

I have 10 unanimous-consent requests for committees to meet during today's session of the Senate. They all have the approval of the Democratic leader. I ask that these requests be agreed to, en bloc, and that each request be printed in the RECORD.

Mr. KENNEDY. Reserving the right to object, Mr. President. We have done this a number of times now. This changes the process and procedure where we had the opportunity, if consent was going to be asked for, to object to when the Senate was going to be considering business. Now we are in the situation where at the end of the day, we ask unanimous consent that they would have sat during the course of the day.

I understand now that this was in order for earlier today. But I want to make it very clear that I raised this at an earlier time. If the Senate does not get the clearance, the chairmen pay the bills. That is a good order for why we require this to be done beforehand, whether it is our side or their side. I just want to make sure. We are dealing with a lot of very important legislation as we are going on. I have not objected to committee meetings. But I want to make it very clear that we are going to preserve that institutional right where overriding other ones that will be addressed as well. But we are not going to get into a situation where we are clearing at the end of the day, whether it is on our side or theirs.

I will not object at this time. I want to make it very clear that the next time it comes across, I reserve that right to object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3734 TO AMENDMENT NO. 3725

(Purpose: To provide for an increase in the minimum wage rate)

Mr. KENNEDY. Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3734.

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending July 4, 1996, not less than \$4.70 an hour during the year beginning July 5, 1996, and not less than \$5.15 an hour after July 4, 1997."

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order and that I be able to withdraw my amendment.

The PRESIDING OFFICER. The Senator has that right.

Mr. KENNEDY. Mr. President, there had been an understanding which I had not been aware of by the two leaders on the particular matters which they had intended to address. To comply with their agreement, I withdraw that amendment at this time. But we want to indicate to all of the Members that if there is not an opening that presents itself, this Senator intends to press forward with that measure. Obviously, I will comply with any of the agreements that are made by our leaders.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Mr. President, let me reiterate the desire addressed just now by the senior Senator from Massachusetts. I had indicated to the majority leader that it was not our desire tonight to bring up minimum wage in an effort to expedite some of these other immigration-related amendments. We have that understanding.

It may be that we do not have a colleague here tonight to offer the amendments that I anticipated at least on our side. But that was my intention.

I want to emphasize, as well, what the Senator from Massachusetts has said so ably. It is our desire to continue to press for a minimum wage amendment and a vote. We will not do it tonight—not under these circumstances. But it is our desire to continue to find a way with which to get an up-or-down vote. We want it sooner rather than later. Let us hope we can do it sometime very soon. But with the understanding that I had with the majority leader, tonight we certainly want to accommodate our colleagues providing an opportunity to offer other amendments. We are prepared to do that tonight.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I appreciate those remarks by the distinguished Democratic leader. I did understand that agreement had been reached with the leader. I appreciate the minority leader coming back out and clarifying the situation—that we would go forward with some amendments tonight related to the immigration bill which is pending. I think we have at least one Senator who is ready to offer an amendment, and maybe others that relate to the immigration bill. So we are prepared to go forward.

Mr. KYL addressed the Chair.

Mr. SIMPSON. Mr. President, let me assure colleagues, too, as Senator KENNEDY has assured, that there will be no amendment with regard to minimum wage, there will be no amendment tonight of mine with regard to the issue of numbers and legal immigration as expressed by the majority commission. The issue will come up tomorrow. But if we can take amendments tonight while there are still some of us here, we are prepared to do that. I know the Senator from Massachusetts has another obligation. But perhaps Senator Kyl could deal with his amendment, I believe on immunization.

Is this correct?

Mr. KYL. Yes.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3735 TO AMENDMENT NO. 3725

Mr. KYL. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3735 to amendment numbered 3725.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following: Notwithstanding any other provision in this act, section 154 shall read as follows:

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

"PHYSICAL AND MENTAL EXAMINATIONS

"SEC. 34. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

"(1) Aliens applying for visas for admission to the United States for permanent residence.

"(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

"(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

"(4) Alien crewmen entering or in transit across the United States.

"(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

"(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

"(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

"(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

"(c) MEDICAL EXAMINERS.—

"(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

"(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

"(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

"(B) Each civil surgeon designated under subparagraph (A) shall—

"(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

"(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

"(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

"(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

"(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

"(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

"(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

"(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

"(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

"(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection(a).

"(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney

General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

"(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

"(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

"(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

"(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

"(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

"(2) the term 'Secretary' means the Secretary of Health and Human Services."

Mr. KYL. Mr. President, this is an amendment which we offered in the subcommittee which Senator KENNEDY and I worked on, and I believe that we have reached an agreement on this matter of immunization.

I note that I have two other amendments. But I think Senator KENNEDY would have an interest in both of them. So if he is going to have to leave, I will defer offering those amendments until he has an opportunity to be here.

Might I inquire of Senator KENNEDY? After we do the immunization amendment, it is my intention to offer two other amendments. But I believe the Senator from Massachusetts would have an interest in both of them. Would he prefer that we offer those tomorrow?

Mr. KENNEDY. The Senator is very kind. I was going to be absent for a short while. Senator SIMON is coming, and then I was coming back at 8:30 so we can continue through it. I think we have worked this out.

I appreciate the cooperative efforts of the Senator from Arizona. These are issues involving immunization, legitimacy of immunization, and public health matters related thereto. We have worked out those measures.

I think really the problem was because of lack of proper immunization, and we wanted to address that particular question. We have worked out an accommodation on that program. We are hopeful that we would get acceptance of this amendment, but if the Senator wanted to proceed, I believe, on

the others, if I could just go over them, review them quickly, I will be in touch.

Mr. KYL. I will be very brief in describing this amendment, and we can lay it aside.

The next one that I would propose to offer relates to public housing and the qualification for being able to receive public housing. That one there may be some difference of opinion on because the Department of Housing and Urban Development agrees with all of the amendment except they would prefer a 6-month rather than 3-month qualification period. My amendment tracks the House of Representatives, specifically the amendment which was adopted there as part of the managers' amendment and provided for a 3-month qualification period.

Perhaps, as I am describing in more detail the immunization amendment, the Senator or his staff would determine how they want to proceed.

Very briefly, this immunization amendment, which was tentatively approved in the Immigration Subcommittee, simply requires that an individual applying for permanent residency status must be immunized for vaccine-preventable diseases.

To give you an idea of what it would require, before a visa is approved, an individual applying for permanent residency status must receive a vaccination assessment or be vaccinated against measles and polio for those under 5 years of age and any other vaccination determined necessary by Health and Human Services before they arrive in the United States.

Aliens who have not received the entire series of vaccinations as recommended by the Advisory Committee on Immunization Practices—and this includes a list of about 10 different particular diseases—would be required to return within 30 days of entry to the United States to a civil surgeon to receive these vaccinations. Mumps is actually required before entry into the United States.

To recover costs of establishing and administering the civil surgeon and panel physician programs, the Attorney General would be required to impose a fee on aliens applying for permanent resident status.

Currently, when any of the approximately 800,000 legal immigrants arrive annually in the United States, they are not required to be immunized against vaccine-preventable diseases. This amendment will help ensure that immigrants receive the recommended immunizations.

It should not present a financial difficulty for the immigrant. The estimated cost for all childhood vaccines is estimated to be \$248.

The Department of Health and Human Services has made immunization of the U.S. population a top priority and by the year 2000 hopes to eradicate or reduce infinitely vaccine-preventable diseases.

So, Mr. President, this amendment is needed to prevent the spread of these

diseases. I believe it has the support of everyone.

Unless there is further discussion on this, I would inquire of the Senator from Wyoming what procedure he would like to follow with respect to moving on to additional amendments and call for votes since I doubt that this would need a vote.

Mr. SIMPSON. Mr. President, it would be a wonderful opportunity to do something, but I will not. Senator KENNEDY is absent from the Chamber.

I understand that Senator SIMON will be here to deal with the issues that might arise if we can do some further business. But I believe, if I heard what transpired, we might adopt the amendment, and we will then have a quorum call until a Member of the Democratic Party is here.

Mr. KYL. I thank the Senator.

Mr. President I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. KYL. I will not call for the yeas and nays.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3735) was agreed to.

Mr. SIMPSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

THE APPROPRIATIONS PROCESS WORKS

Mr. DOLE. Mr. President, late this afternoon the conference committee on the five major appropriations bills had a breakthrough and reached an agreement. I want to reinforce what has been said by other Members of leadership and by Chairman HATFIELD, Chairman LIVINGSTON on the House side, and their Democratic counterparts.

In my view, after a long, long difficult process, I believe we have a package that can be supported by hopefully nearly everybody on both sides of the aisle. Some will complain the cuts are not deep enough. Others are going to complain the cuts go too far. But I believe that in the final analysis we will save about \$23 billion over the last fiscal year through the appropriations process. That is very significant. That is a lot of money.

That is an indication that the appropriations process has worked and we

can make reductions, the Government can continue even though we make reductions. Many of us hoped we could do better.

There are also a number of environmental issues that were resolved to the satisfaction, I believe, of most everyone in the conference. Some will be raised again on subsequent appropriations bills. But I wanted to take a moment to thank all those who were involved in the negotiations and all those who were willing to give and take so that this matter could be resolved and get it behind us.

It is time to move on to 1997 appropriations. We look forward to that. We hope we can pass all the appropriations bills by August 1 of this year. So keep in mind, we will take this up tomorrow. The House will act first. We hope to dispose of it before we go out tomorrow evening. We need to dispose of it before we go out tomorrow evening. But the bottom line is, according to those who have been keeping track of the numbers, we will save \$23 billion this fiscal year because of the appropriators and the appropriations process and their good work.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 3737 TO AMENDMENT NO. 3725

(Purpose: To establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed)

Mr. COVERDELL. Mr. President, I send a second-degree amendment to the pending amendment to the desk on behalf of the majority leader and myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL] for himself and Mr. DOLE proposes an amendment numbered 3737 to amendment 3725.

Mr. COVERDELL. Mr. President, I ask unanimous-consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

“(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

“(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

“(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

“(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

“(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.”.

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

“(47) The term ‘crime of domestic’ means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person’s acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

“(48) The term ‘protection order’ means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.”.

(c) This section will become effective one day after the date of enactment of the Act.

Mr. COVERDELL. Mr. President, aliens are deportable for criminal offenses under section 241(a)(2) under four broad headings: General crime, controlled substances, certain firearm offenses, and miscellaneous crimes. This proposed amendment to S. 1664 creates two new headings: Domestic violence, violation of a protection order, crimes against children, and stalking. The other heading, crimes of sexual violence.

We are adding as offenses for grounds for deportation, the following offenses: Conviction of a crime of domestic violence; violation of a judicial protection order in a domestic violence context; conviction for stalking; conviction for child abuse, child sexual abuse, child neglect, or child abandonment; conviction of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crimes of sexual violence.

Mr. President, while some of these offenses may be deportable under existing headings of crimes of moral turpitude or aggravated felony, they are not necessarily covered. Uniformity is also a problem. Whether a crime is one of