas covered by more than one such agency, the attestation shall be filed with each such agency having jurisdiction over an area where the workers will be employed.

''(5) DEADLINE FOR FILING.—An employer may file a labor condition attestation at any time up to 12 months prior to the date of the employer's anticipated need for workers in the occupation (or occupations) covered by the attestation.

''(6) FILING FOR MULTIPLE OCCUPATIONS.—A labor condition attestation may be filed for one or more occupations and cover one or more periods of employment.

''(7) MAINTAINING REQUIRED DOCUMENTATION.—

''(A) BY EMPLOYERS.—Each employer covered by an accepted labor condition attestation must maintain a file of the documentation required in subsection (c) for each occupation included in an accepted attestation covering the employer. The documentation shall be retained for a period of one year following the expiration of an accepted attestation. The employer shall make the documentation available to representatives of the Secretary during normal business hours.

''(B) BY ASSOCIATIONS.—In complying with subparagraph (A), documentation maintained by an association filing a labor condition attestation on behalf of an employer shall be deemed to be maintained by the employer.

''(8) WITHDRAWAL.—

''(A) COMPLIANCE WITH ATTESTATION OBLIGATIONS.—An employer covered by an accepted labor condition attestation for an occupation shall comply with the terms and conditions of the attestation from the date the attestation is accepted and continuing throughout the period any persons are employed in an occupation covered by such an accepted attestation, whether or not H–2B aliens are employed in the occupation, unless the attestation is withdrawn.

''(B) TERMINATION OF OBLIGATIONS.—An employer may withdraw a labor condition attestation in total, or with respect to a particular occupation covered by the attestation. An association may withdraw such an attestation with respect to one or more of its members. To withdraw an attestation the employer or association must notify in writing the qualified State employment security agency office with which the attestation was filed of the withdrawal of the attestation. An employer who withdraws an attestation, or

on whose behalf an attestation is withdrawn by an association, is relieved of the obligations undertaken in the attestation with respect to the occupation (or occupations) with respect to which the attestation was withdrawn, upon acknowledgement by the appropriate qualified State employment security agency of receipt of the withdrawal notice. An attestation may not be withdrawn with respect to any occupation while any H–2B aliens covered by that attestation are employed in the occupation.

''(C) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by the employer under any other law or regulation as a result of recruitment of United States workers under an offer of terms and conditions of employment required by the H–2B program is unaffected by withdrawal of a labor condition attestation.

''(c) EMPLOYER RESPONSIBILITIES AND REQUIREMENTS FOR EMPLOYING H–2B NONIMMIGRANTS.—

''(1) REQUIREMENT TO PAY THE PREVAILING WAGE.—

''(A) EFFECT OF THE ATTESTATION.—Employers shall pay each worker in an occupation covered by an accepted labor condition attestation at least the prevailing wage in the occupation in the area of intended employment. The preceding sentence does not require employers to pay all workers in the occupation the same wage. The employer may, in the sole discretion of the employer, maintain pay differentials based on experience, tenure with the employer, skill, or any other work-related factor, if the differential is not based on a criterion for which discrimination is prohibited by the law and all workers in the covered occupation receive at least the prevailing wage.

''(B) PAYMENT OF QUALIFIED STATE EMPLOYMENT SECURITY AGENCY DETERMINED WAGE SUFFICIENT.—The employer may request and obtain a prevailing wage determination from the qualified State employment security agency. If the employer requests such a determination, and pays the wage determined, such payment shall be considered sufficient to meet the requirement of this paragraph if the H–2B workers—

''(i) are employed in the occupation for which the employer possesses an accepted labor condition attestation, and for which the employer or association possesses a prevailing wage determination by the qualified State employment security agency, and

''(ii) are being paid at least the prevailing wage so determined.

''(C) RELIANCE ON WAGE SURVEY.—In lieu of the procedures of subparagraph (B), an employer may rely on other information, such as an employer generated prevailing wage survey and determination, which meets criteria specified by the Secretary by regulation. In the event of a complaint that the employer has failed to pay the required wage, the Secretary shall investigate to determine if the information upon which the employer relied complied with the criteria for prevailing wage determinations.

''(D) ALTERNATE METHODS OF PAYMENT PERMITTED.—

''(i) IN GENERAL.—A prevailing wage may be expressed as an hourly wage, a piece rate, a task rate (described in clause (ii)), or other incentive pay system, including a group rate (described in clause (iii)). The requirement to pay at least the prevailing wage in the occupation and area of intended employment does not require an employer to pay by the method of pay in which the prevailing rate is expressed. However, if the employer adopts a method of pay other than the prevailing rate, the burden of proof is on the employer to demonstrate that the employer's method of pay is designed to produce earnings equivalent to the earnings that would result from payment of the prevailing rate.

''(ii) TASK RATE.—For purposes of this subparagraph, a task rate is an incentive payment based on a unit of work performed such that the incentive rate varies with the level of effort required to perform individual units of work.

''(iii) GROUP RATE.—For purposes of this subparagraph, a group rate is an incentive payment system in which the payment is shared among a group of workers working together to perform the task.

''(E) REQUIRED DOCUMENTATION.—The employer or association shall document compliance with this paragraph by retaining on file the employer or association's request for a determination by a qualified State employment security agency and the prevailing wage determination received from such agency or other information upon which the employer or association relied to assure compliance with the prevailing wage requirement.

''(2) REQUIREMENT TO PROVIDE HOUSING AND TRANSPORTATION.—

''(A) EFFECT OF THE ATTESTATION.—The employment of H–2B aliens shall not adversely affect the working conditions of United States workers similarly employed in the area of intended employment. The employer's obligation not to adversely affect working conditions shall continue for the duration of the period of employment by the employer of any H–2B aliens in the occupation and area of intended employment. An employer will be deemed to be in compliance with this attestation if the employer offers at least the benefits required by subparagraphs (B) through (D). The previous sentence does not require an employer to offer more than such benefits.

''(B) HOUSING REQUIRED.—

''(i) HOUSING OFFER.—The employer must offer to H–2B aliens and United States workers recruited from beyond normal recruiting distance housing, or a housing allowance, if it is prevailing practice in the occupation and area of intended employment to offer housing or a housing allowance to workers who are recruited from beyond normal commuting distance.

''(ii) HOUSING STANDARDS.—If the employer offers housing to such workers, the housing shall meet (at the option of the employer) applicable Federal farm labor housing standards or applicable local or State standards for rental, public accommodation, or other substantially similar class of habitation.

''(iii) CHARGES FOR HOUSING.—An employer who offers housing to such workers may charge an amount equal to the fair market value (but not greater than the employer's actual cost) for utilities and maintenance, or such lesser amount as permitted by law.

''(iv) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering housing to such workers, at the employer's sole discretion on an individual basis, the employer may provide a reasonable housing allowance. An employer who offers a housing allowance to such a worker under this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

''(v) SECURITY DEPOSIT.—The requirement, if any, to offer housing to such a worker under this subparagraph shall not preclude an employer from requiring a reasonable deposit to protect against gross negligence or willful destruction of property, as a condition for providing such housing.

''(vi) DAMAGES.—An employer who offers housing to such a worker shall not be precluded from requiring a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

''(C) TRANSPORTATION.—If the employer provides transportation arrangements or assistance to H–2B aliens, the employer must offer to provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed by the employer in the occupation at the place of employment who were recruited from beyond normal commuting distance.

''(D) WORKERS' COMPENSATION.—If the employment covered by a labor condition attestation is not covered by the State workers' compensation law, the employer must provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the workers' employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

''(E) REQUIRED DOCUMENTATION.—

''(i) HOUSING AND TRANSPORTATION.—No specific documentation is required to be maintained to evidence compliance with the requirements of subparagraphs (B) and (C). In the event of a complaint alleging a failure to comply with such a requirement, the burden of proof shall be on the employer to show that the employer offered the required benefit to the complainant, or that the employer was not required by the terms of this paragraph to offer such benefit to the complainant.

''(ii) WORKERS' COMPENSATION.—The employer shall maintain copies of certificates of insurance evidencing compliance with subparagraph (D) throughout the period of validity of the labor condition attestation.

''(3) REQUIREMENT TO EMPLOY ALIENS IN TEMPORARY OR SEASONAL AGRICULTURAL JOB OPPORTUNITIES.—

''(A) LIMITATIONS.—

''(i) IN GENERAL.—The employer may employ H–2B aliens only in agricultural employment which is temporary or seasonal.

''(ii) SEASONAL BASIS.—For purposes of this section, labor is performed on a seasonal basis where, ordinarily, the employment pertains to or is of the kind exclusively performed at certain seasons or periods of the year and which, from its nature, may not be continuous or carried on throughout the year.

''(iii) TEMPORARY BASIS.—For purposes of this section, a worker is employed on a temporary basis where the employment is intended not to exceed 10 months.

''(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the employment meets such requirement.

''(4) REQUIREMENT NOT TO EMPLOY ALIENS IN JOB OPPORTUNITIES VACANT BECAUSE OF A LABOR DISPUTE.—

''(A) IN GENERAL.—No H–2B alien may be employed in any job opportunity which is vacant because its former occupant is involved in a strike, lockout, or work stoppage in the course of a labor dispute in the occupation at the place of employment.

''(B) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirement of subparagraph (A). In the event of a complaint, the burden of proof shall fall on the employer to show that the job opportunity in which the H–2B alien was employed was not vacant because the former occupant was on strike, locked out, or participating in a

work stoppage in the course of a labor dispute in the occupation at the place of employment.

''(5) NOTICE OF FILING OF ATTESTATION AND SUPPORTING DOCUMENTATION.—

''(A) IN GENERAL.—The employer shall—

''(i) provide notice of the filing of a labor condition attestation to the appropriate certified bargaining agent (if any) which represents workers of the employer in the occupation (or occupations) at the place of employment covered by the attestation; or

''(ii) in the case where no appropriate bargaining agent exists, post notice of the filing of such an attestation in at least two conspicuous locations where applications for employment are accepted.

''(B) PERIOD FOR POSTING.—The requirement for a posting under subparagraph (A)(ii) begins on the day the attestation is filed, and continues through the period during which the employer's job order is required to remain active pursuant to paragraph (6)(A).

''(C) REQUIRED DOCUMENTATION.—The employer shall maintain a copy of the notice provided to the bargaining agent (if any), together with evidence that the notice was provided (such as a signed receipt of evidence of attempt to send the notice by certified or registered mail). In the case where no appropriate certified bargaining agent exists, the employer shall retain a copy of the posted notice, together with information as to the dates and locations where the notice was displayed.

''(6) REQUIREMENT TO FILE A JOB ORDER.—

''(A) EFFECT OF THE ATTESTATION.—The employer, or an association acting as agent for its members, shall file the information necessary to complete a local job order for each occupation covered by an accepted labor condition attestation with the appropriate local office of the qualified State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if workers will be employed in an area within the jurisdiction of more than one local office of such an agency. The job orders shall remain on file for 25 calendar days or until 5 calendar days before the anticipated date of need for workers in the occupation covered by the job order, whichever occurs later. The job order shall provide at least the minimum terms and conditions of employment required for participation in the H–2B program.

''(B) DEADLINE FOR FILING.—A job order shall be filed under subparagraph (A) no later than the date on which the employer files a petition with the Attorney General for admission or extension of stay for aliens to be employed in the occupation for which the order is filed.

''(C) REQUIRED DOCUMENTATION.—The office of the qualified State employment security agency which the employer or association provides with information necessary to file a local job order shall provide the employer with evidence that the information was provided in a timely manner as required by this paragraph, and the employer or association shall retain such evidence for each occupation in which H–2B aliens are employed.

''(7) REQUIREMENT TO GIVE PREFERENCE TO QUALIFIED UNITED STATES WORKERS.—

''(A) FILING 30 DAYS OR MORE BEFORE DATE OF NEED.—If a job order is filed 30 days or more before the anticipated date of need for workers in an occupation covered by a labor condition attestation and for which the job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who apply to the employer and who will be available at the time and place needed for the job opportunities covered by the attestation until 5 calendar days before the anticipated date of need for workers in the occupation, or until the employer's job opportunities in the occupation are filled with qualified United States workers, if that occurs more than 5 days before the anticipated date of need for workers in the occupation.

''(B) FILLING FEWER THAN 30 DAYS BEFORE DATE OF NEED.—If a job order is filed fewer than 30 days before the anticipated date of need for workers in an occupation covered by such an attestation and for which a job order has been filed, the employer shall offer to employ able, willing, and qualified United States workers who are or will be available at the time and place needed during the first 25 days after the job order is filed or until the employer's job opportunities in the occupation are filled with United States workers, regardless of whether any of the job opportunities may already be occupied by H–2B aliens.

''(C) FILING VACANCIES.—An employer may fill a job opportunity in an occupation covered by an accepted attestation which remains or becomes vacant after expiration of the required preference period specified in subparagraph (A) or (B) of paragraph (6) without regard to such preference.

''(D) JOB-RELATED REQUIREMENTS.—No employer shall be required to initially employ a worker who fails to meet lawful job-related employment criteria, nor to continue the employment of a worker who fails to meet lawful job-related standards of conduct and performance, including failure to meet minimum productivity standards after a 3-day break-in period.

''(E) REQUIRED DOCUMENTATION.—No specific documentation is required to demonstrate compliance with the requirements of this paragraph. In the event of a complaint, the burden of proof shall be on the complainant to show that the complainant applied for the job and was available at the time and place needed. If the complainant makes such a showing, the burden of proof shall be on the employer to show that the complainant was not qualified or that the preference period had expired.

''(8) REQUIREMENTS OF NOTICE OF CERTAIN BREAKS IN EMPLOYMENT.—

''(A) IN GENERAL.—The employer (or an association in relation to an H–2B alien) shall notify the Service within 7 days if an H–2B alien prematurely abandons the alien's employment.

''(B) OUT-OF-STATUS.—An H–2B alien who abandons the alien's employment shall be considered to have failed to maintain nonimmigrant status as an alien described in section 101(a)(15)(H)(ii)(b) and shall leave the United States or be subject to deportation under section 241(a)(1)(C)(i).

''(d) ACCEPTANCE BY QUALIFIED STATE EMPLOYMENT SECURITY AGENCY.—The qualified State employment security agency shall review labor condition attestations submitted by employers or associations only for completeness and obvious inaccuracies. Unless such an agency finds that the application is incomplete or obviously inaccurate, the agency shall accept the attestation within 7 days of the date of filing of the attestation, and return a copy to the applicant marked 'accepted'.

''(e) PUBLIC REGISTRY.—The Secretary shall maintain a registry of all accepted labor condition attestations and make such registry available for public inspection.

''(f) RESPONSIBILITIES OF THE QUALIFIED STATE EMPLOYMENT SECURITY AGENCIES.—

''(1) DISSEMINATION OF LABOR MARKET INFORMATION.—The Secretary shall direct qualified State employment security agencies to disseminate nonemployer-specific information about potential labor needs based on accepted attestations filed by employers. Such dissemination shall be separate from the clearance of job orders through the Interstate and Intrastate Clearance Systems, and shall create no obligations for employers except as provided in this section.

''(2) REFERRAL OF WORKERS ON QUALIFIED STATE EMPLOYMENT SECURITY AGENCY JOB ORDERS.—Such agencies holding job orders filed by employers covered by approved labor condition attestations shall be authorized to refer any able, willing, and qualified eligible job applicant who will be available at the time and place needed and who is authorized to work in the united States, including H–2B aliens who are seeking additional work in the United States and whose eligibility to remain in the United States pursuant to subsection (h) has not expired, on job orders filed by holders of accepted attestations.

''(g) ENFORCEMENT AND PENALTIES.—

''(1) ENFORCEMENT AUTHORITY.—

''(A) INVESTIGATION OF COMPLAINTS.—The Secretary shall establish a process for the receipt, investigation, and disposition of complaints respecting an employer's failure to meet a condition specified in subsection (a) or an employer's misrepresentation of material facts in such an application. Complaints may be filed by any aggrieved person or organizations (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure or misrepresentation, respectively. The Secretary shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

''(B) WRITTEN NOTICE OF FINDINGS AND OPPORTUNITY FOR APPEAL.—After an investigation has been conducted, the Secretary shall issue a written determination as to whether or not any violation described in paragraph (2) has been committed. The Secretary's determination shall be served on the complainant and the employer, and shall provide an opportunity for an appeal of the Secretary's decision to an administrative law judge, who may conduct a de novo hearing.

''(2) REMEDIES.—

''(A) BACK WAGES.—Upon a final determination that the employer has failed to pay wages as required under this section, the Secretary may assess payment of back wages due to any United States worker or H–2B alien employed by the employer in the specific employment in question. The back wages shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

''(B) FAILURE TO PAY WAGES.—Upon a final determination that the employer has failed to pay the wages required under this section, the Secretary may assess a civil money penalty up to $1,000 for each failure, and may recommend to the Attorney General the disqualification of the employer from the employment of H–2B aliens for a period of time determined by the Secretary not to exceed 1 year.

''(C) OTHER VIOLATIONS.—If the Secretary, as a result of an investigation pursuant to a complaint, determines that an employer covered by an accepted labor condition attestation has—

''(i) filed an attestation which misrepresents a material fact; or

''(ii) failed to meet a condition specified in subsection (a),

the Secretary may assess a civil money penalty not to exceed $1,000 for each violation. In determining the amount of civil money penalty to be assessed, the Secretary shall consider the seriousness of the violation, the good faith of the employer, the size of the

business of the employer being charged, the history of previous violations by the employer, whether the employer obtained a financial gain from the violation, whether the violation was willful, and other relevant factors.

''(D) PROGRAM DISQUALIFICATION.—

''(i) 3-YEARS FOR SECOND VIOLATION.—Upon a second final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from the employment of H–2B aliens for a period of 3 years.

''(ii) PERMANENT FOR THIRD VIOLATION.—Upon a third final determination that an employer has failed to pay the wages required under this section, the Secretary shall report such determination to the Attorney General and the Attorney General shall disqualify the employer from any subsequent employment of H–2B aliens.

''(3) ROLE OF ASSOCIATIONS.—

''(A) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf a labor condition attestation is filed by an association acting as its agent is fully responsible for such attestation, and for complying with the terms and conditions of this section, as though the employer had filed the attestation itself. If such an employer is determined to have violated a requirement of this section, the penalty for such violation shall be assessed against the employer who committed the violation and not against the association or other members of the association.

''(B) VIOLATION BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing a labor condition attestation on its own behalf as an employer is determined to have committed a violation under this subsection which results in disqualification from the program under paragraph (2)(D), no individual member of such association may be the beneficiary of the services of an H–2B alien in an occupation in which such alien was employed by the association during the period such disqualification is in effect, unless such member files a labor condition attestation as an individual employer or such an attestation is filed on the employer's behalf by an association with which the employer has an agreement that the employer will comply with the requirements of this section.

''(h) PROCEDURE FOR ADMISSION OR EXTENSION OF H-2B ALIENS.—

''(1) ALIENS WHO ARE OUTSIDE THE UNITED STATES.—

''(A) PETITIONING FOR ADMISSION.—An employer or an association acting as agent for its members who seeks the admission into the United States of H–2B aliens may file a petition with the District Director of the Service having jurisdiction over the location where the aliens will be employed. The petition shall be accompanied by an accepted and currently valid labor condition attestation covering the petitioner. The petition may be for named or unnamed individual or multiple beneficiaries.

''(B) EXPEDITED ADJUDICATION BY DISTRICT DIRECTOR.—If an employer's petition for admission of H–2B aliens is correctly filled out, and the employer is not ineligible to employ H–2B aliens, the District Director (or the Director's designee) shall approve the petition within 3 working days of receipt of the petition and accepted labor condition attestation and immediately (by fax, cable, or other means assuring expedited delivery) transmit a copy of the approved petition to the petitioner and to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

''(C) UNNAMED BENEFICIARIES SELECTED BY PETITIONER.—The petitioning employer or association or its representative shall approve the issuance of visas to beneficiaries who are unnamed on a petition for admission granted to the employer or association.

''(D) CRITERIA FOR ADMISSIBILITY.—

''(i) IN GENERAL.—An alien shall be admissible under this section if the alien is otherwise admissible under this Act and the alien is not debarred pursuant to the provisions of clause (ii).

''(ii) DISQUALIFICATION.—An alien shall be debarred from admission or being provided status as an H–2B alien under this section if the alien has, at any time—

''(I) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

''(II) has otherwise violated a term or condition of admission to the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

''(E) PERIOD OF ADMISSION.—The alien shall be admitted for the period requested by the petitioner not to exceed 10 months, or the remaining validity period of the petitioner's approved labor condition attestation, whichever is shorter, plus an additional period of 14 days, during which the alien shall seek authorized employment in the United States. During the 14-day period following the expiration of the alien's work authorization, the alien is not authorized to be employed unless the original petitioner or a subsequent petitioner has filed an extension of stay on behalf of the alien.

''(F) ISSUANCE OF IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—

''(i) IN GENERAL.—The Attorney General shall cause to be issued to each H–2B alien a card in a form which is resistant to counterfeiting and tampering for the purpose of providing proof of identity and employment eligibility under section 274A.

''(ii) DESIGN OF CARD.—Each card issued pursuant to clause (i) shall be designed in such a manner and contain a photograph and other identifying information (such as date of birth, sex, and distinguishing marks) that would allow an employer to determine with reasonable certainty that the bearer is not claiming the identity of another individual, and shall—

''(I) contain a fingerprint or other biometric identifying data (or both);

''(II) specify the date of the aliens authorization as an H–2B alien;

''(III) specify the expiration date of the alien's work authorization; and

''(IV) specify the alien's admission number or alien file number.

''(2) EXTENSION OF STAY.—

''(A) APPLICATION FOR EXTENSION OF STAY.—If a petitioner seeks to employ an H–2B alien already in the United States, the petitioner shall file an application for an extension of stay. The application for extension of stay shall be accompanied by a currently valid labor condition attestation.

''(B) LIMITATION ON FILING AN APPLICATION FOR EXTENSION OF STAY.—An application may not be filed for an extension of an alien's stay for a period of more than 10 months, or later than a date which is 2 years from the date of the alien's last admission to the United States as a H–2B alien, whichever occurs first. An application for extension of stay may not be filed during the pendency of an alien's previous authorized period of admission, nor after the alien's authorized stay in the United States has expired.

''(C) WORK AUTHORIZATION UPON FILING AN APPLICATION FOR EXTENSION OF STAY.—An employer may begin employing an alien already in the United States in H–2B status on the day the employer files its application for extension of stay with the Service. For the purpose of this requirement, the term 'filing' means sending the application by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of receipt of the application. The employer shall provide a copy of the employer's application for extension of stay to the alien, who shall keep the application with the alien's identification and employment eligibility card as evidence that the extension has been filed and that the alien is authorized to work in the United States. Upon approval of an application for extension of stay, the Service shall provide a new employment document to the alien indicating a new validity date, after which the alien is not required to retain a copy of the application for extension of stay.

''(D) LIMITATION ON EMPLOYMENT AUTHORIZATION OF H–2B ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY CARD.—An expired identification and employment eligibility card, together with a copy of an application for extension of stay, shall constitute a valid work authorization document for a period of not more than 60 days from the date of application for the extension of stay, after which time only a currently valid identification and employment eligibility card shall be acceptable.

''(3) LIMITATION ON AN INDIVIDUAL'S STAY IN H–2B STATUS.—An alien having status as an H–2B alien may not have the status extended for a continuous period longer than 2 years unless the alien remains outside the United States for an uninterrupted period of 6 months. An absence from the United States may break the continuity of the period for which an H–2B visa is valid. If the alien has resided in the United States 10 months or less, an absence breaks the continuity of the period if its lasts for at least 2 months. If the alien has resided in the United States 10 months or more, an absence breaks the continuity of the period if it lasts for at least one-fifth the duration of the stay.

''(i) TRUST FUND TO ASSURE WORKER RETURN.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund (in this section referred to as the 'Trust Fund') for the purpose of providing a monetary incentive for H–2B aliens to return to their country of origin upon expiration of their visas under this section.

''(2) WITHHOLDING OF WAGES; PAYMENT INTO THE TRUST FUND.—

''(A) IN GENERAL.—Employers of H–2B aliens shall—

''(i) withhold from the wages of their H–2B alien workers an amount equivalent to 25 percent of the wages of each H–2B alien worker and pay such withheld amount into the Trust Fund in accordance paragraph (3); and

''(ii) pay to the Trust Fund an amount equivalent to the Federal tax on the wages paid to H–2B aliens that the employer would be obligated to pay under the Federal Unemployment Tax Act and the Federal Insurance Contributions Act.

Amounts withheld under clause (i) shall be maintained in such interest bearing account with such a financial institution as the Attorney General shall specify.

''(3) DISTRIBUTION OF FUNDS.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(i), and interest earned thereon, shall be paid by the Attorney General as follows:

''(A) REIMBURSEMENT OF EMERGENCY MEDICAL EXPENSES.—To reimburse valid claims for reimbursement of emergency medical services furnished to H–2B aliens, to the extent that sufficient funds are not available on an annual basis from the Trust Fund pursuant to paragraphs (2)(A)(ii) and (4)(B).

''(B) PAYMENTS TO WORKERS.—Amounts paid into the Trust Fund on behalf of a worker, and interest earned thereon, less a pro rata reduction for any payments made pursuant to subparagraph (A), shall be paid by the Attorney General to the worker if—

''(i) the worker applies to the Attorney General (or the designee of the Attorney General) for payment within 30 days of the expiration of the alien's last authorized stay in the United States as a H–2B alien;

''(ii) in such application the worker establishes that the worker has complied with the terms and conditions of this section; and

''(iii) in connection with the application, the worker tenders the identification and employment authorization card issued to the worker pursuant to subsection (h)(1)(F) and establishes that the worker is identified as the person to whom the card was issued based on the biometric identification information contained on the card.

''(4) ADMINISTRATIVE EXPENSES AND EMERGENCY MEDICAL EXPENSES.—The amounts paid into the Trust Fund and held pursuant to paragraph (2)(A)(ii), and interest earned thereon, shall be paid by the Attorney General as follows:

''(A) ADMINISTRATIVE EXPENSES.—First, to the Attorney General, the Secretary of Labor, and the Secretary of State in amounts equivalent to the expenses incurred by such officials in the administration of section 101(a)(15)(H)(ii)(b) and this section.

''(B) REIMBURSEMENT OF EMERGENCY MEDICAL SERVICES.—Any remaining amounts shall be available on an annual basis to reimburse hospitals for emergency medical services furnished to H–2B aliens as provided in subsection (k)(2).

''(5) REGULATIONS.—The Attorney General shall prescribe regulations to carry out this subsection.

''(j) INVESTMENT OF TRUST FUND.—

''(1) IN GENERAL.—It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in the Secretary's judgement, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose, such obligations may be acquired—

''(A) on original issue at the price; or

''(B) by purchase of outstanding obligations at the market price.

The purposes for which obligations of the United States may be issued under chapter 31 of title 31, United States Code, are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt, except that where such average rate is not a multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

''(2) SALE OF OBLIGATION.—Any obligation acquired by the Trust Fund (except special obligations issued exclusively to the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

''(3) CREDITS TO TRUST FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(4) REPORT TO CONGRESS.—It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Attorney General) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and a Senate document of the session of the Congress to which the report is made.

''(k) REIMBURSEMENT OF COST OF EMERGENCY MEDICAL SERVICES.—

''(1) IN GENERAL.—The Attorney General shall establish procedures for reimbursement of hospitals operated by a State or by a unit of local government (or corporation owned or controlled by the State or unit) for the reasonable cost of providing emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services) in the United States to H–2B aliens for which payment has not been otherwise reimbursed.

''(2) SOURCE OF FUNDS FOR REIMBURSEMENT.—Funds for reimbursement of hospitals pursuant to paragraph (1) shall be drawn—

''(A) first under subsection (i)(4)(B), from amounts deposited in the Trust Fund under subsection (i)(2)(A)(ii) after reimbursement of certain administrative expenses; and

''(B) then under subsection (i)(3)(A), to the extent that funds described in subparagraph (A) are insufficient to meet valid claims, from amounts deposited in the Trust Fund under subsection (i)(2)(A)(i).

''(l) MISCELLANEOUS PROVISIONS.—

''(1) APPLICABILITY OF LABOR LAWS.—Except as provided in paragraphs (2), (3), and (4), all Federal, State, and local labor laws (including laws affecting migrant farm workers) applicable to United States workers shall also apply to H–2B aliens.

''(2) LIMITATION OF WRITTEN DISCLOSURE IMPOSED UPON RECRUITERS.—Any disclosure required of recruiters under section of 201(a) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1821(a)) need not be given to H–2B aliens prior to the time their visa is issued permitted entry into the United States.

''(3) EXEMPTION FROM FICA AND FUTA TAXES.—The wages paid to H–2B aliens shall be excluded from wages subject to taxation under the Federal Unemployment Tax Act and under the Federal Insurance Contributions Act.

''(4) INELIGIBILITY FOR CERTAIN PUBLIC BENEFITS PROGRAMS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law and except as provided in subparagraph (B), any alien provided status as an H–2B alien shall not be eligible for any Federal or State or local means-tested public benefit program.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the following:

''(i) EMERGENCY MEDICAL SERVICES.—The provision of emergency medical services (as defined by the Attorney General in consultation with the Secretary of Health and Human Services).

''(ii) PUBLIC HEALTH IMMUNIZATIONS.—Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment for communicable diseases.

''(iii) SHORT-TERM EMERGENCY DISASTER RELIEF.—The provision of non-cash, in-kind, short-term emergency disaster relief.

''(m) CONSULTATION ON REGULATIONS.—

''(1) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Agriculture, and the Attorney General shall approve, all regulations dealing with the approval of labor condition attestations for H–2B aliens or enforcement of the requirements for employing H–2B aliens under an approved attestation.

''(2) REGULATIONS OF THE ATTORNEY GENERAL.—The Attorney General shall consult with the Secretary of Agriculture on all regulations dealing with the approval of petitions for admission or extension of stay of H–2B aliens or the requirements for employing H–2B aliens or the enforcement of such requirements.

''(n) DEFINITIONS.—For the purpose of this section:

''(1) AGRICULTURAL ASSOCIATION.—The term 'agricultural association' means any nonprofit or cooperative association of farmers, growers, or ranchers incorporated or qualified under applicable State law, which recruits, solicits, hires, employs, furnishes, or transports any agricultural workers.

''(2) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or section 3121(g) of the Internal Revenue Code of 1986 and the handling, planting, drying, packing, packaging, processing, freezing, or grading prior to delivery for storage of any agricultural or horticultural commodity in its unmanufactured state.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any independent contractor and any agricultural association, that employs workers.

''(4) H–2B ALIEN.—The term 'H–2B alien' means an alien admitted to the United States or provided status as a nonimmigrant under section 101(a)(15)(H)(ii)(b).

''(5) QUALIFIED STATE EMPLOYMENT SECURITY AGENCY.—The term 'qualified State employment security agency' means a State employment security agency in a State in which the Secretary has determined that the State operates a job service that actively seeks to match agricultural workers with jobs and participates in a multi-State job service program in States where significant supplies of farm labor exist.

''(6) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(7) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen, a United States national, or an alien, who is legally permitted to work in the job opportunity within the United States other than aliens admitted pursuant to this section.''

(b) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 218 the following new item:

''Sec. 218A. Alternative agricultural worker program.''.

At the end of section 308(g)(10), add the following:

(H)(i) Section 214(l)(2), as added by section 822(c), is amended by striking ''241(a)(1)(C)'' and inserting ''237(a)(1)(C)''.

(ii) Section 218A(c)(8)(B), as inserted by section 823(a), is amended by striking ''deportation under section 241(a)(1)(C)(i)'' and inserting ''removal under section 237(a)(1)(C)(i)''.

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

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

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

Mr. Chairman, I rise today to offer an amendment that I believe accomplishes two very important goals. First, and most important, my amendment creating a pilot guest worker program makes H.R. 2202 a better bill—a more effective bill—that will strengthen our ability to curb illegal immigration. Second, my amendment will ensure that should H.R. 2202 create shortages in the availability of seasonal, agricultural labor, that non-Americans can be used—on a temporary basis—to pick the crops and manage the herds. This is in everyone's best interest.

Contrary to some of the rhetoric on this issue, my amendment supports and enhances immigration control. The increased employer sanctions already in H.R. 2202 for hiring illegals—coupled with strong incentives to leave this country when the growing season ends—creates a vast improvement over current law. Added to that is the mandatory withholding of 25 percent of the worker's salary to be returned to his country of origin and collected when he returns. Even now, without the sanctions in H.R. 2202 or the incentives to leave in my amendment, very few alien agricultural workers overstay their visas. We can expect even this small number to drop under my proposal.

This pilot program represents a substantial improvement over current law and provides numerous sanctions and incentives to stem the tide of illegals coming to America.

At the same time, this pilot program would allow non-Americans to provide the farm and ranch labor when—and only when—we cannot find Americans to do it. Every consumer enjoys lowcost food benefits from this.

My amendment accomplishes this not through loopholes or underenforcement of law, but rather by creating a workable program addressing a real shortage of Americans able and willing to provide seasonal farm and ranch labor, accompanied with strict control and enforcement.

I also want to reiterate that this program would only be used if there is a shortage in American labor. If all those who say that there will be no shortage of workers are right—then this program will never be used and that's fine. But should these people be wrong, my amendment provides an insurance policy against fields of rotting, unharvested crops, which inevitably raises food prices.

Finally, this amendment will not cost one American job. Any American who wants to do this work must be given the opportunity—as is already the case with the H2–A program.

Currently, the only program designed to address this shortage of farm and ranch labor is the H–2A program. Anyone familiar with that program can speak of its shortcomings and constraints, and why it is largely unworkable for the agricultural needs of many States. It is my hope that the pilot program in my amendment can serve as the model for replacing the current H–2A program.

My amendment is supported by an unprecedented coalition of nearly 70 State and Federal agricultural organizations including the American Farm Bureau, National Cattlemen's Association, National Council of Agricultural Employers, and many others. I urge my colleagues to support this pilot program as both an important tool to fight illegal immigration and as an insurance policy against unharvested food, closed farms and higher food costs. Please vote ''yes'' on the Pombo-Chambliss amendment.

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

The CHAIRMAN. Is there a Member opposed to this amendment?

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

The CHAIRMAN. The gentleman from Virginia [Mr. GOODLATTE] is recognized for 30 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield 15 minutes of my time to the gentleman from California [Mr. BERMAN], and I ask unanimous consent that he may be permitted to yield blocks of time to other Members.

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

There was no objection

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

Mr. Chairman, as a Committee on Agriculture member, I too have heard the concerns of agriculture employers who call the current H–2A guest worker program unworkable and thus understand that my colleagues want to give the growers a program that works. I agree that growers need some relief and must be able to depend on a reliable source of foreign workers.

But the Pombo-Chambliss amendment takes the completely wrong approach. We should not create an entirely new, untested, massive guest worker program when we have a program already. Let us fix the H–2A program instead.

The Pombo-Chambliss amendment creates an institutionalized program which could bring up to 250,000 aliens into our country per year.

The Goodlatte compromise amendment is based on hearings held on the H–2A program in both the Committee on Agriculture and Committee on the Judiciary. It will cap the number of visas available for H–2A workers at 100,000. Seventeen thousand guest workers are currently coming into the United States under the H–2A program. That allows for a very substantial increase. It pays for workers' way home, it protects American workers by making sure that guest workers do not adversely affect wages and working conditions of American workers, and it will also require that growers actively recruit for U.S. workers before they can get guest workers. It lifts the burdensome regulations on growers, such as the 50 percent rule and the 3–4 guarantee, and cuts 33 percent off the application processing time for the H–2A certification.

Take a lesson from the history books. The Bracero Program was the beginning of our illegal immigration problem we are attempting to curb in H.R. 2202. Hundreds of thousands of braceros became accustomed to the American standard of living and wages. Once the Bracero Program ended, many braceros resorted to coming to this country illegally. That trend continues today.

Supporters of the Pombo-Chambliss amendment claim unless we create a massive new guest worker bureaucracy, the illegal immigration patterns begun with the Bracero Program will simply grow. How can it get any worse? National organizations representing the growers have on the record stated that at any given time, at least 50 percent of their work force is comprised of illegal aliens. If we enact the H–2B program in the Pombo-Chambliss amendment, we will simply take the inroad we have made in H.R. 2202 to cut illegal immigration and throw them away.

This program will let in 250,000 unskilled foreign workers a year. That is four times the number of skilled workers we are going to admit. We are limiting the number of visas for family reunification. What is the point if we create this new program? This flies in the fact of evidence that there is now a great surplus of domestic farm workers. In the agriculture counties of California, there has been a 10 to 20 percent unemployment rate even in the summer months of peak demand by growers. The research director of the U.S. Commission on Agricultural Workers, which was evenly balanced with grower representatives, stated that there is and has been for many years an overall agricultural labor surplus in the United States and there will not be a labor shortage in the future. H.R. 2202's employment verification system is voluntary. Agriculture employers do not have to use it unless they choose to.

Even if the 25 percent of the seasonal labor force which is presently illegal were to magically disappear, there will still be no shortage. The U.S. Commission on Immigration Reform, headed by the late Barbara Jordan, recently found that if the supply of illegal farm workers dried up tomorrow or if growers chose to stop hiring illegal workers, the supply of work-authorized farm workers is ample, even in peak harvest months.

Let me talk about some of the specific problems with the Pombo-Chambliss H–2B program. This program would gut protections for guest workers and U.S. workers. It is an attestation program. The current H–2A system is a certification program. Under a certification procedure, an employer has to prove to the Secretary of Labor

that it has met certain conditions before the Secretary will permit the entry of an alien worker.

With an attestation program, such as the one set up by Pombo-Chambliss, there are no controls on the number of foreign workers a grower brings in until after the growing season is over. The Secretary will permit the entry of an alien worker based on the employer promising it will meet certain conditions in the future. Only if an interested party, such as a union, complains to the Secretary that the employer is not fulfilling an attestation, will the Secretary initiate an investigation.

This type of program invites abuse. It has no practical provision for enforcement. In addition, no mechanism for enforcement exists for its recordkeeping and other requirements. Guest workers cannot be expected to leave the United States and return home when their work contracts end. The program that currently exists, that previously existed, has taught us that lesson. The lure of American jobs at much higher pay than available back home is just too great. Once settled and plugged into their job networks, they will then encourage their families and friends to come illegally and join them. We must stop this trend from continuing. Let us fix the H–2A program, not create an immigration nightmare.

Mr. Chairman, I urge my colleagues to oppose the Pombo-Chambliss amendment.

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

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. BRYANT], the ranking member of the subcommittee.

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this should be an easy decision for all of us. This is an amendment that proposes to allow 250,000 foreign workers to come into the country to do work that could be done by American workers.

We have already been through this once. In 1986 we faced this situation, and many will remember that we at that time granted amnesty to what ultimately were, I think, 1.1 million people that had become workers on whom growers principally in southern California were dependent.

It was the hardest vote and the most difficult decision of the entire bill. We did it because it was the right thing to do. We should not be in a position to have to do it again. That is exactly where this amendment is going to lead us.

Second, we have got to get away from this idea that we have the obligation or the need to bring foreign workers into the country in order to deal with our economic needs. The fact of the matter is, there is a surplus of seasonal farm workers, and in fact even now 50 percent of seasonal farm workers live in poverty. There is a surplus of these folks. There are thousands of them available.

Mr. Chairman, I submit to the authors of the amendment and to those listening to this debate that there is not any credible study that indicates there is a need to bring in 250,000 people to do work on our farms in this country, and I urge Members to vote against it.

□ 1630

It will clearly, in my view, lead to not only making life more miserable for folks that do very tough work at very low wages already by, in effect, reinstating the old bracero program, but it also will lead to increased illegal immigration because we are not being realistic if we expect guest workers to leave at the end of every worker contract. That simply is not going to happen. They are going to stay here.

In fact, the terms of the amendment allow them to stay as long as 2 years if their initial stay is extended and to do so legally. We have got to start sticking up for American workers. We have an American work force that can do this work. Maybe they do not want to do it at dirt-level wages. Maybe they need to have their wages raised. But we have the people to do this work.

We ought not to pass this amendment. We ought not to vote in favor of letting 250,000 people come into the country to do work that ought to be done and can be done and will be done by American workers.

Mr. BERMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. DE LA GARZA], the ranking Democrat on the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, under ordinary circumstances, I would be interested in supporting an amendment of this nature, but the way that we have handled this bill throughout the day, I must oppose it. One cannot say to people, you cannot bring your mother, you cannot bring your father, you have to speak English, you cannot come, we do not want you, get the dickens out of this country, but if you come to work temporarily when we can withhold 25 percent of your wages, when we can tell you if you have insurance for your car and not have insurance for your car, then you can come and work.

I can get all the workers we want in my congressional district, and they are good hard workers. But in the spirit in which we are dealing here today, to me it is insulting, it is demeaning. These will be indentured servants in the United States of America, indentured to individuals who will withhold under law 25 percent of their pay, maybe or maybe not get housing or be charged for housing or forced to buy it at the ranch store or the company store.

It is bad as it is, but I cannot accept all of the other things that are coming through. We are almost to the point where I am tempted to offer an amendment that anyone who is a descendant of a foreigner has to go back to the country of origin. That is about what we are up to. We even might want to change my name from GARZA to CRANE. It has gotten to the point where it is now ridiculous.

If we have problems with population, we work on the numbers, work on the numbers legitimately. I do not have any objection if we are overpopulated. But let me say to my California friends, if not one more alien comes to California, by 2012 California is more than 50 percent Asian and Hispanic. So, listen to that; 12, 15 more years, more than 50 percent, no matter what else is done. So I would think that we would be interested in seeing what we can do legally.

Mr. Chairman, if my colleagues are interested in numbers, I am with them. We have to work on that. But saying they are going to be terrorists, they are going to come blow the countryside apart, they are going to come and destroy the Government, they are only talking about Mexico and Central America, and they have to admit that. They have to admit that.

Anyone that does not look like, I do not know, the gentleman from California [Mr. POMBO] and I look alike. But maybe like the gentleman from California [Mr. BERMAN] then his is OK. If he looks like Mr. POMBO and me, he is not OK, throw him out, send him back. I cannot support this under this, the way that we are handling it.

Mr. POMBO. Mr. Chairman, I thank the former ranking member, and I do agree with many of his sentiments. I hope in the future we do have a chance to work on this.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in support of the Pombo-Chambliss amendment to H.R. 2202 to establish a pilot program to allow temporary, and I want to underline temporary, guest workers into this country to help out in the agricultural industry. This amendment is carefully constructed to allow only guest workers into this country after, after a series of steps have been taken to find domestic workers to fill agricultural jobs.

In addition, the bill provides strong incentives for guest workers to return to their native homeland by withholding 25 percent of their wages until they return home. In addition, the number of workers allowed in this country has a capped span of 3 years.

Mr. Chairman, I just would like to point out how important this is to my district on the central coast of California and give an example of how this is important to a farm in my district. The Logoluso Farms in my district is located in Cuyama, a very isolated area. They farm 1,100 acres of Fuji apples and they are going to need at least 600 workers at peak harvest time.

Now they are very concerned as to where the labor is going to be coming from because their farm, their acreage,

is located some 60 miles away from the nearest small town. A temporary guest worker program that mandates strict labor conditions be met along with adequate housing facilities is a safety valve needed in case the labor supply cannot be met domestically. Most importantly, there are strong incentives here in this amendment, and I would just ask that my colleagues vote in favor of this amendment.

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

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

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

Mr. Chairman, my district consists of approximately 18,000 farms. Most of these farms engage in the production of cucumbers, sweet potatoes, tobacco, and peanuts, very labor-intensive work. Roughly 80 percent of the produce in my district is harvested by seasonal migrant workers. Throughout our Nation, as in North Carolina, seasonal workers have helped labor-intensive farm commodities to become the fastest growing sector of the U.S. agricultural world.

However, farmers in the South are having a very difficult time finding people to do farm work. If it was not for the migrant workers, our farmers would not be able to harvest their crops. We need to guarantee our farmers an ample supply of legal workers. The Pombo-Chambliss amendment creates a workable solution to this important issue. It admits temporary workers by creating a 3-year pilot program with an annual cap on the number of workers admitted.

Congress is trying to control illegal immigration, not destroy the work force of the American farmer. Please support the Pombo amendment.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, H.R. 2202 provides comprehensive reform of our immigration laws but ignores an irrefutably broken H–2A program. This H–2A program has failed to provide temporary migrant farm workers when domestic workers are unavailable. The Pombo-Chambliss amendment is an essential part of illegal immigration control. It admits workers temporarily and provides guarantees they will return home and not remain. Twenty-five percent of the workers' wages are withheld until they return to their home countries. Future participation is barred if workers don't return home on time. This program has a users' fee that pays for the government administrative costs.

The Goodlatte amendment tinkers with a broken H–2A program rather than fixing it, but in fact makes a bad program worse.

First and foremost, we must assure an adequate work force during harvest. Without this Pombo amendment, our cucumber, sweet potato, tobacco and other farmers could be out of business, meaning a tremendous loss of food and jobs in the Second District of North Carolina—something we can't afford. Therefore, Mr. Speaker, I strongly urge my colleagues to vote ''yes'' on Pombo and ''no'' on Goodlatte.

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

Mr. BERMAN. Mr. Chairman, before I yield to the gentleman from North Dakota, I just want to point out that in the gentleman from North Carolina's district, rural unemployment is now 9 percent.

Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. POMEROY], a member of the Committee on Agriculture.

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

The statistic just quoted shows exactly what this bill is about. This bill is not about desperately needed workers to fulfill jobs. This is about having a cheap supply of labor to hold wages down. The have been some in favor of immigration reform that want to have it both ways: Crack down on immigration, triple fence the border, but by golly, do not disrupt our ability to get that cheap supply of unskilled labor up from south of the border. They want to have it both ways, but you cannot have it both ways.

Mr. Chairman, I am reminded a bit of how the French chose to construct their defense in anticipation of World War II. They constructed an invincible line called the Maginot Line, and it was to withhold any German attack. The Germans flanked the Maginot Line and of course rendered the defense useless. We build triple fences, our Maginot Line against immigration, and we are going to provide the transport. We ourselves are going to allow the transport of unskilled workers up from Mexico around the fences and on to farms where they can wander off and become a continuing part of the illegal immigration problem this country has had an experience with.

Make no bones about it, the Pombo amendment blows a hole in everything we are trying to do to crack down on illegal immigration and that will even more be the case when the other immigration reforms take effect under the law. Already we see under the guest worker program overstays represent 12 percent of the program, meaning 12 percent of the workers stay longer than they are authorized to under the program. That will only increase if this amendment should be incorporated into this law.

Mr. Chairman, in addition, we have a revenue estimate today from the Congressional Budget Office that shows a loss in revenue of $23 million and an increase in direct spending of $67 million if the Pombo amendment is enacted. This amendment would cost us at a minimum $90 million a year while compounding the illegal immigration, unskilled worker problem in our country. Please join me in voting down this amendment.

AMENDMENT OFFERED BY MR. CONDIT TO THE AMENDMENT OFFERED BY MR. POMBO

Mr. CONDIT. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. CONDIT to the amendment offered by Mr. POMBO.

In section 823(a), in the section 218A(a)(3)(B) of the Immigration and Nationality Act inserted by such section, add at the end the following:

''(iii) CONSEQUENCES OF PERMANENT EXTENSION.—If the Congress makes the program under this section permanent, Congress shall provide for a two-year phase out of admissions (and adjustments of status) of nonimmigrants under section 101(a)(15)(H)(ii)(a). In the case of such a phase out, the Attorney General and the Secretary of Labor shall provide for the application under this section of special procedures (in the case of occupations characterized by other than a reasonably regular workday or workweek) in the same manner as special procedures are provided for under regulations in such a case for the nonimmgrant workers under section 101(a)(15)(H)(ii)(a).

The CHAIRMAN. Pursuant to the rule, the gentleman from California [Mr. CONDIT] and a Member opposed will each control 5 minutes.

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

PARLIAMENTARY INQUIRIES

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

The CHAIRMAN. The gentleman will state it.

Mr. BECERRA. Mr. Chairman, at this time we are moving on to the amendment by the gentleman from California [Mr. CONDIT], in which case 5 minutes will be accorded to both those supporting and those opposing.

My parliamentary inquiry is, what happens to the time that had been allotted for the Pombo amendment? Does that remain at the end of the debate of the Condit amendment?

The CHAIRMAN. All remaining time would be reserved on the Pombo amendment that is currently pending.

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

The CHAIRMAN. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, as I understand the amendment from the gentleman from California, it is an amendment to the Pombo amendment.

The CHAIRMAN. The gentleman is correct.

Mr. BERMAN. Under the rule, an individual opposed to the amendment has 5 minutes of time to control; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. BERMAN. So this will be 5 minutes in addition to the remaining time on the Pombo amendment.

The CHAIRMAN. The gentleman is correct.

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

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

First of all, let me commend the gentleman from California [Mr. POMBO] and the gentleman from Georgia [Mr. CHAMBLISS] for their efforts in this issue. They both have demonstrated leadership, and my amendment to their amendment is a friendly amendment and it is pretty straightforward.

□ 1645

It simply says and assures that should the pilot guest worker program established by this amendment gain permanent status, that we will be left with only one guest worker program. As it stands right now, if the Pombo amendment passes, Pombo-Chambliss, it will create two guest worker programs. I do not believe that is the intent of the Committee on Agriculture, nor is it the intent of the author of the amendment to create two programs.

So basically what it does, simply, whenever it becomes permanent, it will be one program, and it will encompass all the people that need to be serviced under a guest worker program.

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

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

Mr. POMBO. The gentleman is correct. The intention of the amendment, because it is a pilot program and is a temporary program, if it were to be made a permanent program, the repeal of the H–2A program so that we would have one program, would be the intention of the committee. And I would support the gentleman's amendment and accept it.

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

The CHAIRMAN. Is there a Member opposed to the amendment offered by the gentleman from California?

Mr. BERMAN. Yes, Mr. Chairman, I rise in opposition to the amendment to the amendment.

The CHAIRMAN. The gentleman from California [Mr. BERMAN] is recognized for 5 minutes.

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

Mr. Chairman, I do not intend to call for a rollcall vote on this amendment. It is the Pombo amendment, with or without the Condit amendment, that I seek to defeat.

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

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

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

Mr. Chairman, today we are here to debate immigration reform. Most people agree that immigration reform needs cutting back on the number of illegal immigrants entering this country. Some would go further to say that it means cutting the number of legal immigrants entering this country. Never mind the problems each of us may have with the bill, at least we can debate these issues on the merits. But this amendment, the Pombo amendment before us, flies in the face of the purported goals.

The gentleman from California [Mr. POMBO] is offering an amendment that would open a back door to allow 250,000 foreign agricultural workers into this country.

What is the power behind this amendment?

It is agribusinesses. Agribusinesses want to circumvent the market system by carving out a giant government loophole in the immigration system, and while everybody knows that there is no shortage of labor in this country, agribusinesses insist that there is.

In simple terms, agribusiness is saying that this immigration bill goes too far. It is saying that it does not want to pay fair wages for legal farm workers. Agribusiness is saying that bringing a quarter of a million foreign agricultural workers into this country will help control illegal immigration. This is tantamount to saying that one can put out a fire with gasoline. We cannot have it both ways, my colleagues.

For too long the U.S. Government has granted select agricultural growers a privilege which few other industries have. Many of us remember the old Bracero program, which brought in and contracted Mexican workers to come here and work. I saw that program in action. As a young man, I went to the Central Valley in California, and I picked crops, and I saw the squalor and the deprivation in which these people worked and had to live.

Mr. Chairman, we cannot commit this mistake again in this country. It would be scandalous. It would be insidious.

Instead of allowing to bring in foreign workers with virtually no rights, agricultural employers should turn to market methods for recruiting American workers. It is simple, it is simple to recruit them. Just offer American workers adequate pay, decent wages decent working conditions, and let us stop the deception that we are seeing here with this amendment.

Mr. Chairman, I urge my colleagues to not repeat those mistakes of history and vote ''no'' for the Pombo amendment.

Mr. CONDIT. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS].

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

Mr. THOMAS. Come on, folks. The operative word in the gentleman from California's statement that he just spoke was ''was.'' He is talking about yesterday.

I know it is not useful sometimes, or even politic, to deal factually with amendments in front of us on this floor, but this is not the re-creation of a guest worker or Bracero program from 20 or 30 years ago. We can relive the problems, if my colleagues want to, in a kind of a nostalgic way and talk about Wilga, and talk about workers rights, but, come on. This is 1996.

Let us take a look at what is the Pombo amendment actually requires.

No. 1, we got to give preference to U.S. workers. Now, unemployment figures have been cited in various counties. Let me tell my colleagues unemployment figures and willing workers are two different things. Sometimes they are night and day. But if people are willing to work, they have got a job. We do not go without jobs. Our problem is we have difficulty sometimes finding willing workers, especially in peak harvest periods when, for example, in a 7-day period in Fresno County more than 50,000 people are needed to pull those what were grapes, now sun-dried into raisins, down onto the ground, put them on clean paper, and in a very short period of time prepare that product for market. I say to my colleagues, you need labor when you need it in the agricultural arena.

Starvation wages? The Pombo amendment says,

> You have to pay at least the prevailing wage in the occupation area, at least the prevailing wage, and you have to pay it the same to the U.S. worker and the alien. You have to provide comparable transportation, U.S. worker and alien. You have got to cover all of the alien workers, as you do U.S. workers, with Workmen's Comp, comparable insurance. You have to go through a whole series of procedures. You have got to guarantee these aliens don't replace striking workers. You have got a procedure here that says these workers will receive every opportunity that workers who otherwise would be working will receive with one additional factor, they can only be here 10 months, a portion of their wages are withheld, that portion that's withheld is paid interest, and that pot of money, which is the reason these people came here in the first place, that pot of money is available to them if they go home on time. If they don't go home on time, they lose the pot of money

I heard a figure in which 12 percent of these individuals move away from those jobs. Guess what percent of the workers who run across the border and risk their lives in freeway traffic, what percent of those folks go home when the job is up? The answer is zero, 100 percent of those people do not.

Without a responsible program to allow people who want to work to come in to work when the work is needed we are going to have more illegals. The Pombo amendment is a creative, positive 1996 respective amendment, and I ask for its adoption.

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

Mr. Chairman, before I yield I might just point out that in Kern County, the base county of the gentleman from California who just spoke, I wonder what the 13.6 percent unemployed people in that county will say about this effort to go.

Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Chairman, this is a powerfully bad program that should not be enacted. I find it ironic that we are hearing for the last 2 days how terrible it is that we have all these people coming into our country, we do not want these people in our country, we do not want these people who cannot pass an English test to come to our country. But we do want them if they will be cheap labor, we do want them if it is going to be easy for us to send them home like they are widgets at the end of a period of time.

Mr. Chairman, that is not how this country should act. That is not how this country should operate.

Let us look at the people who are going to be coming to work in this program. These are people who are coming here for a better life. They would not be coming here if they were not doing better economically, and the proponents of this program are saying at the end of this time they are just going to go home. Well, Mr. Chairman, I do not think they are just going to go home because they came here to have a better life, and then we are going to have more problems with more people in prison, we are going to have more problems with more people on welfare because they are still going to have a better life, even if they are living in the underground in the United States, many times, than in their old communities.

Now people say that we need this. I find it ironic that the proponents of this program who are pushing so hard do not want to rely on the time-tested notion of using the free market. This is a capitalistic society. If there is a shortage of workers, and we hear people talking about unemployment rates of 13 percent, 9 percent, I will tell my colleagues how we can get more workers: Pay them more. Pay them more money, and they will come. That is how we have done it for hundreds of years.

Let us continue to do it, Mr. Chairman, Let us not have this program. Let us defeat this program and help American workers.

Mr. CONDIT. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. DEUTSCH].

The CHAIRMAN. The gentleman from Florida is recognized for 30 seconds.

Mr. DEUTSCH. Mr. Chairman, I rise today to speak in favor of this amendment. I represent a district that provides most of the tropical foliage for the United States. Without passage of the Pombo-Chambliss amendment, the immigration bill will severely hurt U.S. agricultural producers in south Florida. This bill will make it tougher to hire workers during peak harvesting periods.

Some of my colleagues will argue that this amendment hurts American workers by allowing employers to hire illegal immigrants. This is simply not true. In fact, the Pombo-Chambliss amendment requires an employer to give preference to U.S. workers for a minimum of 25 days before the position can be offered to an immigrant. Moreover, no aliens can be employed at a position which is open due to strikes or labor disputes.

Let us be clear. This amendment helps the American economy. And it does not sacrifice our desire to stem the tide of illegal immigrants. It allows agricultural producers to hire guest workers only when there is a temporary shortage of American workers. It requires employers to withhold 25 percent of the guest workers pay until they return home. Finally, those immigrants that violate this program can be deported and prevented from participating with this program in the future. This amendment does not weaken the immigration bill. Rather, it enhances the effectiveness of this bill and helps the American economy.

Mr. BERMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR], a member of the Committee on Agriculture.

Mr. FARR of California. Mr. Chairman, I rise in opposition to this amendment. I represent a lot of agriculture, 2.4 billion dollars' worth of agriculture, and what we do in agriculture is we honor labor, and this Congress honors labor. We are always talking about productivity and how great American workers are. We have done that with the autoworker industry and the aerospace industry, and we ought to be doing it more with farm labor supply. We have got 18-percent unemployment in most rural counties in America.

This is not an issue about labor shortage. This is an issue about wages. If my colleagues think people will not go out and do hard work, just look at all the people that flee to Alaska when they can catch salmon and have to work all day and night to do it because the wages they get out of that process is very high.

I urge my colleagues to really honor American labor. Honor farm productivity by not allowing 250,000 foreigners to come in and say to this country, ''You can't do your own work.'' We produce quality agriculture in America, we can do it with our own labor. We do not need a foreign supply. Vote ''no'' on the Pombo amendment.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BERMAN. Mr. Chairman, am I to understand that there is no time left in opposition to the Condit amendment?

The CHAIRMAN. The gentleman is correct.

There is no time left on the Condit amendment only.

Mr. BERMAN. That is the Condit amendment which amends, but does not improve, the Pombo amendment?

The CHAIRMAN. It is the amendment that amends the Pombo amendment.

The question is on the amendment offered by the gentleman from California [Mr. CONDIT] to the amendment offered by the gentleman from California [Mr. POMBO].

The amendment to the amendment was agreed to.

☐ 1700

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

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

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

Mr. Chairman, I just want to say today that I do support the Pombo amendment, because we have a problem today in agriculture. We have a problem with illegal immigrants working in our agriculture. The most conservative estimates are 50 to 60 percent of those working in our fields today across this Nation are in this country illegally. That was confirmed by the Jordan Commission. Most of them have their families, one, two, three, four members here, most of which are living on public subsidies.

Mr. Chairman, we are here today and we have been here for the past 3 days debating legislation that will significantly reduce the number of illegal immigrants in this country. All this amendment says is that if we can prove that there is a need for temporary guest labor to keep the crops from rotting in the fields, then we will allow a limited number of workers into this country to prevent that from happening, based on the following provisions: One, it must be proven that there is no domestic labor available to fill these jobs. Also, the employer must assume all financial responsibility for any and all benefits that would be a burden to the taxpayer. Further, temporary workers could not bring family workers along with them. Further, the program must provide a strong, positive verification provision through the use of biometric data, and it must include strong financial incentives for the workers to return to their homeland after the job is done, in the form of withheld wages.

Mr. Chairman, these are the elements that the Pombo amendment provides for. We know the existing H–2A program is unworkable. If it were not, we probably would not be here today. We can do better. We must do better. The Pombo amendment provides for that. I urge my colleagues to support this amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

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

Mr. Chairman, this amendment will have a devastating impact on immigration policy. It will lead to increased illegal immigration. It would lawfully admit a quarter of a million individuals who otherwise would be called illegal aliens. If Congress is serious about reducing illegal immigration, we will reject this amendment.

The legitimate and understandable needs of American fruit and vegetable growers will be met by the Goodlatte amendment, which we will consider in just a few minutes. This amendment would worsen our illegal immigration crisis by letting in 250,000 unskilled guest workers in the first year alone. Guest workers are not going to leave when their work ends. This is a lesson to be learned from guest worker programs around the world. The lure of American jobs at significantly higher pay than in the homelands is just too great.

There will be no labor shortage in the future. Some growers are concerned that the employment eligibility quick-check system in this bill will reveal their farm workers to be illegal aliens, but we have made the verification system voluntary. If growers do not want to use it, they do not have to use it. Under a voluntary system, any rationale for a new guest worker program simply vanishes.

Even if part of the seasonal agricultural labor force that is presently illegal were to disappear, there would still be no shortage. The bill contains a backlog reduction program that will add substantial numbers of new permanent residents who are likely to go into agricultural work. The program will provide approximately 500,000 visas for spouses and children of permanent residents, to eliminate the current 1 million-plus backlog.

Supporters of the amendment seem to forget that we already have an agricultural guest worker program. It is called the H–2A program. I know that growers have had concern about the workability of the program, but the Goodlatte amendment will address every concern the growers raised at hearings we have had on the H–2A program. The current guest worker program does not provide a grower with foreign guest workers unless he or she has shown that there are no available American workers.

The amendment that we are considering requires no recruitment on the part of the growers. One of the most fundamental principles of immigration law is that foreign workers should not displace qualified American workers. That would be violated by this amendment. The current guest worker program should be improved. We know that. That is exactly what the Goodlatte amendment will do in just a few minutes.

Mr. Chairman, I urge my colleagues to defeat Pombo and support the Goodlatte amendment. It does meet the legitimate needs of growers without striking at the heart of our efforts to reduce illegal immigration. Vote ''no'' on the Pombo amendment and ''yes'' on the Goodlatte amendment.

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. BECERRA], from the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

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

Mr. Chairman, we are in a situation where we just finished a day and a half worth of debate, where we were talking about eliminating about 300,000 visas for U.S. citizens to be able to bring in their family members, their parents, their children, their brothers, their sisters. Now we are dealing with an amendment that says, ''Let us bring in 250,000 imported foreign workers to do work in our fields.''

Mr. Chairman, probably the worst part about this amendment is the following: In 1992, the rural unemployment rate in the United States was 11 percent. It was even higher for young people working in rural areas. It was close to 19 percent. A substantial number of those that are employed in rural areas, about 40 percent, earned wages below the poverty threshold for a family of four. Real wages for rural workers have declined between 1979 and 1992 by over $1 an hour.

The rural unemployment rate is even more pronounced in those areas and in those counties with high concentrations of migrant and seasonal agricultural workers, the same kind of people that we want to import from other countries. Even during the peak months of agricultural labor demand, we still see very high rates of unemployment.

During July 1995, which is a very high, peak time of year for agricultural work, in California, in 19 of the biggest counties of California dealing with agriculture, 17 of those 19 counties had double-digit unemployment rates. Only two of those counties did not have unemployment rates in the rural areas below 10 percent. One county had an unemployment rate exceeding 32 percent. Yet, most of these folks that we are talking about importing in to do agricultural work would go into those areas of California with these high rates of unemployment.

Mr. Chairman, one other very disturbing aspect of the Pombo amendment. It would dispense with any requirement that the Government verify that growers are in fact experiencing labor shortages, and that the growers have made a good-faith effort to recruit domestic American workers. This amendment would simply ask that growers self-attest that they made efforts to recruit locally, without any independent verification. This amendment should be defeated.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I stand in strong support of the Pombo amendment. The main arguments against this amendment are that supposedly there are a lot of workers in America who will be displaced by guest workers, and that they will be displaced by the intent of providing lower wages.

The fact, again, is that the Pombo amendment requires that American workers get first crack at the job. It requires that they must get that crack without having to compete against guest workers. Employers must list job opportunities with the job service and give qualified U.S. workers the first preference for the first 25 days. There is no incentive to use guest workers if there are U.S. workers available.

What about the issue of wages? The fact is that farm work is one of the highest paying low-skill, entry-level occupations in the United States. The average hourly wage for field and livestock workers in 1995 was $6.12 per hour, almost $2 above the minimum wage. The average for piece rate workers was $7.30 per hour. The fact is that since the Immigration Reform and Control Act was passed in 1986, farm wages have outperformed nonfarm wages 35 to 27 percent. Mr. Chairman, this is a good amendment, and it will help.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

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

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Pombo amendment to create a 3-year agriculture guestworker program.

Mr. Chairman, by all accounts the current guestworker program needs to be reformed because it is not working for farmers or for guestworkers. And it is clear that this immigration bill will reduce the number of foreign workers available to farmers. As the Agriculture Committee Report on the Pombo amendment states, ''Without an adequate guestworker program, illegal immigrants fill the void. The Department of Labor estimates that 25 percent of the 1.6 million agricultural workers are illegal aliens.''

Let me repeat: Without an adequate guestworker program, illegal immigrants fill the void.

The new H–2B program created by the Pombo amendment will fix the problems with the current program and help eliminate the use of illegal aliens in agriculture. And by requiring growers to hire U.S. citizens if they are available, this program will not displace American jobs.

Some opponents have characterized this amendment as nothing but a benefit to agri-business. This is simply not the case. I represent numerous family growers with small farms in southern New Jersey. These growers depend on short-term labor, but the present program is difficult and cumbersome to use. The small, family growers in southern New Jersey and around the country need a new guestworker program.

Mr. Chairman, let's not pretend we are cracking down on illegal immigration by opposing the Pombo amendment. This amendment will help to reduce the number of illegal farm workers by creating a workable program for Americas farmers.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today in support of the Pombo amendment, and against the Goodlatte amendment.

For those Members who see the Goodlatte amendment as a compromise on the guest worker program, don't be fooled.

The Goodlatte amendment is another Band-Aid fix to the H–2A program—and fails to provide growers with a workable system for hiring temporary workers.

The current H–2A program is a program only a bureaucrat could love.

Like most government-run programs, it's too complex—time-consuming—and inflexible for the real world.

Our produce industry in eastern and southern Oregon will be devastated if they don't have the ability to hire farm workers in a timely manner.

As we begin to crack down on immigration, our growers need a program that will strike a balance between their needs—and those who fear that a guest worker program will lead to more illegal immigration.

The Pombo amendment strikes that balance.

I urge my colleagues to support the Pombo amendment, and oppose the Goodlatte amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Chairman, I rise in strong support of the Pombo-Chambliss amendment. This amendment is vital to the success of immigration reform.

Without this amendment immigration reform could have the unintended consequence of causing a widespread labor shortage for American agriculture.

That in turn could cause the industry to lose valuable markets to foreign competition and could cause hardships to millions of American consumers by raising the cost of the food they buy.

The Pombo-Chambliss amendment creates a new H–2B guest worker program that is farmer friendly, while respecting our need to control immigration.

Simply put, it would allow workers to enter our country on a temporary basis and return to their country when their term of employment is over.

The provision cuts paperwork and administrative costs dramatically.

Mr. Chairman, my State of Idaho is representative of much of the Nation on this issue.

Even though Idaho is a Northwestern State, guest workers provide an essential source of labor for our agricultural industry.

The president of the Idaho Farm Bureau Federation wrote me an impassioned plea for this amendment, Mr. Chairman.

He argues that without the Pombo-Chambliss amendment, the Farm Bureau cannot support H.R. 2202.

This amendment is also strongly supported by such agriculture groups as the Western Range Association, the Idaho Cattlemen's Association, and the Idaho-Oregon Fruit and Vegetable Association.

The Pombo-Chambliss amendment is essential to making H.R. 2202 good law. I urge a yea vote.

Mr. Chairman, I include for the RECORD the letter from the Idaho Farm Bureau Federation.

The letter referred to is as follows:

IDAHO FARM BUREAU FEDERATION,
*Boise, Idaho, March 15, 1996.*

Re Pombo amendment—nonimmigrant H2–B category for temporary agricultural workers.

Hon. HELEN CHENOWETH,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSWOMAN CHENOWETH: Thank you for your letter of March 6 and the opportunity to respond to Congressman Pombo's amendment to H.R. 2202.

H.R. 2202 does three things that could adversely effect the number of agricultural workers in this country. This legislation will significantly increase interior enforcement seeking to find illegal aliens at their places of employment, increase border interdiction, and impose some sort of employment eligibility verification.

It is imperative that a temporary alien worker program be included in H.R. 2202. This can be accomplished with the adoption of the Pombo amendment. The temporary alien worker program, coupled with the verification process already outlined in H.R. 2002 will help assure agricultural employers that they and their employees are complying with the law. The three year pilot program established by Rep. Pombo's amendment will help meet the administrative and labor supply needs of the agricultural industry.

The Idaho Farm Bureau Federation can support H.R. 2202 with the inclusion of the Pombo amendment. It is of utmost importance that the Pombo amendment be included in original form, without amendment. Without the Pombo amendment, the Idaho Farm Bureau Federation will oppose H.R. 2202 or any immigration reform legislation that does not consider the needs of our industry.

Thank you very much for your time and consideration in this matter.

Sincerely,

V. THOMAS GEARY,
*President.*

Mr. POMBO. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I could not disagree more with my respected colleague, the gentleman from Texas [Mr. SMITH]. I joined with my colleague in cosponsoring his bill, but we badly need the Pombo amendment. I will tell the Members why. We will never have an effective program to contain illegal immigration without having an effective, reasonable, and legitimate program for temporary guest workers in this country. I quote from statistics prepared for none other than Senator EDWARD M. KENNEDY in 1980, a report at his request when he chaired the Senate Committee on the Judiciary. This report reads the following: ''Illegal immigration was brought to a halt in the mid-1950's by a greatly increased law enforcement effort on the part of the U.S. Government, combined with a subsequent expansion of the bracero program as a substitute legal means of entry.''

□ 1715

Without question the Bracero program was also instrumental in ending the illegal alien problem of the mid 1940's and 1950's. It should be noted that throughout its duration, and particularly during the 1950s, one of the major arguments used in support of the Bracero program was that it offered an alternative and therefore at least a partial solution to the illegal alien problem. The other part of the solution was effective law enforcement, which this Smith bill does do. Here is the graph. Here it shows what happened. We went from over 1 million apprehensions of illegals in 1954 to where it was brought down in 1959 to just over 45,000.

Mr. Chairman, history shows this program works. We need to incorporate this into the Smith bill to give us the maximum protection against illegal immigration. Today the Labor Department's own statistics say that 25 percent of the seasonal agricultural workers self-identify as illegals. The INS will tell you that indeed it is much higher. Support the Pombo amendment. Oppose the Goodlatte amendment.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of the Pombo-Chambliss amendment.

One of the promises I made to the farmers in Kentucky's second district was to help relieve the regulatory burden the Federal Government has placed on them.

Mr. Chairman, this amendment will cut paperwork, save farmers money and better control illegal immigration.

Our farmers must be able to obtain the needed and legal work force to competitively compete in the growing world market, so they can continue to provide the safe and abundant supply of food and other agricultural products Americans have come to expect.

I challenge anyone here to tell a Kentucky farmer there are enough domestic workers. Again and again farmers tell me that one of the biggest problems they face is a willing and qualified work force. These jobs are mostly seasonal, temporary, and there simply are not enough domestic workers to do the hard work for short periods that are still a big part of agriculture production needs.

It is important to note this amendment requires employers to give preference to U.S. workers who apply for

these jobs, ensuring that domestic workers are not displaced.

I urge my colleagues to vote ''yes'' on the Pombo-Chambliss amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I want to respond briefly to my good friend from California [Mr. DOOLITTLE] and the comments he made a while ago. Actually the chart that he showed shows the exact opposite, if I may say so.

At the beginning of the Bracero program we had an increase in the number of illegal aliens coming into the country. The decrease that was caused was not by the Bracero program. It was by President Eisenhower instituting what was then called Operation Wetback that effectively sealed the border. It had nothing to do with the Bracero program. The reduction in illegal aliens was because of the President's policy at that time. The Bracero program at the beginning of it actually increased the number of illegal aliens coming in, because more people were encouraged to come and try to get into the country.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST].

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

Mr. Chairman, I rise in reluctant opposition to the amendment of my good friend from California [Mr. POMBO] to create a new guest worker program. At a time when our focus is on reducing immigration levels, the Pombo amendment attempts to allow an additional 250,000 nonskilled temporary workers to help the agricultural industry because they feel there will not be a sufficient work force once this legislation becomes law.

We know that there is currently a surplus of agricultural workers in this country. We know that half of the illegal aliens currently working in this country remain here past their visa time. We know that the work force has helped to drive down the wages to agricultural workers to the point where most low-skilled U.S. citizens simply cannot afford to take these jobs.

Knowing this, do we fix these problems by creating another program out of fear of what could happen? Or do we reform our current H–2A program to create a compromise solution while continuing to address a problem that actually has happened?

The problem is that our immigration system is broken. Our agricultural workers' wages are down because the system is broken. The last thing we should do now is bring in more temporary agricultural workers who will not want to leave.

We do not want to create more problems for farmers with the INS. I think the Pombo amendment will do that. We do not want to create more problems for our farmers with legal aid. We do not want more conflict with the local job market.

Local people in your community will not be hired if there is a flood of foreign workers who wages may sound high, but far too often the foreman, the person in charge of bringing in these workers, often takes much of that money away from the workers.

I urge a ''no'' vote on the Pombo amendment and an ''aye'' vote on the Goodlatte amendment.

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

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

Mr. DOOLEY. Mr. Chairman, I rise in support of the Pombo amendment.

Mr. Chairman, I rise today to express my support for the Pombo-Chambliss amendment to H.R. 2202. As a representative from one of the leading agricultural production regions in the United States, I am concerned with the potential impact of H.R. 2202 on the agricultural labor force.

Measures in H.R. 2202 to control illegal immigration through effective border and interior enforcement and improving the employment verification system could significantly reduce the work force currently entering the United States illegally and working with false documentation, I support those efforts.

At the same time, we must recognize that the agricultural industry in the United States has historically been faced with a need to supplement the domestic work force, especially during peak harvesting periods. Agricultural employers estimate that between 50 and 70 percent of the seasonal work force find employment using fraudulent employment eligibility documents. if provisions included in H.R. 2202 are enacted, agricultural growers could be facing a severe shortage of skilled seasonal workers during peak employment periods.

History has shown that the current H–2A program has been a regulatory and bureaucratic nightmare, rendering the program unusable for the vast majority of agricultural employers. Thus agriculture has no reliable means for ensuring an adequate supply of temporary and seasonal workers if the border and interior enforcement measures included in this legislation are really effective in controlling the entry of undocumented workers.

An adequate supply of skilled seasonal labor is necessary to maintain the competitiveness of U.S. labor intensive agriculture, and to maintain the jobs and livelihood of hundreds of thousands of farmers, U.S. farm workers, and workers in related industries. I urge you to support the Pombo-Chambliss amendment.

Mr. BERMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON].

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

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

Mr. BERMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, I think it is time to talk about illegal immigration when we talk about the Pombo amendment. We have talked a lot about that in these last few days. Now we are talking about bringing in a quarter of a million agricultural workers a year, and we are saying that that will do nothing to increase illegal immigration. That is a ludicrous idea.

As someone who worked in the immigration field for many, many years, I have been thinking as I have heard the rhetoric today, who are these people? Not the farmers, but who are the people that will leave their families behind for months at a time, come to America, work very hard in hot fields, picking crops for very modest wages? Who are these people?

These are people who are desperate for a better way of life and they do not plan to go home. They will send their money back to their families so their families will have something to live on. I do not have anything against these people. I admire their courage. But I also know they will not go home.

The 25 percent of the wages that would be withheld from these individuals is probably less than what they would pay to a coyote to come across the border today. So to think that we are somehow going to be remedying the problem of illegal immigration by bringing in a quarter of a million desperate agricultural workers a year is absolutely ludicrous.

Those who would say with a straight face that we are doing something about illegal immigration in a bill that contains the Pombo amendment should have red faces indeed. I urge everyone to oppose the amendment.

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

Mr. CANADY of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of this amendment which will ensure a steady supply of labor for one of the most important sectors of our economy.

The issue before us today is quite simple: The illegal immigration provisions in the underlying bill could create a shortage of labor in the agricultural sector of our economy. This must not be allowed to happen and the gentleman from California's amendment is, in my view, a reasonable attempt to ensure the continued survival of labor-intensive agriculture.

Mr. Chairman, a series of joint hearings held late last year made it clear that agriculture had legitimate concerns which had not yet been addressed. In responding to these concerns, this amendment installs a workable mechanism for importing needed labor. It caps the number of program participants, and permits the entry of legal temporary farm workers only when American workers cannot be found. Producers are required to pay a decent wage and ensure humane treatment and living conditions for their workers.

The House must understand, Mr. Chairman, that the competitiveness of

U.S. agriculture—especially the fruit and vegetable industry—depends on a reliable labor supply. It is also important to note the thousands of U.S. jobs that depend on the continued success of these industries. We should accept the amendment offered by the gentleman from California and provide agriculture the labor it needs to survive.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself 15 seconds to respond to the last speaker.

The Center for Immigration Studies just released a study by Wallace Huffman, professor of economics and agricultural economics at Iowa State University, finding that the complete elimination of the supply of illegal labor, and we know we are not going to accomplish that with any of the legislation we have here, but the complete elimination would only result in a 1 percent increase in U.S. imports of fruits and vegetables.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. PASTOR].

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

Mr. Chairman, a lot has been said about this amendment, how we are going to deter illegal immigration. But the motive, Mr. Chairman, is greed. That is the motive, greed. Right now with undocumented people, we are keeping the wages on the fields low. Once they are gone, we want to bring in guest workers to keep the wages low. It is greed, Mr. Chairman.

Today we hear how these guest workers will be treated, housing, decent wages. Mr. Chairman, in practical terms, the industry is going to get around it by hiring labor contractors who will not give the guest workers the time of day. They will abuse them, they will use them and send them back.

Mr. Chairman, it is a bad amendment and I would ask for a ''no'' vote.

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

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I rise in support of the Pombo-Chambliss temporary guest worker amendment. First, I want to thank my colleague from California and my neighboring colleague from Georgia for addressing this issue.

Currently there is a shortage of farm labor in many parts of this country. This is definitely the case in my home State of Georgia. A major reason for this shortage is clear. The U.S. Government's welfare system has lowered the work ethic in many areas of the labor market and has almost ruined the farm labor. As a result of this shortage, farmers are forced to import laborers from other countries.

Until we break the cycle of dependency on the Federal Government, their will continue to be a great need for seasonal agricultural labor. American farmers should not be forced to bear the burden of misguided social programs. In fact, Mr. Chairman, farmers tell me it is difficult for their paycheck to compete with that of the welfare check.

This guest worker amendment offers a viable remedy. It establishes a process through which farmers can acquire legal immigrant labor when no domestic workers are available. Bear in mind that under this amendment, farmers must still look to the domestic market labor first.

This amendment will provide a means to track and ensure the return of imported laborers, something the existing program does not do. Additionally, the number of immigrants brought in is based on need, which will vary from year to year.

Further, the amendment extends work visas for a maximum of only 10 months and the program bans aliens who overstay from future participation. As an additional incentive, 25 percent of the laborer's paycheck is withheld until they return home.

On another point, Mr. Chairman, the recent farm bill removes many restrictions on how much farmers will be able to plant. As a result, farm production will dramatically increase over the next few years, creating a greater need for farm labor than ever before.

I urge my colleagues to support the Pombo-Chambliss amendment. It will help the farmers throughout this country obtain labor because they do not have the labor force today to draw from.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

□ 1735

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

Mr. Chairman, I support the Pombo-Chambliss amendment, but, you know, it is not my first choice and it is not the first choice of the farmers in Georgia. The first choice of the farmers in Georgia are American workers, and the Pombo-Chambliss amendment will not change that a bit. American workers will still get the first crack at these jobs.

But, sadly, if you ate fresh fruit or vegetables today at lunchtime, whether you were in New York, Washington, DC, New Jersey, or Georgia, those vegetables probably were picked not by a migrant worker, but probably by an illegal alien. The Pombo-Chambliss amendment responsibly addresses this problem by allowing guest workers to come over here, but, unlike the current broken system, it withholds some of their pay, so that when they return home, then they get the rest of it.

This is a responsible choice, but, again, it is a second choice. The first choice of the American farmers is the same choice as the American people, and that is welfare reform.

In Glennville, GA, a small town in the First District that I represent, an onion farmer told me recently that he pays $9 an hour for people to pick Vidalia onions, but he cannot get Americans to do the work because they make too much money enjoying the public largesse that we call welfare reform.

We have a President who was elected, among other reasons, because he promised to end welfare as we know it. Well, so far he has not submitted a welfare reform bill, and he has vetoed the only one that came across his desk.

I believe that the choice of the American farmers is still going to be American workers. Then they want welfare reform. But in the absence of that, support the Pombo-Chambliss amendment, because it is our only chance to assure an abundant food supply and having it picked today and on your plate fresh tonight at dinner time.

Mr. BERMAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I simply would point out that in San Joaquin County, the home county of my friend from California, the author of the amendment, unemployment is 12.2 percent. In the counties of the gentleman from Georgia [Mr. KINGSTON], who just spoke, rural unemployment is 19.3 percent, 11.9 percent, 10.4 percent, and 10.3 percent.

Mr. Chairman, I yield one minute 45 seconds to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, this amendment must be rejected because it simply is ludicrous on its face.

The American public watching this debate must wonder if we have lost our minds. We spend a day-and-a-half trying to decrease illegal immigration into the country. We have spent months trying to reform the welfare system. The entire country is worried by wage anxiety and their jobs.

Now we have an amendment on the floor that allows you to drive down wages of American workers, allows you not to employ American workers who are desperately looking for jobs, and undermines the idea of taking able-bodied Americans and putting them to work and taking them off of welfare. That is what this Pombo amendment does.

For the employer, they self-certify. They say, ''I cannot find anybody; bring my workers from Mexico or some other country.'' We know in a highly regulated program that those people overstay their visa six times what tourist or education visas overstay.

We are asking for illegal immigrants. The notion that somehow you are going to say to people, ''Well, just go home,'' we have people now who risk their life, pay thousands of dollars to come here, with no job. Now we bring them here with a job for 10 months, we

pay them, and we say, ''By the way, would you mind going home?''

Have you lost your mind? Have you simply lost your mind with respect to what is a concern of the American public? Are you so deep into the agribusiness corporations of this country that you cannot see what bothers Americans when they see unemployment rates of 19 percent? Our Central Valley runs double digit unemployment rates around the year, and you want to bring in people to take away their jobs?

We have people in the gentleman's district and Mr. DOOLEY's district and my district and Mr. CONDIT's district sitting on the streets looking for work. Your answer is to say open the borders, to say, ''Come here, we will pay your way, and we will hope you go home?''

''We hope you go home?'' No, this is unacceptable.

Mr. POMBO. Mr. Chairman, I yield myself one minute to respond to my colleague from California.

Mr. Chairman, it is very interesting that the gentleman is so concerned about the unemployment in my districts, after he stole all the water from my farmers. It is very interesting that all of a sudden he is interested in the unemployment in my district, when he tries to shut down my farms through the Endangered Species Act or Clean Water Act. All of a sudden he is interested in the unemployment in my district.

I am sure that the gentleman misspoke when he said that we were going to hope that they go home. They are required to go home. And if he wants to know what the American people are really angry about, I think it is partly what has gone on on this floor today.

We have got half these guys down here who want to give them welfare, who want to give them anything that they want, but if they want to come in and work, oh, we do not want that. We do not want anybody to come in and work. But if they want welfare, if they want free education, if they want free medical care, all of that, hey, that is all right. That is fine. But if they want to work, oh, no, no, no, this program is crazy.

Now, we are talking about good, decent people who want a job and want to come in and work, and there is nothing wrong with that.

Mr. BERMAN. Mr. Chairman, I yield 45 seconds to my friend, the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Mr. Chairman, I thought the whole purpose of this bill was to cut down people coming into this country. I voted against NAFTA because I did not want to send American jobs to Mexico. Unfortunately, the majority voted to send American jobs to Mexico. But the only thing worse than NAFTA is bringing in a bunch of Mexicans to take American jobs.

Now, that is what this is all about. If you are for your folks, vote against it. If you are for those folks, vote for the Pombo amendment.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the coauthor of this amendment, the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I rise today and urge my colleagues to support the Pombo-Chambliss amendment, which establishes a pilot program for temporary agricultural workers in this country. This amendment would allow farmers all over the country to harvest their crops using a workable program.

The farm labor shortage is not a California problem, it is not a Georgia problem, it is a nationwide problem. In the Southeast alone we have seen increased production of fruits and vegetables in the last 10 years. This has greatly impacted the farm labor situation in my State. These seasonal crops are handpicked crops: Peaches, tomatoes, other vegetables, tobacco.

In the past, the farm labor consisted of generations of family members living on the farm and working on the farm. Those family farms are disappearing. Therefore, the labor pools are disappearing. Farmers desperately need workers who are willing to work seasonally. But to use this program, this legislation requires that the farmer first look to the American people for those workers. If they can find American workers to do the work, they must hire Americans. But, unfortunately, that is not the case. They are simply not able to find those workers.

This amendment solves other problems, too. No. 1, it is temporary. They can work for no more than 10 months at a time. Second, it circumvents a crop disaster by allowing farmers to plant and harvest their crops in a timely manner. Third, and most importantly, it requires that the guest workers that are allowed in legally, that are now coming in illegally, to return home in order to get the 25 percent of their paycheck that is withheld. We do this with the understanding that those workers must go home.

Why is this amendment needed? The reason is very simple: The current system simply does not work, and that is why we need a new system put in place that will allow our farmers a strong supply of workers to harvest their crops.

Now, the gentleman from California [Mr. THOMAS] hit this on the head a little bit earlier. Folks, this is 1996. We have talked about old programs that do not work anymore or old programs that cause problems. This is 1996. If those folks who have gotten up here and have read these figures that some bureaucrat in Washington put together, and I am sure I am fixing to hear in my home county there is an unemployment in the rural areas of *x* percent, let me tell you, if those same folks that believe those figures will go home and talk to their farmers, like I do every weekend when I go to Colquitt County or Bacon County or Berrien County or Bleckley County, those farmers are the ones that I care about and they are the ones that tell me I cannot get my crops harvested without using these workers.

Now, if as the opponents of this bill suggest, that there is a large pool of workers out there to draw from, then the provisions of this bill will not take effect, and I do not understand why they oppose it on that basis. If there are American workers that want to go to work, the farmers must put them to work. But first of all, in my State the Georgia Department of Labor must certify that there is a shortage of workers in the rural areas where the application for the provisions of this bill are asked to take effect.

If there is a shortage declared, only then may this bill come into effect. And even then there must be a notice posted that this bill, there are workers coming in to perform this certain agricultural work. If there are farmers that come in and say hey, I see where in the case that the gentleman from Georgia [Mr. KINGSTON] referred to, that the farmer is willing to pay me $9 an hour to pick onions, that job must go to an American worker. But I can tell you, folks, you are sticking your head in the sand if you think that American workers are out there to do the work.

Please pass this bill. It is a good bill. It is going to make this program workable.

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

The CHAIRMAN. The gentleman from California is recognized for 1 minute and 45 seconds.

Mr. BERMAN. Mr. Chairman, the arguments we just heard in this Chamber are the same arguments that were given to justify slavery before the Civil War. If we could find American, or in that case, free people, to do the work, we would not need to rely on slaves.

Let me tell you, this is the most audacious amendment I could imagine on this bill, because this is an amendment that in the name and in the context of trying to do something meaningful about illegal immigration, creates a program which is going to result in the most massive entry of guest workers who every economist in agriculture will tell you are one-way immigrants. The overstay rate, even in the highly, tightly regulated H–2A program is six times as high, six times as high, as the overstay rate for tourists, students or people here on other nonimmigrant visas.

You are opening up a blatant, massive loophole in a serious effort to try and do something about illegal immigration. And what for? Rather than figuring out the ways to the reform of the welfare system, through the utilization of the 1.1 million agricultural workers legalized in 1987, through the recruitment, the training, the effort, private and public, to help agriculture get more U.S. workers doing this particular work.

The unemployment rates in these counties are astoundingly high. There

is a massive surplus. The Department of Labor says at any given time, 190,000 agricultural workers are unemployed, 12 percent unemployment rates at the peak season in agriculture.

Please defeat the Pombo amendment. Do not undermine this bill like that. Do not destroy American jobs like that.

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

The CHAIRMAN. The gentleman from California is recognized for 2 minutes.

Mr. POMBO. Mr. Chairman, I would just like to conclude by saying that this program that we are trying to adopt is needed. There is a shortage of legal labor in America today. But if my colleague is correct and there is no shortage of labor, then this program will never be used, because they would have to certify that there is a labor shortage, that there is no domestic workers who are able and willing to do the work.

□ 1745

They would have to certify that they could not find domestic workers to do the work. They would have to meet all Federal, State, and local labor laws in order to employ people under the guest worker program.

We have heard a lot about illegal immigration. This is not illegal immigration. This is a legal and controlled program. We have heard about the H–2A program. The H–2A program does not work, or else there would not be the need to install this type of a program.

The gentleman from Virginia [Mr. GOODLATTE] is going to bring up an amendment shortly here today to try and change the H–2A program to work, and, quite frankly, his effort fails miserably. It makes it worse than it currently is. It is not an alternative to our amendment. We have heard a lot about the 250,000 figure. That was not my amendment. That was the Goodlatte amendment that the gentleman put on in the Committee on Agriculture.

My effort was to try to develop some type of a formula that would ensure that we not have any more come in under the Guest Worker Program than was absolutely necessary.

In short, in closing, Mr. Chairman, I would just like to say we do have a problem in this country. We have a serious problem with immigration in this country. But what makes people angry, what makes people mad is those people who illegally come into the country or legally come into the country and take advantage of it, who have never provided anything and take advantage of that service.

What this program is saying is that we want to take care of our domestic issues and we want to reward those who work.

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

Mr. Chairman, I believe the gentleman from California [Mr. BERMAN] is absolutely correct. This is an audacious amendment to this bill. Just an hour ago, we defeated the legal reforms in this legislation. We took them all out that would have had some modest reduction in legal immigration, and now what do we have? We are going to go the opposite direction and add 250,000 new workers in this country.

The gentleman is correct, the amendment that he offered in the Committee on Agriculture had no limit. I offered an amendment to put the 250,000 cap on it. Before that it had no limit. It could have had half a million new workers, as one of the people from California who testified in the committee indicated would occur. We would have a half a million new workers. We could have a million new workers. This undercuts the rights of the American people and we cannot accept an amendment like this.

We have a program right now, the H–2A program for agricultural workers. It allows no limit. It has 17,000 participants. The gentleman from California [Mr. POMBO] and others have complained that it is not an effective program. I have offered six modifications of that program, so many that I am sure the gentleman from California [Mr. BERMAN] thinks I have offered too many. Yet, the gentleman says my amendment makes it worse. It does not do that. It improves the program considerably.

There has been, unfortunately, material circulated that claims that we add to the burden of farmers with regard to the three-quarter rule. We do not do that. We improve the three-quarter rule to say that, if you bring workers into the country under the current program and they work less time than contracted because of weather conditions or pests, that they do not have to be paid for that portion of the time. My amendment improves the current law and makes it workable.

We do not need an amendment that increases the number of people authorized to work in this country by the enormous amount that this program or before it was modified to even higher amounts. We need to reform immigration, not open it wide open. We have very high unemployment in many, many rural areas in this country. We need to also take into account the fact that with welfare reform we are going to be asking millions of Americans to leave the welfare rolls and to take work.

Mr. Chairman, now is not the time to increase immigration. Now is the time to defeat this amendment.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in strong support of the Pombo-Chambliss amendment to implement an effective guestworker program

Mr. Chairman, my constituents in central Washington State are no different from the great majority of Americans who support immigration reform. But my constituents realize that our biggest industry—agriculture—must be protected.

The fact of the matter is that agriculture is a seasonal business. Pruning, thinning, and harvesting all have their time throughout the year. These activities are labor intensive. And the labor required has historically been migrant labor. To not recognize this basic fact places a huge burden on the largest industry in Washington State.

The Pombo-Chambliss amendment addresses this concern and, at the same time transfers the enforcement burden to the Department of Labor to correct what was a shortcoming of the 1986 Immigration Reform and Control Act.

At the same time, in conjunction with a strengthened Border Patrol, the Pombo amendment would reduce illegal immigration by providing incentives for seasonal workers to comply with our immigration laws.

I strongly support this commonsense proposal, and encourage my colleagues to vote ''yes'' on the Pombo-Chambliss amendment.

Mr. CLAY. Mr. Chairman, I rise to oppose the Pombo-Chambliss amendment.

This amendment seeks to establish a new agricultural guestworker program, not in place of the existing temporary agricultural worker program, but in addition to it.

Recently, the bipartisan commission on immigration reform, chaired by our former colleague, the late Barbara Jordan, studied the issue of introducing a new agricultural guestworker program and reached an unambiguous conclusion.

The Commission believes that an agricultural guestworker program, sometimes referred to as a revisiting of the ''bracero agreement,'' is not in the national interest and unanimously and strongly agrees that such a program would be a grievous mistake.

The amendment before us would increase illegal immigration, reduce employment opportunities for U.S. citizens, and depress the wages and working conditions of U.S. farmworkers.

The current H–2A program includes preferences for and protections of U.S. workers. This amendment substantially weakens those protections by providing an alternative means of bringing in foreign workers, regardless of whether a true labor shortage exists.

Current law ensures that foreign workers are not brought into the United States for the purpose of undermining the wages and working standards of U.S. agricultural workers. The Pombo-Chambliss amendment would ensure that foreign workers will be brought in for just that purpose.

Current law requires employers to provide housing and transportation to agricultural workers, areas where the documented abuse of migrant workers has been greatest. This amendment effectively wipes out those protections.

It is hard to imagine a more nefarious proposal. I urge its defeat.

Ms. PELOSI. Mr. Chairman, I rise in opposition to the Pombo/Chambliss amendment modifying the agriculture guestworker program to allow more guestworkers to enter the country. It does not make sense that a bill which aims to limit immigration would endorse a program that loosens immigration restrictions.

There is no evidence of a shortage of agricultural workers in the United States. Almost half of the farmworkers in the U.S. currently cannot find work in agriculture. This amendment makes it easier to hire alien temporary workers than under current law, which would make that unemployment problem worse.

This amendment very clearly promotes the unemployment of American agricultural workers and the exploitation of foreign agricultural workers. It will result in denying jobs to U.S. farmworkers, decreasing wages and unsafe working conditions. The amendment provides weaker worker protection than the current H–2A program.

Under this amendment, employers would no longer be responsible for housing for guestworkers. Since affordable farmworker housing, especially in my home State of California, is in short supply, we would be ensuring an increase in homelessness.

The Pombo/Chambliss amendment is not fair to the American farmworker or the foreign worker. I urge my colleagues to vote against this amendment.

Mr. RICHARDSON. Mr. Chairman, this amendment is a big paradox.

The main purpose of the Immigration in the National Interest Act of 1995 is to reduce, specifically, illegal immigration and secure jobs for Americans. Yet, the Pombo/Chambliss amendment does exactly the opposite. It exacerbates the very problems that this bill is trying to correct.

This amendment would modify the current temporary agriculture worker program known as H–2A to make it easier for agricultural companies to bring in hundreds of thousands of new, exploitable workers to harvest the Nation's crops.

This will increase illegal immigration, will increase unemployment of American workers and will exploit guestworkers.

According to immigration experts, past guestworker programs, like the bracero program, led to today's illegal immigration problems since it permitted the so-called braceros to establish networks that allowed them to continue their employment after the termination of their contract.

Furthermore, this amendment does not protect American farmworkers from the stagnation and decline in prevailing wages caused by the presence of foreign workers.

In addition, this amendment does not ensure that American workers are recruited before employers seek foreign help. Instead, it removes the statutory regulation to locate qualified U.S. workers before employers are allowed to hire foreign workers.

The amendment would also hurt foreign farmworkers since it has no requirement for growers to provide transportation, housing, and written contracts to the guestworkers.

In short, there is absolutely no reason to support this amendment which would increase illegal immigration, deny jobs to U.S. farmworkers, degrade working conditions and allow abusive treatment of foreign workers.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. POMBO], as amended.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 242, not voting 9, as follows:

[Roll No. 85]

AYES—180

| | | |
|---|---|---|
| Armey | Fawell | Metcalf |
| Baker (CA) | Fazio | Mica |
| Baker (LA) | Fields (TX) | Miller (FL) |
| Ballenger | Forbes | Montgomery |
| Barr | Fox | Moorhead |
| Barrett (NE) | Funderburk | Morella |
| Bartlett | Gallegly | Myers |
| Bass | Gekas | Myrick |
| Bevill | Gillmor | Nethercutt |
| Bilirakis | Gilman | Neumann |
| Bishop | Goodling | Norwood |
| Bliley | Gordon | Nussle |
| Boehner | Graham | Packard |
| Bonilla | Greenwood | Parker |
| Bono | Gunderson | Paxon |
| Boucher | Gutknecht | Payne (VA) |
| Brewster | Hamilton | Peterson (FL) |
| Browder | Hancock | Pickett |
| Brownback | Hansen | Pombo |
| Bryant (TN) | Hastert | Pryce |
| Bunn | Hastings (WA) | Quillen |
| Bunning | Hayworth | Riggs |
| Burr | Hefner | Roberts |
| Callahan | Heineman | Rose |
| Calvert | Herger | Salmon |
| Camp | Hilleary | Sanford |
| Campbell | Hobson | Saxton |
| Canady | Hoekstra | Schaefer |
| Chambliss | Houghton | Seastrand |
| Chenoweth | Hutchinson | Shadegg |
| Christensen | Inglis | Shuster |
| Chrysler | Johnson (CT) | Sisisky |
| Clinger | Jones | Skelton |
| Coble | Kelly | Smith (MI) |
| Coburn | Kim | Smith (WA) |
| Collins (GA) | Kingston | Solomon |
| Combest | Knollenberg | Souder |
| Condit | Kolbe | Spence |
| Cooley | LaHood | Spratt |
| Cox | Latham | Stearns |
| Cramer | LaTourette | Stump |
| Crane | Laughlin | Tanner |
| Crapo | Lazio | Tauzin |
| Cremeans | Lewis (CA) | Taylor (NC) |
| Cubin | Lewis (KY) | Thomas |
| Cunningham | Lightfoot | Thornberry |
| Deal | Lincoln | Tiahrt |
| DeLay | Linder | Upton |
| Deutsch | Livingston | Vucanovich |
| Dickey | LoBiondo | Walker |
| Dooley | Longley | Walsh |
| Doolittle | Lucas | Watts (OK) |
| Dreier | Manzullo | Weller |
| Dunn | McCollum | White |
| Ehlers | McCrery | Whitfield |
| Emerson | McDade | Wicker |
| English | McHugh | Wolf |
| Ensign | McInnis | Young (AK) |
| Everett | McIntosh | Young (FL) |
| Ewing | McKeon | Zeliff |

NOES—242

| | | |
|---|---|---|
| Abercrombie | Clyburn | Ford |
| Ackerman | Coleman | Fowler |
| Allard | Collins (MI) | Frank (MA) |
| Andrews | Conyers | Franks (CT) |
| Archer | Costello | Franks (NJ) |
| Bachus | Coyne | Frelinghuysen |
| Baesler | Danner | Frisa |
| Baldacci | Davis | Frost |
| Barcia | de la Garza | Furse |
| Barrett (WI) | DeFazio | Ganske |
| Barton | DeLauro | Gejdenson |
| Bateman | Dellums | Gephardt |
| Becerra | Diaz-Balart | Geren |
| Beilenson | Dicks | Gibbons |
| Bentsen | Dingell | Gilchrest |
| Bereuter | Dixon | Gonzalez |
| Berman | Doggett | Goodlatte |
| Bilbray | Dornan | Goss |
| Blute | Doyle | Green |
| Boehlert | Duncan | Gutierrez |
| Bonior | Durbin | Hall (OH) |
| Borski | Edwards | Hall (TX) |
| Brown (CA) | Ehrlich | Harman |
| Brown (FL) | Engel | Hastings (FL) |
| Brown (OH) | Eshoo | Hefley |
| Bryant (TX) | Evans | Hilliard |
| Burton | Farr | Hinchey |
| Buyer | Fattah | Hoke |
| Cardin | Fields (LA) | Holden |
| Castle | Filner | Horn |
| Chabot | Flake | Hostettler |
| Chapman | Flanagan | Hoyer |
| Clayton | Foglietta | Hunter |
| Clement | Foley | Hyde |
| Istook | Minge | Schiff |
| Jackson (IL) | Mink | Schroeder |
| Jackson-Lee (TX) | Molinari | Schumer |
| Jacobs | Mollohan | Scott |
| Jefferson | Moran | Sensenbrenner |
| Johnson (SD) | Murtha | Serrano |
| Johnson, E. B. | Nadler | Shaw |
| Johnson, Sam | Neal | Shays |
| Kanjorski | Ney | Skaggs |
| Kaptur | Oberstar | Skeen |
| Kasich | Obey | Slaughter |
| Kennedy (MA) | Olver | Smith (NJ) |
| Kennedy (RI) | Ortiz | Smith (TX) |
| Kennelly | Orton | Stenholm |
| Kildee | Owens | Stockman |
| King | Oxley | Studds |
| Kleczka | Pallone | Stupak |
| Klink | Pastor | Talent |
| Klug | Payne (NJ) | Tate |
| LaFalce | Pelosi | Taylor (MS) |
| Lantos | Peterson (MN) | Tejeda |
| Largent | Petri | Thompson |
| Leach | Pomeroy | Thornton |
| Levin | Porter | Thurman |
| Lewis (GA) | Portman | Torkildsen |
| Lipinski | Poshard | Torres |
| Lofgren | Quinn | Torricelli |
| Lowey | Rahall | Towns |
| Luther | Ramstad | Traficant |
| Maloney | Rangel | Velazquez |
| Manton | Reed | Vento |
| Markey | Regula | Visclosky |
| Martinez | Richardson | Volkmer |
| Martini | Rivers | Waldholtz |
| Mascara | Roemer | Wamp |
| Matsui | Rogers | Ward |
| McCarthy | Rohrabacher | Watt (NC) |
| McDermott | Ros-Lehtinen | Waxman |
| McHale | Roth | Weldon (FL) |
| McKinney | Roukema | Weldon (PA) |
| McNulty | Roybal-Allard | Williams |
| Meehan | Royce | Wilson |
| Meek | Rush | Wise |
| Menendez | Sabo | Woolsey |
| Meyers | Sanders | Wynn |
| Miller (CA) | Sawyer | Yates |
| | Scarborough | Zimmer |

NOT VOTING—9

| | | |
|---|---|---|
| Clay | Johnston | Stark |
| Collins (IL) | Moakley | Stokes |
| Hayes | Radanovich | Waters |

□ 1808

Messrs. PARKER, HEFNER, PICKETT, LAZIO of New York, and EWING changed their vote from ''no'' to ''aye.''

So the amendment, as amended, was rejected.

The result of the vote was announced as recorded.

The CHAIRMAN. It is now in order to consider amendment No. 24, printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR. GOODLATTE

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

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GOODLATTE: After section 810, insert the following new section (and conform the table of contents accordingly):

**SEC. 811. CHANGES IN THE H–2A PROGRAM.**

(a) PLACING RESPONSIBILITY FOR CERTIFICATION WITHIN THE INS.—Section 218 (8 U.S.C. 1188) is amended—

(1) by striking ''Secretary of Labor'' and ''Secretary'' each place either appears (other than in subsections (b)(2)(A), (c)(4), and (g)(2)) and inserting ''Attorney General''; and

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

''(3) There are authorized to be appropriated for each fiscal year such sums as may be necessary for the purpose of enabling the Attorney General and the Secretary of Labor to make determinations and certifications under this section and of enabling

the Secretary of Labor to make determinations and certifications under section 212(a)(5)(A)(i).''.

(b) REDUCTION IN TIME REQUIRED FOR POSITIVE RECRUITMENT.—Section 218 (8 U.S.C. 1188) is amended—

(1) in subsection (b)(4), by adding at the end the following: ''The employer shall not be required to engage in positive recruitment for more than 20 days.'', and

(2) in subsection (c)(1), by striking ''60 days'' and inserting ''40 days''.

(c) ELIMINATION OF 50 PERCENT RULE.—Section 218 (8 U.S.C. 1188(c)(3)) is amended by amending subparagraph (B) to read as follows:

''(B) An employer is not required, in order for its labor certification to remain effective, to provide employment to United States workers who apply for employment after the end of the required period of positive recruitment.''.

(d) PERMITTING HOUSING ALLOWANCE.—Section 218(c)(4) (8 U.S.C. 1188(c)(4)) is amended by inserting ''(A)'' after ''.—'' and by adding at the end the following:

''(B) In lieu of offering housing under subparagraph (A), an employer may provide a reasonable housing allowance, but only if housing is reasonably available in the area of employment.''.

(e) MODIFIED ¾ RULE.—Section 218(c)(3) (8 U.S.C. 1188(c)(3)) is amended by adding at the end the following new subparagraph:

''(C) An employer, in order for its labor certification to remain effective, shall guarantee to offer an H–2A worker at least 8 hours of employment in each of at least ¾ of the workdays in which the task (or tasks) for which the H–2A worker was hired to perform are being performed. The employer is not required to guarantee to offer an H–2A worker employment in any portion of the total periods during which the work contract and all extensions thereof are in effect.

(f) CAP.—Section 214(g)(1) (8 U.S.C. 1184(g)(1)) is amended)

(1) by striking ''or'' at the end of subparagraph (A),

(2) by redesignating subparagraph (B) as subparagraph (C), and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) under section 101(a)(15)(H)(ii)(a) may not exceed 100,000, or''.

(g) EFFECTIVE DATE.—The H–2A amendments made by this section shall apply to applications for certification filed on or after October 1, 1996, and to fiscal years beginning on or after such date.

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

The Chair recognizes the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, many of the Members from agricultural areas noted problems with the H–2A agricultural worker program that currently exists.

□ 1815

Mr. Chairman, this amendment is an amendment to the current guest worker program, the H–2A program. My amendment will significantly improve it. I have listened to the concerns of the growers who have come to speak to me and have streamlined the guest worker program that now exists to make it more grower-friendly.

Unlike the changes proposed by the gentleman from California [Mr. POMBO] to the guest worker program, my amendment does not create a new program. It fixes the current one. In addition, it works within the spirit of the bill by fixing the number of aliens allowed into the country at 100,000. Why do we have a 100,000 cap? Because even though only 17,000 workers used this program last year, we are making significant improvements to the program, and want to make sure that we do not have an unreasonable number of people utilizing this program from outside of the country.

In recent years, about 17,000 farm workers have been granted visas each year under the H–2A guest worker program. The Goodlatte amendment provides for an increase to 100,000 workers. This will more than meet any needs of fruit and vegetable growers that are not being met by domestic farm workers.

Many fruit and vegetable growers assert that the big problem with the H–2A program is that the Department of Labor administers in bad faith, intending to make it unworkable and unattractive to growers. My amendment transfers the certification process from the Department of Labor to the Immigration and Naturalization Service. This move will ensure that the fundamentally sound H–2A program is administered fairly.

Growers also complain that it takes too long to get workers under the current H–2A program. They must file applications at least 60 days before the date of employment. My amendment slashes this period by 33 percent and creates a 40-day application period. it will ensure growers the workers they need when they need them.

The Goodlatte H–2A guest worker compromise amendment modifies the three-quarter guarantee to answer the concerns of growers. Under the current H–2A guest worker program, growers must pay guest workers for 75 percent of the agreed work contract period, and under 20 CFR section 655, they must pay an average of at least 8 hours of work a day for that 75 percent period, even if the harvest is cut short by weather or pests. A copy of this three-quarter guarantee regulation is available to those who would like to see it, because there has been a suggestion that we make the three-quarter requirement more onerous. Actually, we make it better.

The Goodlatte amendment requires that the grower pay his guest workers for three-quarters of the time the harvest actually takes. This ensures that growers hit by setbacks are not further burdened. Under Goodlatte, they will still have to pay for 8-hour workdays, just as they do now, but for a fewer number of days if their harvest period is shortened.

The Goodlatte amendment will prevent growers from having to pay guest workers for days that they do not work if the contract period is cut short. My amendment repeals the unfair 50-percent rule. Fruit and vegetable growers have told me that the H–2A program's 50-percent rule is patently unfair. The rule requires a grower to hire any domestic farm workers who apply for work under the H–2A guest worker program, as long as they have completed half their work contract period, even if the grower already has all the workers needed. My amendment repeals this rule.

My amendment also allows growers to pay a housing allowance. Fruit and vegetable growers want to be allowed to pay actual housing. The Goodlatte amendment permits housing allowances. If housing is reasonably available in the area, guest workers will not be forced into homelessness.

Mr. Chairman, I urge Members to support this amendment. It addresses the concerns of the agriculture community, but does not allow our borders to open for one segment of the economy. The Goodlatte amendment controls illegal immigration while providing our fruit and vegetable growers with the labor they need to harvest their produce. I urge the adoption of this amendment.

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

Mr. CONYERS. Mr. Chairman, I rise in opposition to the Goodlatte amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 15 minutes.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. TORRES].

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

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

Mr. Chairman, earlier today I expressed my vehement opposition to the Pombo amendment. I rise now to voice my strong opposition to the Goodlatte amendment.

The proponents of this amendment would have us believe that it addresses the problems contained in the Pombo amendment and therefore, it is a more moderate, more acceptable proposal. In short, it's being sold as Pombo ''Lite.''

Don't be fooled by the packaging. The Goodlatte amendment is just as bad as Pombo and maybe worse.

Mr. Goodlatte is seeking to make it easier for agribusiness to bring foreign workers into the United States. Simultaneously, the amendment would eliminate, I repeat, eliminate essential worker protections that exist under current law.

The Goodlatte amendment would eliminate the requirement for employers to seek qualified U.S. workers through State employment services.

The Goodlatte amendment would eliminate the requirement to provide housing for their foreign workers. Employers, who are now required to provide housing for their workers, would only be required to give a housing allowance. But only if housing is reasonably available in the area.

Don't you believe it.

I've worked in the labor camps that these guestworkers would be herded into. Yes, that was some years ago, but conditions have not changed. They don't have running water or indoor plumbing, they crowd dozens of workers into unheated hovels. In short, the growers literally enslave these workers to reduce their overhead and increase their profits. Just how long do you think these guestworkers will endure these squalid conditions before they escape to seek a better life? How long do you think it will take for these hardworking and industrious guestworkers to find that there are better paying jobs and better conditions under which to work?

It's time to treat agribusiness like the other industries—make it compete for labor and pay fair wages to U.S. farmworkers.

I urge my colleagues to vote no on this misguided amendment.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and Claims of the Committee on the Judiciary.

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

Mr. Chairman, I urge my colleagues to support the Goodlatte amendment. We already have an agricultural guest worker program. It is called the H–2A program. The Goodlatte amendment makes needed changes. It ensures a program that works for farmers and yet one that retains the bedrock protections for American workers.

The Goodlatte amendment responds to the complaints from fruit and vegetable growers and the complaints that they have lodged against the H–2A program. There is a widespread belief among growers that the Department of Labor administers the program in bad faith, intending to make it so unworkable that it will not be used. The Goodlatte amendment transfers the upfront certification process from Labor to the INS. This move will ensure both that growers get the workers they need, and that program abuse will not go uncorrected.

Mr. Chairman, growers complain about the time it takes to get H–2A workers, that they must file applications at least 60 days before the date of need. The Goodlatte amendment cuts this period by 20 days. It ensures growers will get the workers they need when they need them.

Growers believe the current 50 percent rule is unfair. The rule requires a grower to hire any domestic farm workers who apply for work until the H–2A guest workers have completed half their work contract period, eve if the grower already has all the workers needed. The Goodlatte amendment repeals this rule.

Growers also complain about the H–2A program's three-quarters rule. This rule requires that they pay guest workers for 75 percent of the agreed work contract period, even if the harvest is cut short by weather or pests. The Goodlatte amendment requires that a grower pay his guest workers for three-quarters of the time the harvest actually takes. This assists growers hit by setbacks while protecting guest workers.

Fruit and vegetable growers want to be allowed to pay guest workers a housing allowance instead of having to build actual housing. The Goodlatte amendment permits housing allowances if housing is reasonably available in the area. This ensures that guest workers will not be forced into homelessness.

The Goodlatte amendment sets a ceiling of 100,000 guest workers per year. In recent years, about 17,000 to 19,000 aliens have been granted visas under the H–2A program. This ceiling is large enough to meet the needs of farmers who want to replace illegal workers with legal workers. By keeping the requirement of recruiting and hiring U.S. workers first, the Goodlatte amendment would meet the needs without undermining U.S. immigration policy and harming domestic workers.

Mr. Chairman, I urge my colleagues to vote yes on the Goodlatte amendment. It is good for guest workers and it is good for growers.

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

Mr. Chairman, I would ask the gentleman from California [Mr. TORRES] whether or not his vehement opposition to Pombo is stronger than his strong opposition to Goodlatte.

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

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

Mr. TORRES. Mr. Chairman, I would say to the gentleman, a little bit.

Mr. CONYERS. I would ask the gentleman, a little bit what?

Mr. TORRES. A little bit more.

Mr. CONYERS. The gentleman objects to the Pombo amendment more than the Goodlatte amendment, or the Goodlatte amendment more than the Pombo amendment?

Mr. TORRES. Mr. Chairman, I object to both of them. I think it is an equal state. Goodlatte has new packaging. It is Pombo Lite.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. BERMAN], a member of the Committee on the Judiciary.

Mr. BERMAN. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for yielding me 3 minutes.

Mr. Chairman, I am glad the ranking member did not ask me that question, because the gentleman from Virginia [Mr. GOODLATTE], the sponsor of this amendment, was eloquent and effective in his opposition to the Pombo amendment, and I am very grateful for this.

Mr. Chairman, the problem with his amendment here, because I know it was well-intentioned, because I know how he wants to handle these issues, but the problem is that it fundamentally erodes and existing requirement in the H–2A program that U.S. workers have priority. We can debate whether that makes sense or not, but to me, when we get rid of the 50-percent rule, we get rid of the requirement that a U.S. worker who comes for a job gets priority over the guest worker coming from the foreign country.

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

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

Mr. GOODLATTE. Mr. Chairman, the difference between the current H–2A program and the Pombo amendment is that the H–2A program requires an independent third party to certify whether there is a need for the workers. That is the big objection to the earlier legislation that we just defeated.

The difference here is that we have to have an independent party, the U.S. Government, certify that workers are needed. If they certify they do not have them, what difference does it make whether or not there is a 50-percent rule? It is unfair, if an independent party says there are not sufficient workers available, to tell a grower that they cannot use more than 50 percent labor.

Mr. BERMAN. Reclaiming my time that I so generously yielded the gentleman, Mr. Chairman, the way the gentleman has written this amendment, first of all, Mr. Chairman, the gentleman is absolutely right; one major difference is that that was a self-attest anticipation. ''Grower, say certain things, get workers.'' This requires an independent, no longer Department of Labor, if I recall correctly, but an independent Government certification.

But the gentleman cuts off the growers' obligation to recruit U.S. workers 20 days before the season even begins. When you are dealing with migrant workers, they know the patterns of labor in this area. They come into an area to get hired just as you get into the peak harvest season. By eliminating the obligation to hire U.S. workers 20 days before the start of the growing season, and we do not need to be doing that, we are wiping out, in effect, the priority for U.S. workers. That is the problem I have.

Under the existing situation, that priority still exists. The Department of Labor certifies whether or not there will be a need, but if U.S. workers show up, U.S. workers have priority. I think U.S. workers should have priority in these kinds of programs.

In addition, Mr. Chairman, the fundamental change the gentleman is making, right now they have to provide housing for farmworkers. By giving this allowance, the gentleman knocks out the housing requirement. He makes an assumption there will be housing available.

□ 1830

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume to respond to the gentleman from California.

Mr. Chairman, I agree with the gentleman 100 percent that U.S. workers should have the priority in every instance. But the fact of the matter is that while we still require them to actively recruit and we should require them to actively recruit U.S. workers, it has to be done in such a fashion that once that recruitment period is over, there is a reasonable amount of time to get the paperwork processed and get workers there when they have actively recruited and have not been able to get those workers.

My amendment simply requires that they have a little more time, 20 more days, to get that paperwork processed and get the workers there. We have had many instances, in fact some of the people on the other side of the last amendment spoke about the fact that they go through the process, by the time all the work is done they are halfway through the harvest season and they do not get the opportunity to get the workers when they need them.

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

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

Mr. BERMAN. Mr. Chairman, I will be very quick. What do you do? All right, you have made a recruitment, you do not think you have workers available, it has been certified by the Government. As you are approaching your harvest season, 150 U.S. workers coming from the earlier crop show up. Are these people turned down because 10 days from now they will be getting some foreign guest workers? Do they turn these U.S. workers down and say, ''No, no job available for you because I've already gotten approval to bring in 100 foreign guest workers?''

It is all how you want to balance this thing. When you are dealing with people who make on an average of $5,000 a year, they are our lowest paid workers, I think we have been tilting so heavily on the side of agribusiness that this is one little protection they have. Do not eviscerate that. That is my problem with your amendment.

Mr. GOODLATTE. Mr. Chairman, I respect that, but, reclaiming my time, let me say two things.

First of all, given the fact, as we have heard all day here, that there is a need for workers, those workers are going to find employment.

Second, if you have already entered into a contractual relation with somebody to have somebody come and do some work because you have established that you could not find a U.S. worker, what are you going to do when those people arrive?

That is the bottom line. You have got to have an arrangement in advance. You have got to give U.S. workers the maximum opportunity to have an opportunity to apply for the job. But then once they apply and you hire them, and you still have a need for additional workers and you enter into a contractual relationship, you have got to be able to enter into that contract and have a reasonable amount of time to get that processed before they come.

That is all we are asking with that amendment. It is eminently fair, both to the U.S. workers who can also enter into contracts and get the priority, but if they do not, then the farmer has the opportunity to get the work in a timely fashion, so that they get it and get the crop harvested. That is all we are asking for. It is eminently reasonable and I would think the gentleman would accept it.

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

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

Mr. BERMAN. Mr. Chairman, we have a guest worker program. It is now called the H–2A program, it used to be called the H–2 program. It has certain conditions. This year, 17,000 agricultural workers came in under those requirements.

The difference between 17,000 and it shooting up in the case of your amendment to the 100,000 cap is the balance and retention between the potential for domestic workers. The moment you cut off the requirement to hire 20 days before the season starts, in every situation what you will find is the department saying, ''Since I can't promise them X number of workers when that season starts, I'm going to have to grant his petition.

The only thing that keeps this process honest is the requirement to continue to recruit, to prioritize and hire U.S. workers if they show up, and to hire them at any point 50 percent through the season. Fifty percent through the season was done for the benefit of the growers. Once the guy had been there for 50 percent of the time, do not displace him because somebody now showed up. Let them finish the entire season.

You are taking what was done for the benefit of the growers and you are totally repealing it, and that is the big problem I have with your amendment.

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

Mr. GOODLATTE. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the fact of the matter is, as the gentleman well knows, we put a cap on this program to make sure that there was a limitation because of the fact that with only 17,000 using it right now, we know that there are far more people than that out there who would utilize it, who are utilizing illegal immigrants right now. Therefore, we wanted to make sure that we had every encouragement on growers to have every effort made to recruit U.S. workers. And they are going to have to make every effort to recruit U.S. workers if, as they say, they use a half a million illegal immigrants right now.

So the 100,000 cap is, I think, a very, very stringent cap, but also we have to make the program usable within that cap. Obviously, with 17,000 legal workers and a half a million illegal workers, we do not have a reasonable program right now. So let us modify the program, make some improvements, and still protect U.S. workers.

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

Mr. Chairman, the one problem with the amendment that my friend from Virginia has not discussed is that it eliminates the requirement to provide workers with free housing. The H–2A employers must provide or pay for housing for their workers. This amendment replaces the housing provision with a housing allowance but, quote, only if housing is reasonably available in the area of employment, end quote.

I find that restrictive, onerous and another sop to the growers, who probably would rejoice in having us revisit this measure as we did in 1986.

I think that we have got a problem here. It is tough enough to get Americans to do this kind of labor, and to make it harder for them to get under the program by the eliminations or restrictions around the recruiting process I think is not good. I will not say it is un-American, but it sure does not help the few Americans that want to work in this very onerous area.

Remember, the pay is bad, the conditions are horrible, the work is temporary. Maybe that is why we have to bring in people to work on it. So the few Americans that are willing to work in this field, I would encourage them to do so.

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

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

Mr. GOODLATTE. I thank the gentleman for yielding.

Mr. Chairman, the important thing to note here is that only in places where housing is widely available do we allow a grower to issue a housing allowance instead of to provide the housing itself. That is only a matter of flexibility, not only for the grower but also for the worker. Because if you are providing them with an allowance, they then have the opportunity to choose the housing they want rather than the place that the grower might choose for them and assign to them. I think it makes far more sense to give that kind of flexibility for the benefit of both the worker and the grower.

Mr. CONYERS. I appreciate that. I have heard this kind of argument that we know what is best for the workers. They do not want this. Their organizations that support them do not want it. But really if they need it, they would be happy to have it.

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

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

Mr. BERMAN. Our real difference is you say 17,000 guest workers, half a

million illegal immigrants working in our fields. Got to do something. I say we legalized 1.1 million agricultural workers in 1986. We have double-digit unemployment in almost every rural county in America, astronomical unemployment in the areas that most want this, Western agriculture, and what we need to do is the government working with agriculture, welfare reform, going back to the people who left the fields and who know how to pick.

This is honorable work. There are Americans who will do this work if they do not have alternatives, and if there is decent pay and good working conditions. This should be our focus, not trying to figure out how to do this guest worker thing where they really do not go back. I mean, huge numbers we lose. That is the problem. I think that should be our focus.

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

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

Mr. Chairman, I do not disagree with anything the gentleman says. The fact of the matter is, though, the difference between 500,000 and 100,000 is 400,000 people. There is plenty of room there to work on welfare reform and improving opportunities for U.S. citizens, and we certainly want to do that.

The problem is, and you have acknowledged earlier that the current H–2A program does not work well and, as a result, reforms are needed. We disagree on exactly what those reforms should be, but if we have a program and it only utilizes 17,000 people but there are a half a million out there working illegally, it seems to me that some reform of that program is in order.

I would appreciate the gentleman working with us on making the program work a little better, and in return I am giving you something that I would hope that you would want, and that is a cap on the program. There is no cap on the H–2A program right now. If Government works with agriculture to make this program work better without these amendments, we would have a program that had no limit on it. Let us have a good compromise that puts a cap on it but makes it more workable.

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

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

Mr. BERMAN. Mr. Chairman, if we had a verification system in this bill that went into effect immediately, I think the gentleman's request would be incredibly reasonable.

We have the most voluntary and ephemeral verification system left in this bill now. Do we think tomorrow there are not going to be any more undocumented workers employed in agriculture? They are not vanishing. There is no system for them to vanish.

There is no meaningful verification in this bill. The gentleman tried to get it but he lost, and I voted with him. We both lost. So when you do that verification, come back to me and I will talk to you about a good transition guest worker program.

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

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

Why am I suspicious? The gentleman from Virginia [Mr. GOODLATTE] is a wonderful human being with whom I have enjoyed a great relationship. But there are little problems. Housing eliminates the requirement to provide workers with free housing. Then he explains, ''It's for the workers' benefit, JOHN,'' not to worry.

Reduces the required time to recruit domestic workers. ''That will help Americans, so don't worry about that.''

Eliminates the 50-percent rule. ''No problem,'' he says.

Eliminates the three-fourths guarantee. Good explanation for it.

What I am beginning to think, this is a great solution in search of a problem. And I will tell the gentleman, there is another little nervous provision in here from my point of view. The certification of the workers goes from the Department of Labor to the Immigration and Naturalization Service.

□ 1845

Does that raise a red light with anybody in this body besides me? One other person, a few more.

Look, INS is particularly unqualified to make labor certifications. They are looking for people who do not belong here. So these things, I would say to the gentleman from Virginia [Mr. GOODLATTE], make me reluctant to be enthusiastic about this amendment. As a matter of fact, it does not lead me to the strong opposition of the gentleman from California [Mr. TORRES], or the vehement opposition that he had on Pombo, but I cannot support it. I think that the arguments presented by our resident expert on the Committee on the Judiciary, the gentleman from California [Mr. BERMAN], are overwhelming and persuasive.

Mr. Chairman, I urge defeat of this amendment.

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

Mr. GOODLATTE. Mr. Chairman, may I ask the gentleman from Michigan if he has any other speakers?

Mr. CONYERS. No, sir, I do not.

Mr. GOODLATTE. Mr. Chairman, as the gentleman from Michigan has the right to close, I yield myself such time as I may consume to conclude.

Mr. Chairman, let me say to my good friend from Michigan that I am disappointed, because it seems to me that we have lost all opportunity here to find a middle ground, to try to work together to improve a program that we both agree is a bad program. We worked together to make sure that we did not have an out of control program that allowed 250,000 new workers in the country, but now here we have an opportunity to make the program work a little better so that growers have the opportunity to meet their needs when they truly can justify them, when they can have an independent certification by a Government agency that the need exists and in exchange we put a cap on the program of 100,000 workers.

It seems to me that is fair to everybody involved, and that is what I strove to do. In fact, my offering this amendment I think was very careful in making the case that the other amendment was not needed. So it disappoints me that the gentleman would attack these modest reforms we are making, including one that simply says for both the worker and the grower, hey, why have a specific grower tell the worker where they have got to live? That is crazy. If there is adequate housing in the area, allow the worker to choose their own housing by giving them a housing allowance. It does not eliminate the requirement to give them free housing. It simply says when it is done, they both can have a little flexibility in the process.

So I think these modifications are needed by our agricultural industry in this country. I think these modifications are very reasonable and workable, and I think that this is a vast improvement over the current program. I would urge the Members of the House to support it. Let us not both defeat the amendment and leave a failed nonworkable program out there. Let us do the reasonable thing in the middle, which is to take the current program, reform it, and make it better.

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

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

The CHAIRMAN. The gentleman from Michigan is recognized for 1½ minutes.

Mr. CONYERS. Mr. Chairman, more sneaking reservations continue to crop up. Let me call the attention of the gentleman from Virginia [Mr. GOODLATTE] to the fact that the growers like this idea. If the gentleman had only contacted the National Council of Loraza that represents the workers, they would have come back to you, we would not have to do what I am going to propose now.

Because of his integrity and our close working relationship on the committee, why do we not work together, as the gentleman says, and he withdraw this amendment, and I promise him, with all the good faith I can muster, that I and the gentleman from California [Mr. BERMAN], will sit with him and try to work out the program?

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

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

Mr. BERMAN. Mr. Chairman, I would just say, we have had this conversation. I am for trying to streamline and deal with the problems and the impediments that exist in the existing H–2A program. The administration is committed to doing that. There would be

ample opportunity in the conference committee to work out a program that would be good for agriculture and be good for workers and be supported bipartisanly.

In all fairness, the gentleman from Virginia [Mr. GOODLATTE], did not discuss with us his proposal. I asked my friend, the chairman of the subcommittee, if he would involve me in alternatives to the Pombo amendment, but he did not, so we were sort of left out in the cold.

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

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

Mr. GOODLATTE. Mr. Chairman, I would be very anxious to work with the gentleman on making this amendment better, but I would encourage him to support the amendment, and then we can work together to improve it.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I urge opposition to this amendment.

Mr. THOMAS. Mr. Chairman, hired labor is one of the most important and costly inputs in farming. U.S. farmers spent more than $15 billion on hired labor expenses in 1992—one out of every 8 dollars of farm production expenses. For the labor-intensive fruit, vegetable and horticultural section, labor accounts for 35 to 45 percent of production costs.

The labor-intensive fruit, vegetable and horticultural specialties sector accounted for more than $23 billion of agricultural sales in 1992, an increase of 32 percent for 5 years earlier. The competitiveness of U.S. agriculture depends upon the continued availability of hired labor at reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other countries for market share in both U.S. and foreign commodity markets.

U.S. farmers are producing for global markets and competing at world market prices. More than one-third of U.S. fruit and vegetable production is now exported. On the other hand, about one-quarter of our fruit and vegetable consumption is now imported. If the labor supply is restricted and production costs rise, U.S. growers will lose market share to overseas producers. This decline in production will cost thousands of U.S. workers their jobs. Based on relative shares of agricultural production, at least one-quarter of the job loss will be in California.

The availability of adequate seasonable labor has enable U.S. producers to expand production and exports of labor-intensive commodities. This has created tens of thousands of jobs for U.S. workers in ''upstream'' and ''downstream'' industries. Appropriately three off-farm jobs depend directly on each on-farm job.

In California, due to the nature of the crops and the vast geographical and seasonal range, this need for labor over a short period is particularly intense. California is about 900 miles long, north to south. If you transpose it to the east coast we are talking about a distance from approximately the north of Florida almost to Massachusetts. Obviously, you have a significant timeframe in terms of growing. In this regard, the existing H–2A program has failed to be a reliable source of temporary and seasonal agricultural workers. The regulatory burdens leave employers waiting with uncertainty and anxiety whether they will be certified by the Department of Labor to obtain workers in a timely manner.

What American farmers require is a temporary worker program which addresses these concerns. Recently the Agriculture Committee passed an amendment to H.R. 2202, sponsored by Congressman RICHARD POMBO of California, which would create a streamlined, temporary agricultural worker program. The Pombo amendment would create a 3-year pilot program with an annual cap of 250,000 workers admitted per year decreasing by 25,000 each year for the final 2 years of the program. Agricultural work generally is characterized by periods of peak demand for migratory workers that cannot be met by domestic labor sources. Under the Pombo language, employers would file attestations with the Department of Labor indicating the number of workers needed, as well as the specific terms of employment. Qualified U.S. workers would always receive first preference for these jobs. It is essential that such a proposal which protects agricultural labor needs to be included in the final language.

In contrast, the Goodlatte amendment is not adequate protection for the agricultural community. The Goodlatte language proposes to swap one bureaucracy for another by moving the H–2A certification process from the Department of Labor to the Department of Justice. Further, the Goodlatte amendment imposes an unrealistic cap of 100,000 annual admissions under the H–2A program. As an example of this inadequacy, raisin growers in Fresno County employ nearly 51,000 agricultural workers between late August and late September each year; under the Goodlatte amendment's cap, if any significant portion of these workers are found to be employment ineligible by a verification system, or are interdicted at the border or detected by border enforcement, it is an open question whether there will be sufficient slots under the cap to meet the raisin producer's needs at that point in the growing season.

The Goodlatte amendment also proposes a significantly tighter three-quarter guarantee than that currently applied to the H–2A program. The amendment would mandate an 8-hour workday, a requirement that would be impossible to meet on many days due to uncontrollable weather or crop conditions. Under the language of Goodlatte, if as few as one-quarter of the workdays were not full 8-hour workdays, the grower would be required to pay workers for periods of no work, regardless of how much work was provided on the remaining days, clearly unreasonable to the agriculture community.

Mr. Speaker, amending H.R. 2202 with a workable temporary and season agricultural worker program is essential to achieve true immigration reform. The end result of failure to provide a legal temporary alien worker program for U.S. agriculture will be to reduce U.S. farm production and agribusiness employment.

The following agricultural organizations urge your support for the Pombo/Chambliss amendment. We strongly oppose the Goodlatte amendment

National Council of Agricultural Employers;

Agri-labor Support Organization;

Agricultural Affiliates from Western New York;

Agricultural Producers;

American Association of Nurserymen;

American Farm Bureau Federation;

American Mushroom Institute;

California Farm Bureau;

California Floral Council;

California Grape & Tree Fruit League;

Colorado Sugarbeet Growers Association;

Florida Citrus Mutual;

Florida Citrus Packers;

Florida Farm Bureau;

Florida Fruit & Vegetable Association;

Florida Nurserymen & Growers Association;

Florida Strawberry Growers Association;

Frank B. Logoluso Farms;

Frederick County Fruit Growers;

Fresno County Farm Bureau (CA);

Fruit Growers League of Jackson County, Oregon;

Grower Shipper Vegetable Association of Central California;

Grower Shipper Vegetable Association of Santa Barbara and San Obispo Counties;

Hanes City Citrus Growers Association;

Hood River Grower-Shipper Association;

Illinois Specialty Growers Association;

International Apple Institute;

Michigan Asparagus Advisory Board;

Michigan Farm Bureau Federation;

Midwest Food Processors Association;

National Association of State Departments of Agriculture;

National Cattlemen's Association;

National Christmas Tree Association;

National Cotton Council;

National Council of Farmer Cooperatives;

National Peach Council;

National Watermelon Association; New England Apple Council; New York Apple Association, Inc.; Nisei Farmers League; North Carolina Apple Growers Clearinghouse; North Carolina Growers Association; North Carolina Sweet Potato Commission; Northern Christmas Trees & Nursery; Oregon Farm Bureau Federation, Patterson Firm (MA); Shoreham Cooperative Apple Producers, Association (VT); Snake River Farmers Association;

Society of American Florists; Sod Growers Association of Mid-America (IL); Sugar Cane Growers Co-op of Florida; Sun-Maid Growers of California; Texas Citrus & Vegetable Association; Texas and Soutwestern Cattle Raisers Association; Texas Cotton Ginner's Association; Tobacco Growers Association of North Carolina, Inc.; United Agribusiness League; United Fresh Fruit & Vegetable Association; Valley Growers Cooperative (NY);

Ventura County Agricultural Association; Vidalia Onion Business Council; Virginia Agricultural Growers Association, Inc.; Virginia State Horticultural Society; WASCO County Fruit & Produce League; Washington Growers Clearing House Association; Washington Growers League; Washington State Horticultural Association; Western Growers Association; Wisconsin Christmas Tree Producers Association; and Wisconsin Nursery Association.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. GOODLATTE].

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia Mr. GOODLATTE will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 28 printed in part 2 of House Report 104–483.

AMENDMENT OFFERED BY MR BURR

Mr. BURR. 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. BURR: At the end of subtitle B of title VIII insert the following new section:

**SEC. 837. EXTENSION OF H–1A VISA PROGRAM FOR NON-IMMIGRANT NURSES.**

Effective as if included in the enactment of the Immigration Nursing Relief Act of 1989 (Public Law 101–238), section 3(d) of such Act (103 Stat. 2103) is amended—

(1) by striking ''To 5-YEAR PERIOD'',

(2) by striking ''5-year'', and

(3) by inserting ''and ending at the end of the 6-month period beginning on the date of the enactment of the Immigration in the National Interest Act of 1995'' after ''Act''.

The CHAIRMAN. Pursuant to the rule, the gentleman from North Carolina [Mr. BURR] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise today to urge my colleagues to support this amendment to allow a 6 month extension of the H–1A nonimmigrant nurse program which expired in September. Our country's nursing homes and senior health care providers will face a dire situation unless we act now to temporarily reauthorize the program.

It allows health care facilities to bring foreign registered nurses into the country on a temporary basis. These nurses are not taking American jobs, because they fill needed positions in rural areas where there is a shortage of American nurses. These shortages continue, despite fiscal year 1995 and 1996 appropriations of $78 million each year for the National Health Service Corps Scholarship and Loan Program to recruit American nurses for these rural areas.

Mr. Chairman, we are asking for a six month extension. During this time the concerned committees will have the opportunity to examine the program and develop a long-term solution to the shortage of qualified nurses in rural America. I strongly urge my colleagues to vote for this amendment.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

Mr. CONYERS. Mr. Chairman, I seek time in opposition to the amendment.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

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

Mr. Chairman, briefly, this amendment would extend the temporary program and allow foreign nurses into the United States for another six months. Case closed. I mean, we need more foreign nurses coming into the United States for longer periods of time like Hershey needs candy bars. So that is not a good deal, because the current supply of nurses is adequate and may even increase in the coming years due to the downsizing of the American health industry. I hope my colleague will answer this before the debate is over.

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

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I strongly support this amendment. I think everybody needs to understand what it is. It is simply a period of time during which the committee, the subcommittee, in particular, on Immigration, can listen to all sides of this and make a reasoned decision.

There are a lot of folks in rural areas who have been telling us there is still a nurse shortage, they do need the foreign nurse program for that purpose. In some of the urban areas, the nursing organizations are very concerned, because they say they do not need it any more.

Maybe we can craft something that would be responsible for everybody. So the rural folks, if they really have a shortage, can have that relieved, and the urban areas can also be free of anything that might be impeding their having domestic homegrown nurses. I do not know the answer. I am not sure about it.

But I would like to have the time as a member of the subcommittee to consider this. We have not been having that time. I think we should leave the nurse program alone and create the period of time that is created in this amendment. I think the gentleman from North Carolina has produced a good one.

So I urge an ''aye'' vote to leave the opportunity there for the subcommittee over 6 months to consider the matter, have hearings, and so forth. I urge the adoption.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Chairman, the H–1A nurses program was established to deal with a nursing shortage that has now evaporated. I understand the claim is that this program is still necessary for rural communities. However, it is important to note that four-fifths of the nurses who entered under the H–1A program went to metropolitan areas. In fact, one-third of them went to New York City. For those rural areas that need nurses, they have the ability to petition for nurses under the H–1B Program, and they should certainly utilize that.

This extraordinary program that was useful for our country at one time expired in September, and it should stay dead. We had 6,000 nurses enter from Canada and Mexico under NAFTA in 1994 alone. Many nurses that came in through this program, and many more are still coming in through NAFTA.

We have a nursing surplus right now, and the New England Journal of Medicine is predicting a 54 percent decrease in hospital beds. We are going to be awash in nurses. I urge opposition to the amendment.

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

Mr. Chairman, I just wish the gentlewoman had an opportunity to go to rural North Carolina and see the shortages

Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois, [Mr. RUSH].

Mr. RUSH. Mr. Chairman, I rise today to support the amendment offered by my colleague, Mr. BURR from North Carolina, that will extend the H–1A non-immigrant nurse program for 6 months.

Mr. Chairman, the effect of the sunset of this program was brought to my attention by Sister Elizabeth Von Straten, who is my constituent and who serves as the President-CEO of Saint Bernard Hospital which is also in my district. Saint Bernard Hospital has employed nurses solely from the H–1A program since 1991 when it was determined that they could save over 3 million dollars a year in nursing salaries.

Without this program the hospital is forced to rely on registry nurses. Registry Nurses require a salary that is double that of the H–1A nurse or they will not work in the Englewood area. This program provides qualified foreign nurses at a cost saving that enables Saint Bernard to continue to serve as the only remaining hospital in an area designated both as one of Chicago's health professional shortages area and also as a medically undeserved area.

Mr. Chairman, the Englewood community needs to have this hospital. Of the patients that are served by Saint Bernard, 86 percent are below 150 percent of poverty. These is a 3,600 to 1 patient to physician ratio and all of the hospital patients are on Medicaid or Medicare.

The Hospital is also the largest employer in Englewood with 640 full time positions in an area that is one of the most economically depressed communities in the Chicago area.

Mr. Chairman, I want to give my colleagues a thumb-nail sketch of the role Saint Bernard Hospital plays in one of Chicago's most impoverished neighborhoods. It represents their only beacon of hope. The glow of that beacon dimmed last September 30.

That's when the H–1A visa program for nonimmigrant nurses was sunseted. If we do not extend this program in order to determine the impact that ending the program will have on Hospitals like Saint Bernard's and communities like Englewood then the beacon of hope will become pitch dark.

Mr. Chairman, Saint Bernard Hospital must have at least this temporary 6 month extension of the H–1A visa program to determine how to keep serving the residents of Englewood who depend on them for jobs and health care.

This is truly a matter of life and death.

Mr. Chairman, I urge my colleagues to support the Burr amendment to extend the H–1A visa program for 6 months.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the 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 opposition to the Burr amendment. The Burr amendment will allow an outdated program to continue, and it will do real harm to American nurses. We must protect American nurses and American workers.

The H–1A program, which passed in 1990, allowed an unlimited number of foreign nurses to enter the United States. However, the medical industry has changed radically in the last six years. Not only do we no longer need the foreign nurses, we actually have a potential glut of nurses in this country.

Simply put, we have more nurses than we have jobs. The hospital industry has gone through a massive restructuring. As hospitals have merged, closed or ''scaled back'' in order to become more competitive, the number of nursing positions has decreased. At the time time, the pool of nurses is actually increasing.

We simply do not have a need or the jobs for the H–1A nurses. The H–1A visas sunsetted on September 1, 1995. We should allow the program to end. Think about the American nurses who have dedicated their lives to helping sick people. Let's face it, people do not become nurses to get rich or to become famous—they do it to help others. The least that we can do is to make sure that American nurses have jobs. I urge you to defeat the Burr amendment.

□ 1900

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

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

Mr. Chairman, I rise in opposition to this amendment. The H–1A temporary visa program was created in 1990 as a result of a nursing crisis shortage of the 1980's. While I acknowledge the very real need for foreign nurses in those years, this program expired in September 1995, and I see no need to revive or perpetuate this program. Therefore, I oppose this amendment.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. BRYANT], ranking Democrat, who has led this immigration bill as well as he could under the circumstances.

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

Mr. BRYANT of Texas. Mr. Chairman, I just want to say that in the subcommittee we had hearings on parts of this bill. We had no hearings on this. No evidence was brought forth to tell us if there was a need to import nurses to take the jobs of American nurses that are working today. Without any evidence of that and with clear evidence having been brought forth in this debate that there is no need whatsoever for this program to be extended, I strongly urge Members to vote no.

The fact of the matter is that these American nurses deserve to be able to compete for jobs inside of our domestic economy without having to worry about imported workers working more cheaply.

Mr. BURR. Mr. Chairman, this is a health care issue, it is not a nursing issue. I do not think it is outdated to supply adequate care to Americans.

Mr. Chairman, I yield 20 seconds to the gentleman from Texas [Mr. SMITH] who has worked so hard on the immigration bill.

Mr. SMITH of Texas. Mr. Chairman, I want to thank the gentleman for offering this amendment.

The amendment will provide for a 6-month extension of H–1A nonimmigrant program for nurses as originally enacted by the Immigration Nursing Relief Act of 1989. I support this extension of the H–1A program which originally was effective for just 5 years. This will permit the Subcommittee on Immigration and Claims to conduct hearings and otherwise investigate the competing interests relevant to this program.

Mr. Chairman, I thank the gentleman from North Carolina [Mr. BURR] for taking the lead on this issue. I urge my colleagues to support this extension of the nurses program.

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

Mr. BERMAN. Mr. Chairman, I urge a ''no'' vote on this amendment.

This is a classic case. I was very active in supporting the extension of the nurses program in the 1990 bill. The problem has been solved. A combination of recruitment, of this incorporation of many of the people who came here to work in nursing, all of these things have taken care of the shortage. I have heard from no hospital in the areas of greatest need that need this program.

I would suggest that this amendment be defeated. Organized labor opposes this. This is going to displace available U.S. workers. I urge it be defeated.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentleman from California, Mr. XAVIER BECERRA.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for saying my name so well.

I, too, stand in opposition to the amendment. We have no evidence that there is a need for this. We should preserve jobs in our hospitals and our clinics for the nurses that have gone through the programs in this country and are ready to serve the people that are in need of medical care.

Mr. Chairman, there is no need to reach out at this time. There was a perceived need back in the early 1990s. If there was a need, it has been met by those temporary or foreign nurses that came in. We do not need the program. It expired last year. There is no need to revive it. Let us get on with this and let us preserve jobs that are available for American nurses.

Mr. BURR. Mr. Chairman, let me say, as we started this debate, that the American Hospital Association has just called in support of this amendment, as well as the American Health Care Association.

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

Mr. BRYANT of Tennessee. Mr. Chairman, there is probably no one in this House that has more affection for American nurses. And I do not think this bill will hurt American nurses. My mother was a nurse and is retired now.

But folks, this is not unreasonable, what we are asking to do here. I saw an editorial, in the American Journal of Nursing, January 1996, that is a couple months ago, which said that the only true nursing shortage that currently exists exists in rural America, accounting for 92.4 percent of the remaining shortage areas.

There is truly a question in this country if there is a nursing shortage in rural America. And all we are asking to do here, this is not unreasonable, is simply extend this program for 6 months so that we, as an immigration subcommittee, as promised by our chairman, the gentleman from Texas [Mr. SMITH], can conduct hearings. We do not want to put American workers out of jobs, but if we truly have shortages in rural areas, which the American Journal of Nursing says we do, as in January 1996, then we need to find out. We need to have these hearings and extend this bill, if necessary.

I ask Members to vote for this, 6 months only.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. BURR] has expired.

The gentleman from Michigan [Mr. CONYERS] has 1½ minutes remaining.

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

Mr. Chairman, I would remind the gentleman from Tennessee [Mr. BRYANT] that the nurses do not want this. I am glad the gentleman is reading the nurses' literature, but here is what the nurses union say.

Recent restructuring and downsizing of hospitals and other health care facilities have caused the displacement of thousands of qualified nurses. They should be put back to work before still another program is instituted to import nurses from abroad.

Dated, March 21, 1996.

Mr. Chairman, I yield the balance of my time to the gentlewoman from Maryland [Mrs. MORELLA].

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

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the amendment.

The program which the gentleman seeks to restore was originally created

to address a short-term shortage of qualified nurses. The shortage has been addressed and no longer exists.

In fact, changes in the structure and management of the Health Care System makes it likely that we will soon have a large pool of American nurses from which employers may recruit. In addition, the most recently available statistics indicate that the number of graduate nurses continues to increase.

Even if this should not be the case, nurses could still be recruited from Mexico and Canada under NAFTA; more than 6,000 nurses entered the United States under NAFTA in 1994. Nurses may also be recruited under H–1B Visa Program and the permanent employment-based Immigration Program.

I urge Members to join me in rejecting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. BURR].

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

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

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. BURR] 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. 24 offered by the gentleman from Virginia [Mr. GOODLATTE]; and amendment No. 28 offered by the gentleman from North Carolina [Mr. BURR].

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

AMENDMENT OFFERED BY MR. GOODLATTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. GOODLATTE] 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 59, noes 357, not voting 15, as follows:

[Roll No. 86]

AYES—59

| | | |
|---|---|---|
| Allard | Bilirakis | Combest |
| Andrews | Bliley | Davis |
| Archer | Boucher | Ehrlich |
| Bartlett | Brownback | Ensign |
| Barton | Bryant (TN) | Fields (TX) |
| Bateman | Campbell | Foley |
| Bilbray | Clinger | Fowler |
| Frelinghuysen | Linder | Schaefer |
| Gekas | McCollum | Shaw |
| Geren | Moran | Smith (MI) |
| Goodlatte | Myers | Smith (TX) |
| Gunderson | Myrick | Stearns |
| Gutknecht | Ney | Stenholm |
| Hefley | Oxley | Tauzin |
| Hostettler | Parker | Taylor (NC) |
| Houghton | Quillen | Thomas |
| Hutchinson | Ramstad | Wicker |
| Johnson, Sam | Rogers | Young (AK) |
| Kingston | Roukema | Young (FL) |
| Latham | Saxton | |

NOES—357

| | | |
|---|---|---|
| Abercrombie | Doyle | Jones |
| Ackerman | Dreier | Kanjorski |
| Armey | Duncan | Kaptur |
| Bachus | Dunn | Kasich |
| Baesler | Durbin | Kelly |
| Baker (CA) | Edwards | Kennedy (MA) |
| Baker (LA) | Ehlers | Kennedy (RI) |
| Baldacci | Emerson | Kennelly |
| Ballenger | Engel | Kildee |
| Barcia | English | Kim |
| Barrett (NE) | Eshoo | King |
| Barrett (WI) | Evans | Kleczka |
| Bass | Everett | Klink |
| Becerra | Ewing | Klug |
| Beilenson | Farr | Knollenberg |
| Bentsen | Fattah | Kolbe |
| Bereuter | Fawell | LaFalce |
| Berman | Fazio | LaHood |
| Bevill | Fields (LA) | Lantos |
| Bishop | Filner | Largent |
| Blute | Flake | LaTourette |
| Boehlert | Flanagan | Laughlin |
| Boehner | Foglietta | Lazio |
| Bonilla | Forbes | Leach |
| Bonior | Ford | Levin |
| Bono | Fox | Lewis (CA) |
| Borski | Frank (MA) | Lewis (GA) |
| Brewster | Franks (CT) | Lewis (KY) |
| Browder | Franks (NJ) | Lightfoot |
| Brown (CA) | Frisa | Lincoln |
| Brown (FL) | Frost | Lipinski |
| Brown (OH) | Funderburk | Livingston |
| Bryant (TX) | Furse | LoBiondo |
| Bunning | Gallegly | Lofgren |
| Burr | Ganske | Longley |
| Burton | Gejdenson | Lowey |
| Buyer | Gephardt | Lucas |
| Callahan | Gibbons | Luther |
| Calvert | Gilchrest | Maloney |
| Camp | Gillmor | Manton |
| Canady | Gilman | Manzullo |
| Cardin | Gonzalez | Markey |
| Castle | Goodling | Martinez |
| Chabot | Gordon | Martini |
| Chambliss | Goss | Mascara |
| Chapman | Graham | Matsui |
| Chenoweth | Green | McCarthy |
| Christensen | Greenwood | McCrery |
| Chrysler | Gutierrez | McDade |
| Clayton | Hall (OH) | McDermott |
| Clement | Hall (TX) | McHale |
| Clyburn | Hamilton | McHugh |
| Coble | Hancock | McInnis |
| Coburn | Hansen | McIntosh |
| Coleman | Harman | McKeon |
| Collins (GA) | Hastert | McKinney |
| Collins (MI) | Hastings (FL) | McNulty |
| Condit | Hastings (WA) | Meehan |
| Conyers | Hayes | Meek |
| Cooley | Hayworth | Menendez |
| Costello | Hefner | Metcalf |
| Cox | Heineman | Meyers |
| Coyne | Herger | Mica |
| Cramer | Hilleary | Miller (CA) |
| Crane | Hilliard | Miller (FL) |
| Crapo | Hinchey | Minge |
| Cremeans | Hobson | Mink |
| Cubin | Hoekstra | Molinari |
| Cunningham | Hoke | Mollohan |
| Danner | Holden | Montgomery |
| de la Garza | Horn | Moorhead |
| Deal | Hoyer | Morella |
| DeFazio | Hunter | Murtha |
| DeLauro | Hyde | Nadler |
| Dellums | Inglis | Neal |
| Deutsch | Istook | Nethercutt |
| Diaz-Balart | Jackson (IL) | Neumann |
| Dickey | Jackson-Lee (TX) | Norwood |
| Dingell | Jacobs | Nussle |
| Dixon | Jefferson | Oberstar |
| Doggett | Johnson (CT) | Obey |
| Dooley | Johnson (SD) | Olver |
| Doolittle | Johnson, E.B. | Ortiz |
| Dornan | Jones | Orton |
| Owens | Sanders | Thurman |
| Packard | Sanford | Tiahrt |
| Pallone | Sawyer | Torkildsen |
| Pastor | Scarborough | Torres |
| Paxon | Schiff | Torricelli |
| Payne (NJ) | Schroeder | Towns |
| Payne (VA) | Schumer | Traficant |
| Pelosi | Scott | Upton |
| Peterson (FL) | Seastrand | Velazquez |
| Peterson (MN) | Sensenbrenner | Vento |
| Petri | Serrano | Visclosky |
| Pickett | Shadegg | Volkmer |
| Pombo | Shays | Vucanovich |
| Pomeroy | Shuster | Waldholtz |
| Porter | Sisisky | Walker |
| Portman | Skaggs | Walsh |
| Poshard | Skeen | Wamp |
| Pryce | Skelton | Ward |
| Quinn | Slaughter | Watt (NC) |
| Rahall | Smith (NJ) | Watts (OK) |
| Rangel | Smith (WA) | Waxman |
| Reed | Solomon | Weldon (FL) |
| Regula | Souder | Weldon (PA) |
| Richardson | Spence | Weller |
| Riggs | Spratt | White |
| Rivers | Stockman | Whitfield |
| Roberts | Stump | Williams |
| Roemer | Stupak | Wise |
| Rohrabacher | Talent | Wolf |
| Ros-Lehtinen | Tanner | Woolsey |
| Roth | Tate | Wynn |
| Roybal-Allard | Taylor (MS) | Yates |
| Royce | Tejeda | Zeliff |
| Rush | Thompson | Zimmer |
| Sabo | Thornberry | |
| Salmon | Thornton | |

NOT VOTING—15

| | | |
|---|---|---|
| Barr | Dicks | Stark |
| Bunn | Johnston | Stokes |
| Clay | Moakley | Studds |
| Collins (IL) | Radanovich | Waters |
| DeLay | Rose | Wilson |

☐ 1926

Messrs. WYNN, MOORHEAD, PACKARD, SHADEGG, WAMP, and DUNCAN changed their vote from ''aye'' to ''no.''

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

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DELAY. Mr. Chairman, on rollcall No. 86, I was unavoidably detained due to my attendance at the funeral of a close friend. Had I been present, I would have voted ''no.''

AMENDMENT OFFERED BY MR. BURR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. BURR] 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 CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 154, noes 262, not voting 15, as follows:

[Roll No. 87]

AYES—154

| | | |
|---|---|---|
| Abercrombie | Ballenger | Bilbray |
| Allard | Barr | Bliley |
| Archer | Barrett (NE) | Boehner |
| Armey | Bartlett | Boucher |
| Baker (CA) | Barton | Brewster |
| Baker (LA) | Bevill | Brownback |

Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Camp
Campbell
Canady
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Crane
Crapo
Cremeans
Cubin
de la Garza
Deal
Dickey
Doolittle
Dornan
Dreier
Durbin
Ewing
Fawell
Fields (TX)
Foley
Fowler
Funderburk
Gekas
Geren
Gilchrest
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Jones
Kaptur
Kelly
Kim
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lincoln
Linder
Livingston
Lucas
McCollum
McCrery
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Mink
Moorhead
Myers
Myrick
Nethercutt
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Payne (VA)
Pickett
Pombo
Portman
Quillen
Riggs
Roberts
Rogers
Rush
Salmon
Sanford
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Souder
Stenholm
Stockman
Stump
Tanner
Tauzin
Taylor (NC)
Tejeda
Thornberry
Torkildsen
Upton
Vucanovich
Walker
Wamp
Weldon (FL)
White
Wicker
Young (AK)
Zeliff

NOES—262

Ackerman
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Callahan
Calvert
Cardin
Castle
Chabot
Chapman
Chenoweth
Clayton
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Green
Greenwood
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Heineman
Hilliard
Hinchey
Hobson
Holden
Houghton
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lightfoot
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Miller (CA)
Minge
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Paxon
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Sanders
Sawyer
Saxton
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Spratt
Stearns
Stupak
Talent
Tate
Taylor (MS)
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Waldholtz
Walsh
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zimmer

NOT VOTING—15

Beilenson
Clay
Collins (IL)
DeLay
Johnson (SD)
Johnston
Moakley
Radanovich
Rose
Spence
Stark
Stokes
Studds
Waters
Wilson

☐ 1935

The Clerk announced the following pair:

On this vote:

Mr. DeLay for, with Mr. Radanovich against.

Mrs. ROUKEMA and Messrs. PETERSON of Minnesota, COOLEY, HOBSON, SAXTON, LONGLEY, SHAW, and Ms. PRYCE changed their vote from ''aye'' to ''no.''

Mr. LAHOOD and Mr. PICKETT changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to H.R. 2202.

In fairness, this bill is more acceptable now than it was when it first came to the floor on Tuesday. Several of my principal concerns have been addressed. In particular, adoption of the Chrysler-Berman amendment deleting unneeded reforms to our system of legal immigration has put this bill back on track to addressing the primary immigration problem which our constituents have identified—illegal immigration. In addition, the change under the manager's amendment allowing for the filing of asylum petitions within 180 days instead of the 30 days in the original bill recognizes the concern which I and others had expressed regarding the impossibility for most people of filing a complete claim in 30 days. Finally, adoption of the Schiff-Smith amendment removing caps on annual refugee admissions restores the humaneness of U.S. refugee policy and assures necessary flexibility to respond to global events.

I regret that the same humaneness and compassion is not reflected in the provisions in this bill dealing with children. To allow States the option to deny an illegal alien child, who cannot be held responsible for his or her presence in this country, the right to an education is not only unconstitutional, but also cruel to the child and counterproductive for our communities. What is the point of the Constitution if we are to decide that States may opt out of assuring its guarantees? The same can be said for the bill's provisions denying Medicaid, AFDC, and food stamps to U.S. citizen children whose parents are illegal aliens. Failure of the House to adopt the Velázquez amendment relegates these Americans to second class status. I hope these provisions will be removed in conference.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2202, the Immigration in the National Interest Act. Let me state from the beginning that I strongly object to this legislation's failure to distinguish between legal and illegal immigration. Exploiting concerns about illegal immigration, H.R. 2202 unreasonably limits the number of immigrants who can be legally admitted to the United States. This restriction clearly violates the basic tenets of fairness and justice upon which our Nation, a nation of immigrants, was founded. I believe that America must honor its pledge of being a nation that will reunite families, provide asylum to a reasonable number of refugees, and protect the legitimate rights of both American workers and legal immigrants.

The Immigration in the National Interest Act would cut the number of immigrants who can be legally admitted to the United States annually by more than 200,000 persons. This draconian attack on America's immigrant population would be accomplished by dramatically limiting the number of family immigration visas, and by cutting in half the number of people granted asylum. Slashing legal immigration by 30 percent and refugee admission by 50 percent is unconscionable.

Mr. Speaker, it is also important to emphasize that most of the legal immigrants entering the United States are allowed for the purpose of family reunification. Our current policy requires that they are coming to this country to join an immediate relative who has been granted permanent residency status. It is incomprehensible that provisions in H.R. 2202 would attack our national policy of family reunification. This bill's drastic reductions in the number of legal family reunification through numerical caps and earnings tests will have only one result, families will be divided.

In addition to hurting American families, H.R. 2202 recklessly cuts the U.S. participation in humanitarian efforts by limiting the number of refugees who can enter the United States by 50 percent. This heartless exclusion of persons fleeing oppression and war is not only contrary to the interest of refugees, it also damages America's role as a world power. It would be an abdication of the U.S. humanitarian leadership worldwide to support this provision of H.R. 2202.

Another harmful element of this legislation is its requirement that both the sponsoring individual or family and the immigrant have an income of 200 percent of the poverty level. These unreasonably high family-sponsor caps will ultimately result in the disproportionate exclusion of the families of poor and minority immigrants. Such unreasonable and blatant discriminatory immigration policies should be actively resisted.

There are numerous other harmful provisions in this measure—including making illegal

immigrants ineligible for most Federal benefits and establishing a telephone verification of citizenship policy—that compel me to oppose it. The unjustified hostility to legal immigration this bill fosters is simply un-American.

It is important to recognize that the history of the United States is largely one of immigration, and that this nation is rich because of its blend of cultures and ethnic backgrounds. America is a nation of immigrants that—without their creativity, intelligence, and vitality—would not have achieved the greatness with which it is recognized. This shortsighted legislation will impose an unbalanced and unfair set of priorities that will hurt America much more than it would help.

Mr. Speaker, the truth about H.R. 2202 is that it fails to not only distinguish between legal and illegal immigration, but that it reflects some of my colleagues' desires to sacrifice the interests and obligations of the American people in exchange for isolationism. I urge my colleagues to vote against this bill.

Mr. DIXON. Mr. Chairman, few areas of the Nation confront the challenges and suffer the impacts of illegal immigration as much as southern California. I strongly support provisions of H.R. 2202 which seek to control this problem through enhancements in our borders, increases in the numbers of border control agents, and increases in penalties for smuggling and document fraud. I will vote for passage of H.R. 2202, as amended, and continue to support the substantial increases in funding for the Immigration and Naturalization Service to stem the tide of illegal immigration.

However, I have reservations about several of the provisions of this legislation, and will carefully scrutinize the conference agreement on this legislation prior to giving that bill my support. I want to specifically highlight my strong objections to inclusion of the amendment which grants States the option to deny all public education to illegal aliens.

The amendment may be good politics. Clearly, it is appealing to many who are concerned about tight education budgets and the need to spend what moneys are available on American children, rather than educating those illegally in the country. However, the amendment is harsh in its treatment of children; is highly questionable as a disincentive to illegal immigration; and will create far more problems for schools and communities impacted by illegal immigration than it seeks to rectify.

I fail to understand how proponents of this measure believe that creating a situation where school officials will be forced to determine a student's legal immigration status will be beneficial to our educational systems. The costs of educating these children will merely be shifted to the administrative burden of determining immigrant status.

We will not be controlling illegal immigration by keeping some young people out of school. What we will be doing is putting those same young people on our streets, unattended and unsupervised. This is hardly the result that many in our communities are seeking as they look to Congress to address illegal immigration. Moreover, stigmatizing certain school children in this manner, can only lead to potential discrimination against those children who may merely look different.

Claiming the provision as a disincentive to illegal immigration is questionable, at best. I do not believe that a free education for their children is a primary incentive among individuals seeking to enter the United States illegally.

Yes, we have a problem with illegal immigration. But punishing children not legally in this country through no fault of their own, while placing the burdens of defining who is and who is not legal on our public educational system, is a misguided attempt at solving that problem.

With these reservations in mind, I support the legislation before us as we continue to enhance federal efforts to control our borders and ease the burdens of illegal immigration on our communities, cities, and States.

Mr. MARTIN. I rise today in support of the Immigration in the National Interest Act, H.R. 2202.

I am pleased that we are finally addressing one of the most important problems facing America today, I am of course referring to the issue of Immigration reform.

As I have traveled around my District over the last few weeks from senior centers to Main Street the one issue about which people have repeatedly expressed concern is our failed immigration policy. These visits with my constituents reinforce my belief that we must institute common sense immigration reforms.

The United States of America has always been known as a land of immigrants—the melting pot or in today's climate of political correctness, ''the tossed salad'' of the world.

Over the last 200 years, millions of families have traveled thousands of miles to embrace opportunities found only in America. In fact, my grandparents traveled from Italy to settle in North Jersey where they built a successful business, raised four children and truly fulfilled the American dream.

Unfortunately, we have gotten away from the brand of immigration represented by my grandparents and others of that proud generation. Today, illegal immigration and fraudulent legal immigration runs rampant through our system.

Mr. Speaker, nearly 20 percent of the legal immigrants in this country are on welfare. Furthermore, one-quarter of all federal prisoners are illegal aliens. Does this sound like an immigration policy that is operating at 100 percent efficiency, Mr. Speaker? I think not.

Neither did the bipartisan Commission on Immigration Reform headed by the late Barbara Jordan. The Commission concluded, ''The United States must have a more credible immigration policy that deters unlawful immigration while supporting our national interest in immigration.''

As a member of the Congressional Task Force on Immigration, I strongly support the commission's findings.

H.R. 2202 is a strong, but fair bill, Mr. Speaker. It establishes a positive framework to prevent illegal aliens from feeding at the public trough. I do not believe it is extreme to stop the flow of federal taxpayer dollars to illegal immigrants.

Mr. Speaker, enactment of H.R. 2202 would reduce illegal immigration by 50 percent over the next 5 years. By stemming the tide of illegal immigration now, we will preserve American jobs for Americans. In fact, this legislation may be the most pro-job and pro-family bill we consider in the 104th Congress.

Some of my colleagues in this body would like to separate legal immigration reform from illegal immigration reform. I, on the other hand, do not believe that we can address one problem without fixing the other.

H.R. 2202 is a family friendly bill that does not attempt to deprive members of the immediate family of legal residents from relocating to the United States. This legislation recognizes the importance and strength of family relationships by providing no annual limitation to the immigration of immediate family members to citizens of the United States.

In fact, H.R. 2202 will allow more legal immigrants into the United States on an annual basis than we have admitted 60 of the last 65 years.

In short, Mr. Speaker, H.R. 2202 places more emphasis on proactive measures that eliminate the incentives to illegally enter the country, while still providing ample room for immigrants who truly desire to pursue the American dream.

In closing, I urge my colleagues to support this much needed immigration reform.

Mr. YOUNG of Florida. Mr. Chairman, the problem of illegal immigration has reached historic proportions. Past attempts by Congress to reform immigration laws have provided nothing more than greater incentives and promised benefits for illegal aliens. The result is the present system which actually encourages immigrants to come to America illegally.

Today, I am proud to support an historic change in our Nation's immigration policy. Today, we are going to pass a reform bill with real teeth in it. A bill that cracks down on illegal immigrants already here, and one that secures our borders against future immigrants who would seek to enter illegally. Past legislation this House has considered, which I strongly opposed, did nothing to alleviate the problems of illegal immigration. At long last, I look forward to supporting a bill which acknowledges these problems and takes action to address them.

While past legislation sent the message you could come to the U.S. illegally and expect to receive welfare benefits, food stamps and free health care, this legislation finally puts an end to this outrage. As a Member from the State of Florida, I have seen first-hand the financial burden these ill-gotten attempts at reform have placed on States forced to bear the brunt of this failed immigration policy. Past Congresses refused to stop the excessive flow of illegal immigrants and to eliminate the enormous costs associated with this broken system. Today, we own-up to our responsibilities with a hard-nosed approach that substantially increases border control, provides the Immigration and Naturalization Service with the tools necessary to find and deport illegal aliens, and pays for the Federal Government's financial obligations to the States.

Mr. Chairman, my State of Florida has long been overburdened by the flood of illegal immigration. Since the Mariel boatlift in 1980, we have been the destination of a disproportionate number of immigrants, making us the third-largest recipient of immigrants among our 50 States. Although immigration policy is the sole jurisdiction of the United States Government, history has proven that States like Florida are typically left with the cost and responsibility of providing expensive social services to illegal aliens.

With the enactment of H.R. 2202, we have an opportunity to minimize the enormous expenses that we force upon our States by denying most public benefits to illegal aliens, removing public charges, and holding sponsors personally responsible for the financial well-being

of an immigrant they bring into our country. Most importantly, this bill requires the Federal Government to reimburse States and localities for any expenses incurred from providing federally mandated services to illegal immigrants. Based upon various formulas, it is estimated that the State of Florida has spent an average of $651 million per year from 1989–1993, or a total of $3.25 billion for services provided to illegal immigrants. If the costs to local governments are included, the total burden rises to $15 billion for that same 5-year period.

Unlike past immigration reform bills, H.R. 2202 will actually discourage the illegal entry of immigrants by increasing our border control agents by 5,000 personnel, improving physical barriers along our borders, including a triple-layer fence, authorizing advanced border equipment to be used by the Immigration and Naturalization Service, and instituting an effective removal process to discharge illegal immigrants with no documentation. This bill provides the Department of Justice with 25 new U.S. Attorneys General and authorizes 350 new INS inspectors to investigate and prosecute aliens and alien smugglers.

This bill also strongly supports the American worker by cracking down on the use of fraudulent documents that illegal immigrants use to get American jobs and by enforcing strict penalties for employers who knowingly violate these laws. The Department of Labor is authorized 150 new investigators to enforce the bill's labor provisions barring the employment of illegal aliens.

Mr. Chairman, the American people demand that Congress take action to secure our borders against illegal immigrants. With the explosion in the amount of drugs and criminals coming across our borders, and with the flood of illegal immigrants, many of whom settle in Florida, it is eminently important that we do all we can to protect our national borders.

While past Congresses refused to address this national crisis, today we deliver, with a much needed and long overdue first step in this renewed effort. Today we will approve legislation with unprecedented prevention and enforcement mechanisms. The message to illegal aliens is no longer one of indifference. The new message is simple—try to enter the United States illegally and we will stop you, should you get in, we will find and deport you, and should you remain in hiding, don't expect much in the way of support.

Mr. GALLEGLY. Mr. Chairman, after having a conversation with Mr. GOODLING, the chairman of the opportunities committee, I wish to clarify, for the record, section 606 of H.R. 2202.

The Department of Education recently signed a computer matching agreement with the Social Security Administration which is to go into effect for the 1996–1997 school year.

The purpose of the matching program is to ensure that the requirements of section 484(a) of the Higher Education Act of 1965 are met.

This matching program will enable the Department of Education to confirm that the social security number and the citizenship status of applicants for financial assistance under Title IV of the Higher Education Act are valid at the time of application.

I would further note that the details of the matching arrangement can be found in the Federal Register publications of March 23, 1995, September 21, 1995, and December 1, 1995.

The matching agreement addresses my concerns about the verification of a student's status and eligibility for student aid.

However, we all know that statutory language is a much better source of authority than regulations. So, I just want to make sure that the verification takes place, that's all. That's why I have included the statutory language. If the Attorney General and the Secretary of Education agree that the matching agreement adequately meets the verification requirements of section 606 of the bill, then that is fine with me.

Mr. SMITH of New Jersey. Mr. Chairman, I wish to call attention to the important action of the House in deleting the proposed ''refugee cap'' which would have made dramatic cuts in the number of refugees the United States accepts each year. In particular, the ''refugee cap'' would have necessitated the elimination of the in-country programs for Jews and Evangelical Christians in the former Soviet Union, and for pro-American political prisoners, religious dissidents and other people at risk of persecution by the Communist government of Viet Nam.

POLITICAL AND RELIGIOUS DISSIDENTS AROUND THE WORLD

Make no mistake: the proposals for refugee cuts do not reflect a decline in the worldwide level of political, racial, and religious persecution. The dictatorship in Nigeria recently staged a public hanging of eight members of the Ogoni ethnic minority, including highly respected novelist and environmental activist Ken Saro-Wiwa. Iran followed up by sentencing a member of its Baha'i religious minority to death for a crime it calls ''national apostasy.''

VIETNAMESE POLITICAL AND RELIGIOUS DISSIDENTS

Nor is the upsurge in persecution limited to so-called ''pariah'' regimes. A week after Warren Christopher raised the flag on the new United States Embassy in Viet Nam, the government of that country staged two show trials—apparently to disabuse its own people of the idea that economic and diplomatic relations with the West would lead to greater respect for human rights. Six of the nation's top Buddhist leaders were sentenced to long prison terms for persisting in their refusal to join the state church. Nine people were convicted of ''using freedom and democracy to injure the national unity'' because they had requested permission to hold a conference on the subject of democracy. So this is no time to think about shutting down the Orderly Departure Program for people who have suffered for their pro-American, pro-freedom beliefs and associations. Nor is it a time to think about dumping thousands more high-risk political and refugees, currently long-time residents of refugee camps in Hong Kong and Southeast Asia, back to persecution in the Workers' Paradise. Yet this is what the international refugee bureaucracy is about to do. The United States has traditionally stood against this sort of thing, even when our efforts were regarded as unhelpful by the governments of other nations and by officials of international organizations. We must recapture that proud American tradition of resistance to persecution and solace for the persecuted—and not just when it is convenient or popular.

PERSECUTION OF JEWS

The Subcommittee on International Operations and Human Rights, of which I have the honor of serving as Chairman, recently heard expert testimony on the persecution of Jews around the world. Our witnesses testified about the continued survival, as we face the turn of the Twenty-First Century and celebrate the fiftieth anniversary of the war that ended the Holocaust—of systematic and severe mistreatment of Jews, simply because they are Jews.

The recent firebombings in Jerusalem, which killed many innocent people, show that there is literally nowhere in the world where Jews are safe from hatred and violence. But the worst problems appear to be in places that have a history of anti-Semitism combined with an unstable present and an uncertain future.

The hearing on persecution of Jews was conducted with the active assistance of a number of organizations that have been instrumental in helping to keep the attention of Congress focussed on this issue, including the World Jewish Congress, the Anti-Defamation League of B'nai B'rith, the Union of Councils for Soviet Jews, the National Conference on Soviet Jewry, the National Jewish Coalition, the Hebrew Immigrant Aid Society, and the Council of Jewish Federations. Our witnesses—including academic experts, a former member of the Russian Duma, and several people who are themselves refugees from persecution—told us about the situation in the newly independent states of the former Soviet Union. We also heard accounts of persecution in Iran and Syria. These are certainly among the worst cases, but it is important to remember that anti-Semitism and the violence it brings in its wake are not confined to one or two regions of the world. The evidence is unfortunately all around us: the bombing of a synagogue in Argentina, the ''skinhead'' movement in Western Europe, resurgent ethnic politics in Central and Eastern Europe, even the desecration of a small Jewish cemetery by the dictatorship that rules Burma.

The situation of Jews in the former Soviet Union is particularly important, not only because the struggle for the freedom of Soviet Jewry was among the finest hours of the American people, but also because the story could still end badly. There has been a tendency in recent years, even among those of us who fought long and hard for the rescue of Soviet Jews, to feel that now we can relax. Unfortunately, the free world has a long history of relaxing too soon. In the case of Jews living in the former Soviet Union, what we must avoid is slamming the door too soon. It is true that the Twentieth Century totalitarian states based on ideologies that are anti-God and anti-human being, such as Nazism and Communism, may have had a capacity to do evil whose scope and degree was unique in all human history. Evil, however, takes many forms and respects no boundaries. The year in which Zhirinovsky begins his campaign for President is not the year in which we should decide that the coast is clear for ex-Soviet Jews.

This hearing also helped us to assess the performance of our government, and of international institutions such as the United Nations High Commissioner for Refugees, in responding to the pleas of the Jewish communities that are at risk around the world. Our government had to be prodded for years before it made freedom of emigration for persecuted Soviet Jews a foreign policy priority. More recently, our foreign policy establishment was also slow to recognize and react to the persecution of Jews in Iraq.

We must remind ourselves, and then we must remind our government, that refugee policy is not just an inconvenient branch of immigration policy. Human rights policy is not just a subset of trade policy. The protection of refugees, the fight for human rights around the world, are about recognizing that good and evil really exist in the world. They are also about recognizing that we are all brothers and sisters. If we recognize these truths, we can build a coalition to preserve and strengthen United States policies designed to protect our witnesses today—and to protect all others who are persecuted because of their religion, race, nationality, or political beliefs—and to restore these policies to the place they deserve as a top priority in American foreign policy.

Mr. Speaker, the former Soviet refugee program has already been reduced from 35,000 refugees in fiscal year 1995 to 30,000 in fiscal year 1996. Although the governments of the newly independent states do not endorse the persecution of these groups, in many cases have been unwilling or unable to prevent it. Instability and resurgent ultra-nationalism and anti-Semitism counsel against a premature closing of the door to members of these historically persecuted groups.

PERSECUTION OF CHRISTIANS

The Subcommittee on International Operations and Human Rights also recently heard expert testimony on the persecution of Christians around the world. To the best of my knowledge, it was the first hearing of its kind, ever. Our witnesses testified about the systematic and severe mistreatment—including but not limited to harassment, discrimination, imprisonment, beatings, torture, enslavement, and even violent death—meted out to believers simply because they are believers.

The subject of religious persecution is a familiar one for the Subcommittee on International Operations and Human Rights. This subcommittee and its members have held hearings, introduced resolutions, and otherwise helped to focus the attention of Congress and the nation on the persecution of Soviet Jews, of Bosnian Muslims, of Bahais in Iran, of Buddhists in Tibet and Viet Nam, and of others who have been oppressed for practicing their chosen faith. This, however, is the first hearing to focus specifically on persecuted Christians, and to do so in a way that makes clear this is not an isolated or occasional outrage, but one that is perpetrated every day upon millions of people around the world.

We held the hearing on worldwide persecution of Christians in order to advance several important goals. First, the very act of bearing witness is important in itself. Even if we could accomplish nothing else this afternoon, we would have an obligation to shed light on facts that need to be known, and to give a forum to voices that need to be heard.

We hope, however, to accomplish much more. In this age when human rights are always in danger of subordination to other objectives—whether the love of money, the feat of immigrants and refugees, or the desire to get along with governments that mistreat their own people—we need to be reminded that when people are persecuted in distant lands, it is often because they are like us. The victims we so often ignore, whether the issue is refugee protection or most-favored-nation status for China, are usually the very people who share our values. We need to see their faces, and to be reminded that they are our brothers and sisters.

It is also important that we assess the performance of our government, and of international institutions such as the United Nations High Commissioner for Refugees, in responding to the pleas of persecuted Christians. In the past we have heard that these institutions have been reluctant to acknowledge the plight of persecuted Christians. Most of us can remember the Pentecostals who sought refuge in the U.S. Embassy in Moscow during the 1980s, and who were finally rescued only after they had been pressured and cajoled for months to leave because they were cluttering up the courtyard. The so-called ''Comprehensive Plan of Action'' for Southeast Asian asylum seekers has returned thousands of Christians, including priests, nuns, ministers, and seminarians, to Viet Nam after they were callously labeled ''economic migrants.'' And applications for asylum or refugee status from Christians who have managed to escape from Islamic extremist regimes have typically been rejected, despite the draconian punishments often administered against them.

Finally, and perhaps most important, the hearing afforded an opportunity for a broad coalition of respected voices, from Amnesty International to the Southern Baptist Convention and the Family Research Council, to bear witness to their own recognition of the plight of persecuted Christians. This is an issue that should unite liberals and conservatives, Republicans and Democrats, even internationalists and isolationists. Whatever our differences, we are Americans. There are such things as American values, and there are some things Americans will not tolerate. We can build a coalition to restore the protection of these oppressed believers—and of all others who are persecuted because of their religion, race, nationality, or political beliefs—as a top priority in American foreign policy. The continuing persecution of Christian religious demonstrates—and too often the turning of a deaf ear by U.S. officials and others charged with refugee protection—is yet another reason that this is a terrible time to talk about reducing the scope of U.S. refugee programs.

SLAVERY IN MAURITANIA AND SUDAN

The Subcommittee on International Operations and Human Rights also held a hearing on the practice of chattel slavery, which is still widespread in Mauritania and Sudan. Most of us had believed, until quite recently, that this horrible practice belonged only to the past. But several of our witnesses testified of having seen it first hand, having spoken with slaves and with slave masters.

According to accounts by anti-slavery activists, including some of our witnesses, chattel slavery in Mauritania and in the Sudan is substantially identical to slavery as it was practiced in other centuries. It represents the subjugation of one race by another, and often of members of one religious group by members of another. It frequently includes the grossest forms of degradation of women and children. Slavery is not to be confused with similar institutions, such as serfdom or indentured servitude: however wrong these institutions are, they involve only the ownership of one person's labor by another. In true slavery, the master owns the slave's body. He owns the right to decide whom the slave will marry. When babies are born, the master owns the babies, and can buy them and sell them. True slavery is about treating people as though they were not people, as though they were things without souls.

In the modern world, we often speak of ''fundamental human rights.'' Sometimes we say these words without thinking about what they mean. I believe that the idea of human rights has meaning only if rights are God-given, inalienable, and indivisible. Slavery is the ultimate denial of all these ideas. Toleration of slavery, even when it is far away and in another country, is the ultimate statement of radical cultural relativism. We must do whatever it takes to abolish slavery, not only because its victims are our brothers and sisters, but also because as long as there is anyone in the world who is a slave, none of us is truly free.

VICTIMS OF FORCED ABORTION AND FORCED STERILIZATION

Finally, Mr. Chairman, I must point out that even at our current levels of refugee admission, the number of refugee spots we allocate for people fleeing the People's Republic of China—one of the most repressive regimes on Earth—is zero. This is particularly tragic in light of the continuing recurrence of one of the most gruesome human rights violations in the history of the world: forced abortion.

On Good Friday of last year, thirteen Chinese women in INS detention were moved to a deportation holding center in Bakersfield, California. Five of these women had fled China after being forced to have abortions. Others had been forcibly sterilized, or had escaped after being ordered to undergo abortion and/or sterilization. Their asylum claims were rejected. Some of them were deported to Ecuador. It appears that the deportation of the remaining women to the PRC is imminent.

These women and others like them may be forced back to China because of a novel and bizarre interpretation of U.S. asylum law, under which those who resist forced abortion or forced sterilization are regarded as common criminals rather than victims of persecution. After all, they did break the law—and never mind what kind of law they broke. Never mind fundamental human rights and broken lives. A law is a law, and people who break a forced-abortion law or any other law must be sent back to take their punishment. This is the kind of thinking we are up against. This is why we need section 522 of this bill, which would restore the humane policy of regarding victims of forced abortion and forced sterilization as refugees. It is also one of the reasons we need a resettlement program for Chinese refugees.

The anti-life, anti-woman interpretation of the refugee laws, which has resulted in denials of asylum to women fleeing forced abortion, was adopted by INS in August 1994. It reversed the long-standing policy of granting asylum to applicants who can prove a well-founded fear of forced abortion, forced sterilization, or other forms of persecution for resistance to the PRC coercive population control program.

Section 522 would restore the traditional interpretation and save these women. Such a provision should not be controversial. Almost all Americans, whatever their views on the moral and political questions surrounding abortion, regard forced abortion and forced sterilization as particularly gruesome violations of fundamental human rights.

Mr. Speaker, this provision is not about immigrants, it is about refugees. Contrary to

some of the scare tactics that have been used from time to time against protecting victims of forced abortion and forced sterilization, such protection has been tried in the past, and has not brought billions of economic migrants from China or anywhere else. This provision will protect a tiny handful of genuine refugees—the 13 Bakersfield women and a few others every year—who face a gruesome fate if we send them back, or who have already suffered such a fate.

It is important that we put aside myths and consider the facts:

The number of people involved is very small. Section 522 of this bill has a track record. It simply restores the law as it was interpreted from 1987 through 1993. It also imposes a statutory cap of 1,000 refugees and asylees. This statutory cap is unfortunate and unnecessary, but it probably will not make any difference. The number of people granted asylum on the ground of persecution for resistance to the PRC population control policy was between 100 and 150 per year—not 1.2 billion.

Each applicant would be required to prove his or her case. Section 522 does not enact a special rule for people who resist the PRC population control program. It merely gives each applicant an opportunity to prove his or her case under exactly the same rules as every other applicant. The only change this provision would make from current law is to restore eligibility for an applicant who can prove that he or she individually had a well-founded fear of forced abortion, forced sterilization, or other persecution for resistance to the population control policy—or has actually been subjected to such measures.

It's the right thing to do. Forced abortion, forced sterilization, and other severe punishments inflicted on resisters to the PRC program are persecution on account of political opinion. PRC officials have repeatedly attacked resisters as political and ideological criminals. The infliction of extraordinarily harsh punishment is also generally regarded as evidence that those who inflict such punishment regard the offenders not as ordinary lawbreakers but as enemies of the state.

Forced abortions often take place in the very late stages of pregnancy. Sometimes the procedure is carried out during the process of birth itself, either by crushing the baby's skull with forceps as it emerges from the womb or by injecting formaldehyde into the soft spot of the head.

Especially harsh punishments have been inflicted on persons whose resistance is motivated by religion. According to a recent Amnesty International report, enforcement measures in two overwhelmingly Catholic villages in northern China have included torture, sexual abuse, and the detention of resisters' relatives as hostages to compel compliance. The campaign is reported to have been conducted under the slogan ''better to have more graves than more than one child.''

The dramatic and well-publicized arrival of a few vessels containing Chinese ''boat people'' has tended to obscure the fact that these people have never amounted to more than a tiny fraction of the undocumented immigrants to the United States. The total number of Chinese boat people who arrived during the years our more generous asylum policy was in force, or who were apprehended while attempting to do so, was fewer than 2000. This is the equivalent of a quiet evening on the border in San Diego.

Nor is there evidence that denying asylum to people whose claims are based on forced abortion or forced sterilization will be of any use in preventing false claims. People who are willing to lie in order to get asylum will simply switch to some other story. The only people who will be forced to return to China will be those who are telling the truth—who really do have a reasonable fear of being subjected to forced abortion or forced sterilization. The solution to credibility problems is careful case-by-case adjudication, not wholesale denial.

Finally, we should be extremely careful about forcibly repatriating asylum seekers to China in light of evidence that a number of those sent back by the United States since 1993 have been subjected to extended terms in ''re-education camps,'' forced labor, beatings, and other harsh treatment.

Mr. Chairman, on the one hand we tell people not come here illegally to apply for asylum, not even if they are fleeing persecution. But then we fail to use the legal tools at our disposal, the programs specifically provided by law, to assist thee vulnerable people in escaping persecution in ways that do not violate immigration laws. It is a serious deficiency that should be addressed by the allocation of an adequate number of places for refugees from persecution at the hands of the totalitarian regime in Beijing.

Mr. LATOURETTE. Mr. Chairman, as the House of Representatives considered overhauling our nation's immigration policies, members had an opportunity to separate legal immigration from illegal immigration issues. I supported efforts to delete the legal immigration provisions from H.R. 2002, the ''Immigration in the National Interest Act.''

Some might question my motivation for doing this, however, it is my contention that just as the problems relating to legal and illegal immigration are different, so too are the solutions. You could argue that the work of a brain surgeon and a barber both involve the human head, yet no one would think of going to a barber for brain surgery or a brain surgeon for a haircut. This is precisely the type of ill-conceived logic we employ if we attempt to lump illegal and legal immigration into one reform package.

The two issues deserve separate consideration, and that is why I supported the measure to give each reform vehicle the attention it deserves. The U.S. Senate has already seen fit to separate legal from illegal immigration, again with the belief that our proposed reforms of legal immigration go too far. The legal immigration provisions contained in H.R. 2002 would drastically reduce legal immigration—up to 40 percent by some estimates. It also would reduce the potential for families to be reunited and would decimate the intake of refugees. History has not been kind to us as a nation when we have followed similar paths before.

During the 104th Congress, I have had the great pleasure of serving as a member of the Council for the U.S. Holocaust Memorial Museum in Washington. In my capacity on council, I have had been afforded the time and luxury to delve deeper into the history surrounding the Holocaust, and I have paid particular attention to the emigration of Jews from Germany in the 1930s. It strikes me that as we consider reforming our legal immigration policy, we should study this tragic period in history carefully, as there are many lessons to be learned.

In July 1938, delegates from 32 countries including the United States, France and Great Britain met at the Evian Hotel in Evian, France, for what has become known as the Evian Conference. The purpose of this conference was to determine what these countries should do in response to the thousands of Jewish refugees who were shunned both by their home country and abroad. Unfortunately, little was accomplished at the Evian Conference because no country was willing or had the fortitude to accept large numbers of Jews, including the U.S.

Since the early 1930s, Jews had been fleeing Germany for a variety of reasons. Initially, the German government encouraged those who could flee to do so, and to take whatever possessions they could with them. Eventually, however, the Nazis made this increasingly more difficult, slapping emigration taxes on Jews and making it impossible for them to survive elsewhere because their funds were tied up in German banks.

The anti-Jewish sentiment in Germany, as we all know, was oppressive. The Nazis wanted to make Germany a place devoid of Jews. As a result, Jews fled by the tens of thousands, often entire families at once. They sought refuge in Western Europe, the U.S., Central and South America, and even China. It is believed that as many as 90,000 Jews emigrated from Germany to the U.S. during this period in history, and many more would have come to our fair land had the U.S. been more willing to accept them. Unfortunately, we were not.

Our country's unwillingness to accept these Jewish refugees took a most tragic turn in May 1939, for it was at this time that the *S.S. St. Louis*, a German passenger ship, left Germany for Cuba. There were nearly 1,000 Jews on board the *St. Louis* as it headed toward Havana, yet when it finally reached its destination the ship was turned away by Cuban authorities. The *St. Louis* then pleaded with U.S. officials to let the nearly 1,000 refugees enter America, yet the U.S. denied the ship permission to land and denied entry visas to the refugees. In June 1939, the ship turned around and returned to Europe.

Fortunately for those on board the *St. Louis*, the countries of Great Britain, France, the Netherlands and Belgium agreed to accept the Jewish refugees, although this blessing would be brief and mixed. The following year, in 1940, German forces occupied the region. Many of the passengers aboard the *St. Louis*—those same passengers America turned away—were dealt the cruelest of fates. Many were subjected in their new homelands to the same horrors from which they had fled—the full wrath of the Holocaust—ghettos, concentration camps, deportations and death chambers.

Fear, prejudice and ignorance allowed America to turn its back on those who sought refuge here in May 1939, with the most tragic of outcomes. America is supposed to be a haven for those oppressed by other nations; it is supposed to be the land of hope and opportunity. Ours is a country that welcomes those who want to come here, contribute to society, and live the American dream.

It is regrettable that we as a nation have been unable to respond to the severe problems of illegal immigration in a sensible, meaningful way. It would be just as regrettable to gut a rich heritage of providing safe harbor for those who seek to come here legally because we cannot deal with a failed illegal immigration policy.

As a nation, we must take full responsibility for our generosity in welcoming others to our land, and full responsibility when that generosity backfires or fails. In separating legal from illegal immigration reform, we have our best chance to answer that call to responsibility. Just as we should not reward those who refuse to make a difference as Americans, we should not punish those who come here and strive to do so. Throughout history, legal immigrants have enriched our economy and the goodness of our country.

We will never know what kind of productive lives those aboard the *St. Louis* might have led on American soil because we did not give them the chance. It is a shame we will always bear. Legislative action or inaction in Europe and the United States contributed greatly to a tragedy we cannot repeat.

Ours is a country made up of immigrants, and the rich tapestry we enjoy is because so many people, including many of our own grandparents and great-grandparents, had the hear and the will to come here. More importantly, the United States had the heart and the will to welcome them, and it is not something to relinquish now.

Mr. SMITH of New Jersey. Mr. Chairman, the United States has always been a beacon of hope and opportunity for generations of people who come to our shores searching for what cannot be found in any other nation on Earth. Few of us here are not the heirs of immigrant determination to make a better life for families and loved ones—or to seek a safe haven from repression. Some of our colleagues in the House are themselves living proof that this Nation continues to be enriched by the strong immigrant community which is our heritage.

However, Mr. Chairman, today the people of the United States are faced with a new challenge from which we cannot back away—the challenge of illegal immigration.

Illegal immigration has reached epidemic proportions in the United States. Each year our borders are flooded with many thousands of people who enter the U.S. undocumented, usually unskilled, often without the resources to provide for their own needs.

Mr. Chairman, it is currently estimated that there are between 2 and 4 million illegal immigrants in the United States, with about 300,000 added to that number each year. I want to emphasize that these are estimates—the numbers could be even larger than the estimates. According to a study by the Rand Institute, one-half of all illegal immigrants enter the United States by crossing the land border. Many use fraudulent documents to derive benefits from social programs, thus depriving U.S. citizens, legal residents, and refugees who deserve these benefits and robbing taxpayers of millions of dollars.

Twice this House has attempted to right this wrong. Twice President Clinton vetoed those attempts. Thousands of people each year blatantly disregard U.S. laws but are rewarded once they arrive here. This magnet of benefits draws people from all over the world who simply abuse the system with no intent on ever contributing. This is wrong. And once again we have the opportunity to address the issue. We must remain firm in our commitment to provide for those who are in need, to offer assistance to those who experience temporary setbacks. But we cannot simply be a well from which all may draw without ever giving back, or with no intention of ever leaving the well.

But the welfare problem is only one symptom of the illegal immigration epidemic. Jobs of U.S. citizens and legal residents are affected by the number of illegal immigrants willing to work longer hours for lower wages. Illegal immigrants reduce the employment opportunities of low-skilled workers, and even of skilled workers in areas where the economy is already weak and opportunities less plentiful. According to a New York Times article by Roger Waldinger, a professor of sociology at U.C.L.A., says that the African-American community suffers the most from jobs lost to illegal immigration. Legal immigrants are also hurt by the growing influx of illegal immigrants, their opportunities decreased and the hopes they brought with them dimmed or extinguished. Many of these U.S. citizens and legal immigrants are then forced into dependency on social programs, increasing the cost that illegal immigration imposes on the American public.

Not only does illegal immigration cost jobs, it also costs wages. Statistics show that low-skilled workers may experience as much as a 50 percent decline in real wages and that the growing number of illegal immigrants is leading to an increased wage gap between skilled and unskilled workers.

I have in my office stacks of reports from the Immigration and Naturalization Service, documenting hundreds of illegal immigrants who are employed here illegally. The jobs they hold are jobs that rightfully belong to U.S. citizens and lawful residents.

But there are more symptoms of this epidemic. U.S. prisons are overflowing with criminal aliens—and the vast majority of these are illegal immigrants. In addition to the stacks of reports from the INS which document the employment of illegal aliens, there are pages of reports on the growing number of illegal immigrants who are involved in criminal activity. Many of them enter our judicial and prison systems where, again, millions of dollars are spent on dealing with their criminal activities.

Those who enter the United States illegally and who continue to violate our laws—especially those who by violence add to the growing problem of violent crime and fear in this country—do not deserve to stay here. Like other violent criminals, they have complete disregard for the values that U.S. citizens and legal immigrants hold dear and strive for each day.

It is no secret that I support the plight of refugees who seek relief from oppression in their homelands. This empathy for people who love freedom is a basic tenet of our American tradition. But such empathy should not be confused with support for those—regardless of nationality—who would instill fear and terror on the law-abiding citizens of our Nation.

I should also make clear that I do not mean to imply that most immigrants—or even most illegal immigrants—come here to commit violent crimes. Many undocumented immigrants are driven by the same economic and social factors that cause all of us to want to improve our situations in life. But the United States is first and foremost a nation of laws, and we have a right to insist on obedience to the law.

Mr. Chairman, earlier I quoted the Rand Institute's figure that 50 percent of all illegal immigrants come to the U.S. by crossing our land border. We owe a word of support and commendation to the men and women who make up our border patrols and stave off hundreds of people who otherwise would have gotten into the United States without documentation. They place their lives on the line each day to protect the integrity of our borders. They are our first and best line of defense against illegal immigration. They are overworked and in need of more support. We must do everything we can to strengthen our border patrol and improve this first line of defense.

The elimination of any epidemic calls for strong and decisive measures. This epidemic of illegal immigration demands the same. Eliminate the benefits that illegal immigrants receive when they arrive. Enforce and strengthen the laws which prohibit the hiring of illegal immigrants. Protect U.S. jobs for U.S. workers, especially for those who are most harmed when their jobs are given to illegal immigrants. Deal swiftly and decisively with criminal aliens through expedited deportation proceedings. These measures are only a start to address this epidemic. But we must start somewhere.

Mr. DEFAZIO. Mr. Chairman, our national policy regarding immigration is overdue for change. We need to balance our proud history of diversity with the economic reality of high national unemployment and over-burdened social services. We must consider reforms that address the needs of U.S. citizens first and recognize the fiscal reality of Federal and State government.

Congress is now considering a major proposal to dramatically change our Nation's immigration policy. I support the goal of ending illegal immigration. But I also believe we must reduce the number of people legally immigrating to our Nation. We simply cannot hold the door open for every one of the world's dissatisfied citizens. Continued high immigration hurts our environment, it hurts our low wage workers and it is increasingly hurting higher skill and higher wage workers, as well. High levels of immigration may have been a boon to our Nation at one time. They have ceased to make any sense today.

Representative BERMAN has proposed an amendment to strike the legal immigration provisions of the bill. I'm concerned that if we eliminate the attempt in this bill to reform the Nation's legal immigration policy—as flawed as this bill's legal immigration reforms may be—the impetus for reform will die. I, therefore, cannot support his amendment.

I'll continue to work for tighter borders and responsible immigration control, and press for strong protection for our Nations work force.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise in support of H.R. 2202, the Immigration in the National Interest Act. I want to bring to my colleagues' attention to one particular provision of this measure that will strengthen America's asylum laws.

America's asylum laws are intended to provide refuge for aliens whose lives or freedom are threatened on account of their race, religion, nationality, membership in a particular social group or political opinion. But our current asylum system is riddled with abuse. For

example, 31 percent of aliens who apply for asylum never show up for the INS interview that is scheduled to evaluate the legitimacy of their asylum claim. In addition, thousands of aliens who are in the process of being deported claim political asylum at the very last opportunity, thereby triggering a lengthy process of hearings and appeals which further delay deportation.

Last August I introduced legislation, H.R. 2182, that would prohibit an alien from seeking asylum in the United States if the alien had first traveled through a country that offers political asylum. These countries are called countries of safe haven. My legislation sought to restore the integrity of our asylum laws by requiring asylum seekers to remain in the first country that would offer them safe haven in an effort to seek better economic opportunities in the United States would be prohibited from entering our country with certain exceptions.

I am pleased that the gentleman from Texas [Mr. SMITH] has adopted many elements of my legislation in H.R. 2202.

Mr. Speaker, H.R. 2202 closes the loopholes in our current system, restores the original intent of our asylum laws and maintains generous asylum policies for those fleeing persecution and oppression. I strongly support passage of this bill.

Mr. VENTO. Mr. Chairman I rise today in support of an amendment I drafted to address a fundamental problem being experienced by legal U.S. residents, the Hmong. This measure would expedite the naturalization of Hmong people who served in Special Guerrilla Forces assisting the U.S. military during the Vietnam War.

My amendment corrects a serious problem affecting Hmong people in the United States today who served alongside United States soldiers in Southeast Asia. It expedites the naturalization of aliens who served in these units in Laos and their spouses or widows by waiving the language requirement and the residency requirement aliens normally must meet. These two significant barriers to citizenship today affect the Hmong in a unique manner.

From 1960 to 1975 Hmong people of all ages fought and died alongside United States soldiers in units recruited, trained, and funded by the CIA. During the war, between 10,000 and 20,000 Hmong tragically were killed in combat and as the conflict resulted in a bitter conclusion, 100,000 Hmong had to flee to refugee camps to survive the persecution and retribution that surely would have followed. The Hmong stood loyally by the United States during the long bitter course of the Vietnam War, but because the Hmong did not serve in regular United States military units, they are not eligible for expedited naturalization as other uniformed U.S. veterans and others may be. The Vento amendment would remedy this problem and inequity.

Current law permits aliens or noncitizen nationals who served honorably during World War I, World War II, the Korean conflict, and the Vietnam war to be naturalized regardless of age, period of residence or physical presence in the United States. In other words, there is established precedent for modifying naturalization requirements for U.S. military service by non-U.S. citizens. In fact, Congress included provisions expediting the naturalization of World War II Filipino Scouts during consideration of the 1990 immigration bill. My amendment would continue our long tradition of recognizing the service of those who come to the aid of the United States in times of war. Ironically, most past conflicts did not preclude the nonnational United States service persons from returning to their homeland, so their plight, in most cases, is not as desperate as the Hmong involvement in a conflict with a difficult result.

The percentage of Hmong who served in the Special Guerrilla Hmong units who have achieved United States citizenship is very low in great part today because the Hmong have found passing the citizenship test difficult. By waiving the language requirement my amendment would lift the greatest obstacle the Hmong face in becoming American citizens. The late arrival of some Hmong who have often served 10 to 15 years in the Hmong unit and then have spent another 10 or even 20 years in Asian refugee camps should not now have a 5-year residency requirement, hence the Vento amendment waives this proviso.

I want to emphasize that my amendment does not open new immigration channels nor does it confer veteran's status on Hmong patriots. Those who served in the Special Guerrilla units will not be made eligible for veteran's benefits under my amendment.

As I mentioned earlier in my statement, Congress has included provisions for other nonnationals, the Filipino Scouts, in omnibus immigration legislation as recently as 1990. Given the heavy legislative agenda we face for the remainder of the 104th Congress, this will almost certainly be our best opportunity to consider this necessary but modest effort to recognize the service of the Hmong veterans who fought so bravely and sacrificed so much for America.

The practical impact is the citizenship and privilege to participate in our U.S. democracy—to have the right of preference in immigration and family reunification—a significant and humanitarian impact. But, in my mind's eye, of equal value is the United States Congress' and the United States Government's recognition and the honor we bestow on the Hmong patriots who lost so many lives in Southeast Asia and saved many American lives. I urge my colleagues to support this Vento amendment which honors the Hmong and their outstanding service to our Nation.

Mr. Chairman, I'm including some personal examples of Minnesota Hmong, some from my neighborhood and close to my deceased grandparents' home. These examples of the personal history, the biographies of Hmong soldiers' experiences in Southeast Asia underline the importance and significance of their lives and service. The Hmong may not pass the language tests but they know inherently the cost of freedom and the price they have paid means that they have passed the test in a more important and special way. The following monographs illustrate that implicitly.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. BONILLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2202), to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, pursuant to House Resolution 384, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. BRYANT OF TEXAS

Mr. BRYANT of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BRYANT of Texas. In its present form, I am, Mr. Speaker.

The SPEAKER pro temore. The Clerk will report the motion to recommit.

The Clerk read the motion, as follows:

Mr. BRYANT of Texas moves to recommit the bill, H.R. 2202, back to the Committee on the Judiciary with instructions to report the bill back forthwith with the following amendment:

Amend section 806 to read as follows:

**SEC. 806. CHANGES RELATING TO H–1B NONIMMIGRANTS.**

(a) ATTESTATIONS.—

(1) COMPENSATION LEVEL.—Section 212(n)(1)(A)(i) (8 U.S.C. 1182(n)(1)(A)(i)) is amended—

(A) in subclause (I), by inserting ''100 percent of'' before ''the actual wage level'',

(B) in subclause (II), by inserting ''100 percent of'' before ''the prevailing wage level'', and

(C) by adding at the end the following: ''is offering and will offer during such period the same benefits and additional compensation provided to similarly-employed workers by the employer, and''.

(2) DISPLACEMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)) is amended by inserting after subparagraph (D) the following new subparagraph:

''(E)(i) The employer—

''(I) has not, within the six-month period prior to the filing of the application, laid off or otherwise displaced any United States worker (as defined in clause (ii)), including

any worker obtained by contract, employee leasing, temporary help agreement, or other similar basis, in the occupational classification which is the subject of the application and in which the nonimmigrant is intended to be (or is) employed; and

''(II) within 90 days following the application, and within 90 days before and after the filing of a petition for any H–1B worker pursuant to that application, will not lay off or otherwise displace any United States worker in the occupational classification which is the subject of the application and in which the nonimmigrant is intended to be (or is) employed.

''(ii) For purposes of this subparagraph, the term 'United States worker' means—

''(I) a citizen or national of the United States;

''(II) an alien lawfully admitted to the United States for permanent residence; and

''(III) an alien authorized to be so employed by this Act or by the Attorney General.

''(iii) For purposes of this subparagraph, the term 'laid off', with respect to an employee, means the employee's loss of employment, other than a discharge for cause or a voluntary departure or voluntary retirement.''.

(3) RECRUITMENT OF UNITED STATES WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraph (2), is further amended by inserting after subparagraph (E) the following new subparagraph:

''(F) The employer, prior to filing the application, attempted unsuccessfully and in good faith to recruit a United States worker for the employment that will be done by the alien whose services are being sought, using recruitment procedures that meet industry-wide standards and offering wages that are at least—

''(i) 100 percent of the actual wage level paid by the employer to other individuals with similar experience and qualifications for the specific employment in question, or

''(ii) 100 percent of the prevailing wage level for individuals in such employment in the area of employment,

whichever is greater, based on the best information available as of the date of filing the application, and offering the same benefits and additional compensation provided to similarly-employed workers by the employer.''.

(4) DEPENDENCE ON H–1B WORKERS.—Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) and (3), is further amended by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) Whether the employer is dependent on H–1B workers, as defined in clause (ii) and in such regulations as the Secretary of Labor may develop and promulgate in accordance with this paragraph.

''(ii) For purposes of clause (i), an employer is 'dependent on H–1B workers' if the employer—

''(I) has fewer than 41 full-time equivalent employees who are employed in the United States and employs four or more nonimmigrants under section 101(a)(15)(H)(i)(b); or

''(II) has at least 41 full-time equivalent employees who are employed in the United States, and employs nonimmigrants described in section 101(a)(15)(H)(i)(b) in a number that is equal to at least ten percent of the number of such full-time equivalent employees.

''(iii) In applying this subparagraph, any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414 of the Internal Revenue Code of 1986 shall be treated as a single employer under this subparagraph. Aliens with respect to whom the employer has filed such an application shall be treated as employees, and counted as nonimmigrants under section 101(a)(15)(H)(i)(b), under this paragraph.''.

(5) JOB CONTRACTORS.—(A) Section 212(n)(1) (8 U.S.C. 1182(n)(1)), as amended by paragraphs (2) through (4), is further amended by inserting after subparagraph (G) the following new subparagraph:

''(H) In the case of an employer that is a job contractor (within the meaning of regulations promulgated by the Secretary of Labor to carry out this subsection), the contractor will not place any H–1B employee with another employer unless such other employer has executed an attestation that the employer is complying and will continue to comply with the requirements of this paragraph in the same manner as they apply to the job contractor.''.

(B) Section 212(n)(2) (8 U.S.C. 1182(n)(2)) is amended by adding at the end the following new subparagraph:

''(E) The provisions of this paragraph shall apply to complaints respecting a failure of another employer to comply with an attestation described in paragraph (1), that has been made as the result of the requirement imposed on job contractors under paragraph (1)(H), in the same manner that they apply to complaints of a petitioner with respect to a failure to comply with a condition described in paragraph (1) by employers generally.''.

(b) SPECIAL RULES FOR EMPLOYERS DEPENDENT ON H–1B WORKERS.—Section 212(n) (8 U.S.C. 1182(n)) is amended by adding at the end the following new paragraph:

''(3)(A) No alien may be admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) if the employer who is seeking the services of such alien has attested under paragraph (1)(G) that the employer is dependent on H–1B workers unless the following conditions are met:

''(i) The Secretary of Labor has determined and certified to the Secretary of State and the Attorney General that the employer who is seeking the services of such alien is taking steps described in subparagraph (C) (including having taken the step described in subparagraph (D)).

''(ii) The alien has demonstrated to the satisfaction of the Secretary of State and the Attorney General that the alien has a residence abroad which he has no intention of abandoning.

''(B)(i) It is unlawful for a petitioning employer to require, as a condition of employment by such employer, or otherwise, that the fee described in subparagraph (A)(i), or any part of it, be paid directly or indirectly by the alien whose services are being sought.

''(ii) Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated clause (i) shall be subject to a civil penalty of $5,000 for each violation, to an administrative order requiring the payment of the fee described in subparagraph (A)(i), and to disqualification for 1 year from petitioning under section 204 or 214(c).

''(iii) Any amount determined to have been paid, directly or indirectly, to the fund by the alien whose services were sought, shall be repaid from the fund or by the employer, as appropriate, to such alien.

''(C)(i) An employer who attests under paragraph (1)(G) to dependence on H–1B workers shall take timely, significant, and effective steps (including the step described in subparagraph (D)) to recruit and retain sufficient United States workers in order to remove as quickly as reasonably possible the dependence of the employer on H–1B workers.

''(ii) For purposes of clause (i), steps under clause (i) (in addition to the step described in subparagraph (D)) may include the following:

''(I) Operating a program of training existing employees who are United States workers in the skills needed by the employer, or financing (or otherwise providing for) such employees' participation in such a training program elsewhere.

''(II) Providing career development programs and other methods of facilitating United States workers in related fields to acquire the skills needed by the employer.

''(III) Paying to employees who are United States workers compensation that is equal in value to more than 105 percent of what is paid to persons similarly employed in the geographic area.

The steps described in this clause shall not be considered to be an exhaustive list of the significant steps that may be taken to meet the requirements of clause (i).

''(iii) The steps described in clause (i) shall not be considered effective if the employer has failed to decrease by at least 10 percent in each of two consecutive years the percentage of the employer's total number of employees in the specific employment in which the H–1B workers are employed which is represented by the number of H–1B workers.

''(iv) The Attorney General shall not approve petitions filed under section 204 or 214(c) with respect to an employer that has not, in the prior two years, complied with the requirements of this subparagraph (including subparagraph (D)).

''(D)(i) The step described in this subparagraph is payment of an amount consistent with clause (ii) by the petitioning employer into a private fund which is certified by the Secretary of Labor as dedicated to reducing the dependence of employers in the industry of which the petitioning employer is a part on new foreign workers and which expends amounts received under this subclause consistent with clause (iii).

''(ii) An amount is consistent with this clause if it is a percent of the value of the annual compensation (including wages, benefits, and all other compensation) to be paid to the alien whose services are being sought, equal to 5 percent in the first year, 7.5 percent in the second year, and 10 percent in the third year.

''(iii) Amounts are expended consistent with this clause if they are expended as follows:

''(I) One-half of the aggregate amounts are expended for awarding scholarships and fellowships to students at colleges and universities in the United States who are citizens or lawful permanent residents of the United States majoring in, or engaging in graduate study of, subjects of direct relevance to the employers in the same industry as the petitioning employer.

''(II) One-half of the aggregate amounts are expended for enabling United States workers in the United States to obtain training in occupations required by employers in the same industry as the petitioning employer.

(c) INCREASED PENALTIES FOR MISREPRESENTATION.—Section 212(n)(2)(C) (8 U.S.C. 1182(n)(2)(C)) is amended—

(1) in subparagraph (C) in the matter before clause (i), by striking ''(1)(C) or (1)(D)'' and inserting ''(1)(C), (1)(D), (1)(E), or (1)(F) or to fulfill obligations imposed under subsection (b) for employers defined in subsection (a)(4)'';

(2) in subparagraph (C)(i), by striking ''$1,000'' and inserting ''$5,000'';

(3) by amending subparagraph (C)(ii) to read as follows:

''(ii) the Attorney General shall not approve petitions filed with respect to that employer (or any employer who is a successor in interest) under section 204 or 214(c) for aliens to be employed by the employer—

''(I) during a period of at least 1 year in the case of the first determination of a violation

or any subsequent determination of a violation occurring within 1 year of that first violation or any subsequent determination of a nonwillful violation occurring more than 1 year after the first violation;

''(II) during a period of at least 5 years in the case of a determination of a willful violation occurring more than 1 year after the first violation; and

''(III) at any time in the case of a determination of a willful violation occurring more than 5 years after a violation described in subclause (II).''; and

(3) in subparagraph (D), by adding at the end the following: ''If a penalty under subparagraph (C) has been imposed in the case of a willful violation, the Secretary shall impose an additional civil monetary penalty on the employer in an amount equalling twice the amount of backpay.''.

(d) LIMITATION ON PERIOD OF AUTHORIZED ADMISSION.—Section 214(g)(4) (8 U.S.C. 1184(g)(4)) is amended—

(1) by inserting ''or section 101(a)(15)(H)(ii)(b)'' after ''section 101(a)(15)(H)(i)(b)''; and

(2) by striking ''6 years'' and inserting in lieu thereof ''3 years''.

(e) REQUIREMENT FOR RESIDENCE ABROAD.—Section 101(a)(15)(H)(i)(b) (8 U.S.C. 1101(a)(15)(H)(i)(b)) is amended by inserting ''who has a residence in a foreign country which he has no intention of abandoning,'' after ''212(j)(2),''.

(f) EFFECTIVE DATES.—

(1) Except as provided in paragraph (2), the amendments made by this section shall take effect 60 days after the date of the enactment of this Act.

(2) The amendments made by subsection (d) shall apply with respect to offenses occurring on or after the date of enactment of this Act.

Mr. BRYANT of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. BRYANT] is recognized for 5 minutes in support of his motion to recommit.

Mr. BRYANT of Texas. Mr. Speaker, the motion to recommit incorporates an amendment which the Committee on Rules would not allow us to offer in the course of the debate on the immigration bill which would change the current law in a way that is beneficial and positive for American workers.

The current law allows people to enter this country on temporary work visas, up to 65,000 a year, and to be put to work in companies where often they take the jobs of American workers.

The fact of the matter is, that between 1992 and 1995 we had 234,000 foreign temporary workers enter the country and take the jobs of American workers. Mr. Speaker, the H–1B program that was created in 1990 was designed to alleviate some short-term needs with some temporary worker visas. It has now turned into a program in which companies have replaced, in some cases, entire departments with imported workers coming in on temporary visas, and they are allowed to stay as long as 6 years.

This motion to recommit would change that program, and would say that, U.S. workers can not be laid off and replaced with H–1B foreign workers, that the temporary visa will only be good for 3 years not 6. It would require that employers dependent on H–1B workers would have to take timely, significant, and effective steps to recruit and retain sufficient U.S. workers to remove that dependency.

It is an outrage that we have had situations in this country where companies have brought in large numbers of temporary H–1B workers. They have asked their domestic work force to train the imported workers. Then they have fired the domestic workers and put to work the newly trained foreign workers that were brought in under the H–1B program. It should not be permitted. This motion to recommit would forbid it forever in the future.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CONYERS.].

Mr. CONYERS. Mr. Speaker, first of all, I congratulate my colleague on the Committee on the Judiciary, the gentleman from Texas, [Mr. BRYANT], for an incredibly diligent job.

The motion here to recommit with the amendment may be the most important vote we may consider this year from the perspective of the American worker, because it puts before us the identical immigration reform bill, with just one exception, and here it is: that American companies should attempt to recruit American workers for skilled jobs before trying to recruit foreign workers for these jobs.

☐ 1945

That is what it is about, that is all it is about. The administration has produced a record of 8 million new jobs. Some of the Republican candidates, by contrast, or one in particular is still figuring out that jobs is a major issue with Americans. It translates here into the GOP leadership.

The Rules Committee blocked this amendment and so we are bringing it up now in a motion to recommit. Please support this motion to recommit whether you are a Republican or a Democrat.

Mr. BRYANT of Texas. I thank the gentleman for his comments.

Mr. Speaker, I would point out that under this motion to recommit employers who are dependent on H–1B orders would have to take effective steps to recruit and retain U.S. workers to remove that dependency, and that U.S. workers could not be laid off and replaced with H–1B workers.

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

Mr. BERMAN. I thank the gentleman for yielding. I strongly support his amendment. This amendment should have been allowed in the rules. We should have been able to debate this on the floor.

I just want to take 15 seconds of my time to indicate that in this bill, which is coming up for final passage, is what I believe to be an unconstitutional and just horrible on public policy amendment with respect to children and public schools. I am going to support this bill because it is so much better than it was through this House. If this amendment does not come out in conference committee, I will oppose the bill on the floor when it comes back from conference with every ounce of my energy.

Mr. BRYANT of Texas. Mr. Speaker, I would simply conclude by saying that this motion to recommit would put into the immigration bill a provision that ensures that U.S. workers cannot be laid off and replaced with foreign temporary workers. Every Member of this House ought to vote in the interest of the American work force for the motion to recommit.

Mr. SMITH of Texas. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. RIGGS). The gentleman from Texas is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Speaker, the gentleman from Texas [Mr. BRYANT] and I have been through a lot on a year-long journey to implement immigration reform legislation. I feel like we are a little like the two characters in Lonesome Dove, Woodrow and Gus. While we may sometimes disagree, I am not going to take any shots at my partner in this endeavor. Instead, I do want to tell my colleagues why this is such a good bill and why it puts the interest of American families, workers, and taxpayers first.

This legislation will reduce illegal immigration and reform legal immigration. It will help secure our borders, reduce crime, and protect jobs for American citizens. It will encourage legal immigrants to be productive members of our communities and ease the burden on the hardworking taxpayers.

For only the fourth time this century, Congress now considers comprehensive immigration reform. I thank my colleagues for their patience, for their interest, and for their support. I urge my colleagues to vote ''no'' on the motion to recommit and ''yes'' on final passage.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 188, noes 231, not voting 12, as follows:

[Roll No. 88]

AYES—188

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

NOES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—12

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

□ 2005

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Radanovich against.

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

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER (Mr. RIGGS). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 333, noes 87, not voting 12, as follows:

[Roll No. 89]

AYES—333

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Deutsch
Dickey
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Slaughter
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)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White

| | | |
|---|---|---|
| Whitfield | Wise | Young (FL) |
| Wicker | Wolf | Zeliff |
| Williams | Young (AK) | Zimmer |

NOES—87

| | | |
|---|---|---|
| Abercrombie | Gonzalez | Oberstar |
| Becerra | Green | Olver |
| Beilenson | Gutierrez | Ortiz |
| Bonior | Hall (OH) | Owens |
| Brown (FL) | Hastings (FL) | Pastor |
| Brown (OH) | Hilliard | Payne (NJ) |
| Bryant (TX) | Hinchey | Pelosi |
| Bunn | Jackson (IL) | Rahall |
| Campbell | Jackson-Lee | Rangel |
| Clayton | (TX) | Richardson |
| Clyburn | Jefferson | Ros-Lehtinen |
| Coleman | Johnson, E. B. | Roybal-Allard |
| Collins (MI) | Kennedy (MA) | Rush |
| Conyers | Kennedy (RI) | Sabo |
| Coyne | King | Sanders |
| de la Garza | LaFalce | Schroeder |
| Dellums | Lewis (GA) | Scott |
| Diaz-Balart | Lofgren | Serrano |
| Dicks | Markey | Skaggs |
| Dingell | Martinez | Thompson |
| Doggett | Matsui | Torres |
| Engel | McDermott | Towns |
| Evans | McKinney | Velazquez |
| Fattah | Meehan | Ward |
| Fields (LA) | Meek | Watt (NC) |
| Filner | Mink | Woolsey |
| Flake | Mollohan | Wynn |
| Foglietta | Morella | Yates |
| Frank (MA) | Nadler | |
| Gibbons | Neal | |

NOT VOTING—12

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

□ 2013

The Clerk announced the following pair:

On this vote:

Mr. Radanovich for, with Mr. Stokes against.

Ms. ESHOO changed her vote from ''no'' to ''aye.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2202, IMMIGRATION IN THE NATIONAL INTEREST ACT OF 1995

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 2202, the Clerk be authorized to correct section numbers, cross-references, the table of contents, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 125, GUN CRIME ENFORCEMENT AND SECOND AMENDMENT RESTORATION ACT OF 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–490) on the resolution (H. Res. 388) providing for consideration of the bill (H.R. 125) to repeal the ban on semiautomatic assault weapons and the ban on large capacity ammunition feeding devices, which was referred to the House Calendar and ordered to be printed.

## CONFERENCE REPORT ON S. 4, LINE ITEM VETO ACT

Mr. CLINGER submitted the following conference report and statement on the Senate bill (S. 4) to grant the power to the President to reduce budget authority:

CONFERENCE REPORT (H. REPT. 104–491)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4), to grant the power to the President to reduce budget authority, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

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

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Line Item Veto Act''.*

***SEC. 2. LINE ITEM VETO AUTHORITY.***

*(a) IN GENERAL.—Title X of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 681 et seq.) is amended by adding at the end the following new part:*

*''PART C—LINE ITEM VETO*

*''LINE ITEM VETO AUTHORITY*

*''SEC. 1021. (a) IN GENERAL.—Notwithstanding the provisions of parts A and B, and subject to the provisions of this part, the President may, with respect to any bill or joint resolution that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States, cancel in whole—*

*''(1) any dollar amount of discretionary budget authority;*

*''(2) any item of new direct spending; or*

*''(3) any limited tax benefit;*

*if the President—*

*''(A) determines that such cancellation will—*

*''(i) reduce the Federal budget deficit;*

*''(ii) not impair any essential Government functions; and*

*''(iii) not harm the national interest; and*

*''(B) notifies the Congress of such cancellation by transmitting a special message, in accordance with section 1022, within five calendar days (excluding Sundays) after the enactment of the law providing the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit that was canceled.*

*''(b) IDENTIFICATION OF CANCELLATIONS.—In identifying dollar amounts of discretionary budget authority, items of new direct spending, and limited tax benefits for cancellation, the President shall—*

*''(1) consider the legislative history, construction, and purposes of the law which contains such dollar amounts, items, or benefits;*

*''(2) consider any specific sources of information referenced in such law or, in the absence of specific sources of information, the best available information; and*

*''(3) use the definitions contained in section 1026 in applying this part to the specific provisions of such law.*

*''(c) EXCEPTION FOR DISAPPROVAL BILLS.—The authority granted by subsection (a) shall not apply to any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit contained in any law that is a disapproval bill as defined in section 1026.*

*''SPECIAL MESSAGES*

*''SEC. 1022. (a) IN GENERAL.—For each law from which a cancellation has been made under this part, the President shall transmit a single special message to the Congress.*

*''(b) CONTENTS.—*

*''(1) The special message shall specify—*

*''(A) the dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit which has been canceled, and provide a corresponding reference number for each cancellation;*

*''(B) the determinations required under section 1021(a), together with any supporting material;*

*''(C) the reasons for the cancellation;*

*''(D) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the cancellation;*

*''(E) all facts, circumstances and considerations relating to or bearing upon the cancellation, and to the maximum extent practicable, the estimated effect of the cancellation upon the objects, purposes and programs for which the canceled authority was provided; and*

*''(F) include the adjustments that will be made pursuant to section 1024 to the discretionary spending limits under section 601 and an evaluation of the effects of those adjustments upon the sequestration procedures of section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.*

*''(2) In the case of a cancellation of any dollar amount of discretionary budget authority or item of new direct spending, the special message shall also include, if applicable-*

*''(A) any account, department, or establishment of the Government for which such budget authority was to have been available for obligation and the specific project or governmental functions involved;*

*''(B) the specific States and congressional districts, if any, affected by the cancellation; and*

*''(C) the total number of cancellations imposed during the current session of Congress on States and congressional districts identified in subparagraph (B).*

*''(c) TRANSMISSION OF SPECIAL MESSAGES TO HOUSE AND SENATE.—*

*''(1) The President shall transmit to the Congress each special message under this part within five calendar days (excluding Sundays) after enactment of the law to which the cancellation applies. Each special message shall be transmitted to the House of Representatives and the Senate on the same calendar day. Such special message shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session.*

*''(2) Any special message transmitted under this part shall be printed in the first issue of the Federal Register published after such transmittal.*

*''CANCELLATION EFFECTIVE UNLESS DISAPPROVED*

*''SEC. 1023. (a) IN GENERAL.—The cancellation of any dollar amount of discretionary budget authority, item of new direct spending, or limited tax benefit shall take effect upon receipt in*