[Mr. LEAHY] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1397

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. ABRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 3738 intended to be proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3760

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 3760 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3865

At the request of Mr. REID, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of amendment No. 3865 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE RESOLUTION 253—RELATIVE TO THE MURDER OF LEON KLINGHOFFER

Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for ''kidnapping for terrorist ends that caused the killing of a person' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was ''multiple, unequivocal, and overwhelming'' and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant for Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, canceled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as ''a mistake'' and that Mr. Klinghoffer was killed because he ''had started to incite the passengers against [the kidnappers]'';

Now, Therefore, be it *Resolved,* That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro.*

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

FEINSTEIN AMENDMENT NO. 3867

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing Border Patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming, asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

AMENDMENT NO. 3867

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3868

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3868

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108 CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3869–3870

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3869

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General, in consultation with the Secretary of State, shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT NO. 3870

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1),

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term ''appropriate court'' means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SIMPSON AMENDMENT NO. 3871

Mr. SIMPSON proposed an amendment to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

WELLSTONE AMENDMENT NO. 3872

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special

guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

SNOWE AMENDMENTS NOS. 3873–3874

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3873

At the appropriate place, insert the following:

SEC. . REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3874

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an attention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

GRAHAM AMENDMENTS NOS. 3875–3880

(Ordered to lie on the table.)

Mr. GRAHAM submitted six amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3875

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3876

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3877

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3878

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3879

Beginning on page 177, line 9 strike all through page 211 line 9 and insert the following.

SUBTITLE C—EFFECTIVE DATES

SEC. 197. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

SUBTITLE A—RECEIPT OF CERTAIN GOVERNMENT BENEFITS

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis, counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or

local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizens or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit as defined in section 201(f)(3) but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section *change* 201(f)(3) not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 201(f)(3) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such terms.

In the case of an individual who is an active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) has income tax liability for the tax year of which the period was part.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

''(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

''(i) such individual's taxpayer identification number, and

''(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.''.

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).''.

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) in amended—

(1) by striking ''and'' at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting '', and'', and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

''Sec. 506. Seals of departments or agencies

''(a) Whoever—

''(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

''(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

''(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

''(1) so forged, counterfeited, mutilated, or altered;

''(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

''(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

''(c) For purposes of this section—

''(1) the term 'Federal benefit' means—

''(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

''(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

''(2) the term 'unlawful alien' means an individual who is not—

''(A) a United States citizen or national;

''(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

''(C) an alien granted asylum under section 208 of such Act;

''(D) a refugee admitted under section 207 of such Act;

''(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

''(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

''(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.''.

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking ''and'' at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting ''; and''; and

(3) by adding after paragraph (62) the following new paragraph:

''(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.''.

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking ''plus'' at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting ''; plus''; and

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

''(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

AMENDMENT NO. 3880

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3881

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, Mr. BRADLEY, Mr. HELMS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Northwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM AMENDMENT NO. 3882

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

''(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.''.

GRAHAM (AND SPECTER) AMENDMENT NO. 3883

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following:

for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help; technical assistance grants under the Housing Act of 1949; and

(16) Site loans under the Housing Act of 1949;

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

GRAHAM AMENDMENTS NOS. 3884–3893

(Ordered to lie on the table.)

Mr. GRAHAM submitted 10 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3884

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit.

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2000 or more than $5000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the

alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien received assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3885

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3886

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT NO. 3887

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word ''been.''

withheld under section 243 (h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugees Education Assistance Act of 1980).

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by an agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF ''PUBLIC CHARGE'' FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 124(a)(5) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT NO. 3888

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT NO. 3889

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT NO. 3890

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3891

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such diseases.

AMENDMENT NO. 3892

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionate share hospital for which an adjustment in payment to a State under the medicaid program is made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3893

On page 301, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) material and child health services block grants under the title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

REID AMENDMENTS NOS. 3894–3895

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3894

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking ''Before'' and inserting ''(a) IN GENERAL.—Before'', and

(2) by adding at the end the following new subsection:

''(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

''(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

''(A) both parents of the child if the child lives with both parents;

''(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

''(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

''(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3895

At the appropriate place in the bill, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State of local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after ''political opinion' the first place it appears: ''or because the person has been threatened with an act of female genital mutilation'';

(B) by inserting after ''political opinion'' the second place it appears the following: '', or who has been threatened with an act of female genital mutilation'';

(C) by inserting after ''political opinion'' the third place it appears the following: ''or who ordered, threatened, or participated in the performance of female genital mutilation''; and

(D) by adding at the end the following new sentence: ''The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.''.

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after ''political opinion'' the following: ''or would be threatened with an act of female genital mutilation''.

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

''§ 116. Female genital mutilation

''(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

''(b) A surgical operation is not a violation of this section if the operation is—

''(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

''(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

''(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

''(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

''(1) that person has undergone female circumcision, excision, or infibulation; or

''(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.''.

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

''116. Female genital mutilation.''.

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

BRADLEY AMENDMENTS NOS. 3896–3898

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3896

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the ''Office'').

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3897

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INVESTIGATORS OF UNLAWFUL EMPLOYMENT ACTIVITIES.

Of the number of investigators authorized by section 102(a) of this Act, not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).

AMENDMENT NO. 3898

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The Office shall report annually to the Attorney General on its operations.

GRAHAM AMENDMENTS NOS. 3899–3902

(Ordered to lie on the table.)

Mr. GRAHAM submitted four amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3899

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3900

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—the requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act).

AMENDMENT NO. 3901

On page 180, lines 13 and 14, strike ''serious''.

AMENDMENT NO. 3902

Strike page 180, line 15, through 181 line 9, and insert:

treatment for such diseases,

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; and

(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or

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GRAMM AMENDMENTS NOS. 3903–3904

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3903

At the end, insert the following:

SEC. . DEVELOPMENT OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD.

(a) DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security (hereafter in this section referred to as the ''Commissioner'') shall, in accordance with this section, develop a counterfeit-resistant social security card. Such card shall—

(1) be made of a durable, tamper-resistant material such as plastic or polyester,

(2) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(3) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(b) PROCEDURES FOR ISSUANCE.—The Commissioner shall make a social security card of the type described in subsection (a) available, at cost, to any individual requesting such a card to replace a card previously issued to such individual.

(c) COUNTERFEIT-RESISTANT CARD VOLUNTARY FOR INDIVIDUALS.—The Commissioner may not require any individual to obtain a social security card of the type described in subsection (a).

AMENDMENT NO. 3904

At the end, insert the following:

"SEC. —. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a redeployment of Border Patrol agents at interior stations would not be cost-effective and is unnecessary in view of plans to nearly double the number of Border Patrol agents over the next five years; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

LEAHY (AND OTHERS) AMENDMENT NO. 3905

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DEWINE, and Mr. HATFIELD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill, add the following:

TITLE III—MISCELLANOUS PROVISIONS

SEC. 301. (a) Notwithstanding any other provision of this Act, sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

(b) Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105(f) is repealed.

(c) The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order enter in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding or deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion

order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

(d) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 235(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) the item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

LEAHY AMENDMENTS NOS. 3906–3910

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3906

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Notwithstanding any other provision of this Act, the Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

''SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

''SEC. 236A. (a) IN GENERAL.—

''(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

''(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

''(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

''(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

''(5) No alien may be ordered specially excluded under paragraph (1) if—

''(A) such alien is eligible to seek asylum under section 208; and

''(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

''(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

''(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

''(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

''(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exits and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

''(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

''(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

''(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

''(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

''(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

''(7) As used in this section, the term 'asylum officer' means an immigration officer who—

''(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

''(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

''(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

''(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

''(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

''(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

''(A) torture or other cruel, inhuman, or degrading treatment or punishment;

''(B) prolonged arbitrary detention without charges or trial;

''(C) abduction, forced disappearance or clandestine detention; or

''(D) systematic persecution; or

''(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.''.

AMENDMENT NO. 3907

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. Notwithstanding any other provision of this Act, Sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

AMENDMENT NO. 3908

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

''(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.''.

(2) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking ''Subject to section 234(b)(1), deportation'' and inserting ''Deportation''; and

(ii) in the first sentence of paragraph (2), by striking ''Subject to section (b)(1), if'' and inserting ''If''.

(b)(1) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: ''JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION''.

(2) Section 235(d) (8 U.S.C. 1225d) is repealed.

(3) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

''106. Judicial review of orders of deportation and exclusion.''.

(c) Section 241(d)(8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3909

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f) is repealed.

AMENDMENT NO. 3910

At the end of the bill add: The language on page 180, line 6 and all that follows through page 201, line 4, of the Dole amendment is deemed to read:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term ''eligible alien'' means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term ''ineligible alien'' means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term ''public assistance program'' means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term ''government benefits'' includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

''(5) PUBLIC CHARGE.—

''(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

''(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

''(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

''(C) DEFINITIONS.—

''(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

''(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

''(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

''(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

''(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

''(i) The aid to families with dependent children program under title IV of the Social Security Act.

''(ii) The medicaid program under title XIX of the Social Security Act.

''(iii) The food stamp program under the Food Stamp Act of 1977.

''(iv) The supplemental security income program under title XVI of the Social Security Act.

''(v) Any State general assistance program.

''(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.''.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term ''sponsor'' means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting ''100 percent'' for ''125 percent''.

(2) FEDERAL POVERTY LINE.—The term ''Federal poverty line'' means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term ''qualifying quarter'' means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3911

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 210, line 1, after ''medical assistance'' insert the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

HUTCHISON AMENDMENT NO. 3912

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. .—The Immigration and Naturalization Service shall, when redeploying Border patrol personnel from interior stations, coordinate with and act in conjunction with state and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

WELLSTONE AMENDMENTS NOS. 3913–3914

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3913

At the end of the bill, add the following:

TITLE III: MISCELLANEOUS PROVISIONS

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(A) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer.

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

AMENDMENT NO. 3914

At the end of the bill, add the following:

SEC. . WAIVER OF APPLICATION FEES FOR ADJUSTMENT OF STATUS OF CERTAIN BATTERED ALIENS.

Notwithstanding any other provision of this Act, section 245(i)(1) remains in effect and is further amended as follows:

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting ''(A)'' immediately after ''(i)(1)''; and

(4) by adding at the end the following:

''(B)(i) The Attorney General may waive the sum specified in subparagraph (A) in the case of an alien who has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent's family residing in the same household as the alien (if the spouse or parent consented to or acquiesced to such battery or cruelty) when such waiver would enhance the safety of the alien or the alien's child.

''(ii) An alien shall not be excludable under section 212(a)(4) as a public charge on the grounds that the alien requested or received a waiver under this subparagraph.''.

KERRY AMENDMENT NO. 3915

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the ''INA employment provisions''), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination

provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of a contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor or an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor or an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.—

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term ''contractor'' means any individual or other legal entity that—

(A) directly or indirectly (through an affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3916

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill add the following:

The language on page 210, line 1, after ''medical assistance'' is deemed to have inserted the following: ''(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)''.

KENNEDY AMENDMENTS NOS. 3917–3942

(Ordered to lie on the table.)

Mr. KENNEDY submitted 26 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3917

At the end of the bill insert:

SEC. .

(a) IN GENERAL.—Notwithstanding section 117 of this Act, paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Notwithstanding section 117 of this Act, Section 274B(d) (8) U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine,

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Notwithstanding section 117 of this Act, Section 274(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3918

On page 37 of the bill, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

''(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

''(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

''(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

''(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).''.

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b)(d)) is amended by adding at the end the following new paragraph.

''(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENTS ABUSE CASES.—

''(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

''(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

''(ii) maintains a copy of such documents in an official record, and

''(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

''(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.''.

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

''(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term ''knowledge'' as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.''.

AMENDMENT NO. 3919

At the end of the bill insert:

SEC. . Notwithstanding section 117 of this Act, section 274 of the Immigration and Nationalization Act shall remain in effect.

AMENDMENT NO. 3920

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3921

At the end of the bill insert:

SEC. . Notwithstanding any provision of this Act, no program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, shall be subject to the deeming provisions of this Act.

AMENDMENT NO. 3922

On page 181, line 9, strike ''or'' and insert ''and

''(vii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or''.

AMENDMENT NO. 3923

At the end of the bill insert:

SEC. . Notwithstanding any provisions of this Act, the public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under title IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3924

At the end of the bill insert:

SEC. . EDUCATION ASSISTANCE.—The public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3925

At the end of the bill insert:

SEC. . CERTAIN FEDERAL PROGRAMS.—Notwithstanding the provisions of this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provisions of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles, III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3926

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3927

At the end of the bill insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3928

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3929

At the end insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3930

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3931

At the end of the bill insert:

SEC. .

(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding this Act, for purposes of this Act, the term ''public charge'' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).

AMENDMENT NO. 3932

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding an program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).''

AMENDMENT NO. 3933

At the end insert:

SEC. . (E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in this Act, for purposes of this Act, the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).

AMENDMENT NO. 3934

On page 190, after line 25, insert the following:

''(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).''.

AMENDMENT NO. 3935

At the end of the bill insert:

SEC. . LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the subparagraphs listed in section 201 shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3936

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3937

At the end of the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

''(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.''.

AMENDMENT NO. 3938

At the end of the bill insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3939

At the end of the bill insert:

The provision of section 201 of this Act shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3940

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: ''The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.''

AMENDMENT NO. 3941

At the end of the bill insert:

''SEC. . LIMITATION.—Not more than 150 of the number of investigators authorized in section 105 of this Act shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

AMENDMENT NO. 3942

On page 8, line 17, before the period insert the following: ''except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application''.

SIMPSON AMENDMENTS NOS. 3943–3945

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3943

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly.

AMENDMENT NO. 3944

Section 201(a)(1) is amended—

(2) by deleting paragraph (4).

AMENDMENT NO. 3945

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly; and

(2) by deleting paragraph (4).

KENNEDY AMENDMENTS NOS. 3946–3947

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3946

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;''.

AMENDMENT NO. 3947

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;''.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss the Food Quality Protection Act. The hearing will be held on Wednesday, May 22, 1996 at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times, Tuesday, April 30, 1996, for mark up of the fiscal year 1997 Defense authorization bill.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, April 30, 1996 session of the Senate for the purpose of conducting a hearing on S. 1420, the International Dolphin Conservation Program Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 10 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 10 a.m. to hold a hearing on California and affirmative action.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on affirmative action, during the session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m., to hold a hearing on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

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

ADDITIONAL STATEMENTS

RECOGNITION OF THE TAHOMA HIGH SCHOOL, WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION TEAM

• Mr. GORTON. Mr. President, I would like to extend my congratulations to the We the People * * * The Citizen and the Constitution team from Tahoma High School, and welcome these outstanding students to Washington, DC. As winners of the Washington State competition, the students from Tahoma High are here in Washington, DC to compete in the national ''We the People'' competition.

The We the People * * * The Citizen and the Constitution program focuses on the U.S. Constitution and Bill of Rights and fosters civic competence and responsibility among elementary and secondary school students in both public and private schools. The students from Tahoma High School should be commended for their diligence and the knowledge they have demonstrated of the fundamental principles and values of our constitutional democracy. I certainly wish them well in the national competition.•

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

• Mr. SIMON. Mr. President, over the past few days, more than 1,250 students from 50 States and the District of Columbia have been in Washington to compete in the national finals of the We the People * * * the Citizen and the Constitution Program. I am pleased to honor the advanced placement government class from Maine South High School in Park Ridge, IL, for representing Illinois and finishing in the top 10 in the national finals.

The distinguished members of the team are: Jeni Aris, Laura Batt, Stephanie Chen, Wesley Crampton, Sarah Crawford, Bryan Dayton, Vic De Martino, Bill Doukas, Jonathan Dudlak, Thomas Falk, Graham Fisher, Mark Iwaszko, Jessica Jakubanis, Hellin Jang, Chris Kiepura, Denise Knipp, Antoine Mickiewicz, Timmy Paschke, Gregory Reuhs, Kate Rowland, Chris Ryan, Brian Shields, Tracy Stankiewicz, Laurie Strotman, Tom Tsilipetros, Erica Vassilos, Walter Walczak, Cyrus Wilson, Kara Wipf, and Brian Wolfe.

I would also like to recognize Patton Feichter, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Alice Horstman, and the State coordinator, Carolyn Pereira, also devoted a great deal of time and were integral to the team's achievement.

The We the People * * * the Citizen and the Constitution Program is the