a draft of proposed legislation to extend the authorization of appropriations for programs under the native American Programs Act of 1974, and for other purposes; to the Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SPECTER, from the Select Committee on Intelligence:

John M. Deutch, of Massachusetts, to be Director of Central Intelligence.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself, Mr. CRAIG, Mr. SIMPSON, and Mr. THOMAS):

S. 745. A bill to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MOSELEY-BRAUN:

S. 746. A bill to amend the Social Security Act to provide certain reforms to welfare programs, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 747. A bill to require the President to notify the Congress of certain arms sales to Saudi Arabia until certain outstanding commercial disputes between United States nationals and the Government of Saudi Arabia are resolved; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MCCAIN:

S. 748. A bill to require industry cost-sharing for the construction of certain new federally funded research facilities, and for other purposes; to the Committee on Governmental Affairs.

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 749. A bill to amend title 38, United States Code, to revise the authority relating to the Center for Women Veterans of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans Affairs.

By Mr. PACKWOOD (for himself and Mr. MOYNIHAN):

S. 750. A bill to amend the Internal Revenue Code of 1986 to properly characterize certain redemptions of stock held by corporations; to the Committee on Finance.

By Mr. EXON:

S. 751. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated business of such organization; to the Committee on Finance.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 752. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty rate that prevailed under the Tariff Schedules of the United States for certrain twine, cordage, ropes, and cables; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. LEAHY, Mr. LUGAR, Mr. DASCHLE, Mr. CRAIG, Mr. BURNS, Mr. CAMPBELL, and Mr. HATFIELD):

S. 753. A bill to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY (for himself, Mr. SIMON, and Mrs. BOXER):

S. 754. A bill to amend the Immigration and Nationality Act to more effectively prevent illegal immigration by improving control over the land borders of the United States, preventing illegal employment of aliens, reducing procedural delays in removing illegal aliens from the United States, providing wiretap and asset forfeiture authority to combat alien smuggling and related crimes, increasing penalties for bringing aliens unlawfully into the United States, and making certain miscellaneous and technical amendments, and for other purposes; to the Committee on the Judiciary.

By Mr. DOMENICI (for himself, Mr. FORD, Mr. JOHNSTON, Mr. CAMPBELL, Mr. THOMAS, and Mr. SIMPSON):

S. 755. A bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 756. A bill to expand United States exports of goods and services by requiring the development of objective criteria to achieve market access in foreign countries, to provide the President with reciprocal trade authority, and for other purposes; to the Committee on Finance.

By Mr. COCHRAN:

S.J. Res. 33. A bill proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. DASCHLE):

S. Res. 113. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

By Mr. HATCH:

S. Res. 114. A resolution to refer S. 740 entitled ''A bill for the relief of Inslaw, Inc., and William A. Hamilton and Nancy Burke Hamilton'' to the chief judge of the U.S. Court of Federal Claims for a report thereon; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS (for himself, Mr. CRAIG, Mr. SIMPSON, and Mr. THOMAS):

S. 745. A bill to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park, and for other purposes; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE NATIONAL PARK BISON ACT OF 1995

Mr. BURNS. Mr. President, I rise to introduce legislation that is important to the future, I think, of the livestock industry, not only of Montana, but Washington, Idaho, and Wyoming and, also, I think to the Nation. Wherever the Government has a large concentration or a large presence, I think it has to be called upon to be a good neighbor. This legislation, which is long overdue, is as a result of the ineffectiveness of the Federal Government—especially the Park Service—to follow up on the work that it has been directed to complete. This bill will require the National Park Service to effectively manage a disease ridden herd of bison within the boundaries of the Yellowstone Park.

Mr. President, for years, the bison within the Yellowstone Park have carried brucellosis. It is a disease which causes cattle or bovines to abort their calves. When transmitted to humans, the disease can create a very painful and incurable disease known as undulant fever. This is a disease which the Animal Plant Health Inspection Service of the Department of Agriculture has targeted for complete eradication from the United States by 1998. The bison herd in Yellowstone Park is the only remaining major free-roaming herd in the Nation where nothing has been done to eradicate the disease.

Brucellosis is a disease which the livestock industry in the United States has spent untold millions of dollars to eliminate, done on a State-by-State program. In my State of Montana, the stockgrowers have spent almost $70 million to eradicate the disease and set up barriers in order to protect their herds. Yet, due to the continual delays in the Yellowstone National Park Service to address the remedy of the situation there in that park, the future of the livestock industry in Montana, the Nation, and the region, continues to be threatened by disastrous result which are a direct consequence of the disease. In addition, to the cost incurred by the livestock industry, there has been a cost to the State of Montana to protect its borders from the wandering herds of bison which roam outside the park every winter seeking forage.

These bison carry the disease and threaten the grazing lands and the herd on private lands in and around the park.

Now, I could stand here today and give a complete history of the terrible problem faced by States like Montana, Idaho, and Wyoming. For the sake of time, let me talk about this past winter and just exactly what happens.

In November, we had major snows in the park. It did not take long, but within a few weeks, up to five feet of snow had accumulated in Yellowstone Park, which effectively covered all the forage opportunities for the animals in the park.

When this occurs, the bison within the park turn and do exactly what is natural—they will start drifting between the lower meadows just for food.

These large creatures are doing just exactly what their instincts tell them to do.

In order to protect livestock in our part of the country—and livestock industry and livestock agriculture is the No. 1 industry in Montana—we had to find it necessary to bring down these animals that we could not chase back into the park. This past winter, this number exceeded almost 400 head.

Nobody likes to see this happen, especially when an animal is following its own natural instincts for preservation and survival. However, it is necessary also to protect an economy and the safety of my State of Montana. If the disease were to be transmitted to any herd in the State, Montana would lose its brucellosis-free status that was granted by APHIS and the Department of Agriculture.

Already this year, the action of nine States has adversely affected the well-being of my cattle industry in the State of Montana. These nine States right now are requiring that any cattle transported from the State of Montana be tested for brucellosis, which basically, up until this incident, had been eradicated and certified free.

At the time, the industry is already reeling from a lower market. We are having to test all the breeding animals that leave the State of Montana, at a cost of $20 to $30 a head, a cost which we thought we spent money on to get rid of up until last year.

The language of this will require the National Park Service to face up to the seriousness of maintaining poor health and bad health practices for the herd of buffalo or bison in Yellowstone Park.

The animals will be tested and those that will test positive for the disease will be culled from the herd. Those that will test negative will be retained, and the younger animals will start on a program of being vaccinated. Doing this, over time, will finally eradicate the disease from the park.

When this herd was first introduced into the park by the U.S. Army, it was thought that there would be some sort of management plan to control the population. However, in the mid-1960's, the National Park Service developed a hands-off policy in relationship to the number of bison that could run in Yellowstone Park.

This action has increased the size of the herd and also increased the outbreaks of the disease. By increasing the herd size, the management of the park has increased the movement of the herd outside the park. The land mass within the park boundaries cannot sustain a herd of present size.

Anybody who would drive across the park would say that range conditions and the carrying capacity, we just have too much livestock in that part of the world, that little corner of the world, to sustain that herd. I think our estimated population went up to around 4,300, and by anybody's estimate it should be around 1,500. The provision of this bill will allow the Park Service to manage the size of that herd.

Mr. President, I appreciate the time to address this issue. This legislation is very important, not only, I think, for the livestock industry that would be affected in the States of Montana, Wyoming, and Idaho; I think it also shows that wherever Government has a presence, and is required to be or called upon to be a good neighbor, just like not asking the Park Service to do anything that we do not ask of an individual producer in the State of Montana, should this disease break out in a private herd. They, too, are asked to test, to cull, and to vaccinate, to get on a herd health program that takes this disease out of the livestock industry.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 745

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

SECTION 1. YELLOWSTONE NATIONAL PARK BISON.

(a) TESTING, CULLING, VACCINATION, AND RELOCATION.—The Secretary of the Interior, acting through the Director of the National Park Service, shall—

(1) perform a blood test of each bison in the herd inhabiting Yellowstone National Park for brucellosis;

(2) in consultation with the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service and the State Veterinarians of the States of Idaho, Montana, and Wyoming, vaccinate and restrain under quarantine restrictions each bison that tests negative for brucellosis in accordance with a protocol established under the law of the States of Idaho, Montana, and Wyoming, to prevent transmission of brucellosis to susceptible animals;

(3)(A) slaughter or neuter each bison that tests positive for brucellosis, each bison that cannot be tested, and each bison that tests negative but cannot be restrained under quarantine restriction; and

(B) make the carcass or neutered bison available for use by Indian tribes and other suitable recipients;

(4) engage the services of a team of independent range scientists to determine the optimum population of bison that the land available for the heard in Yellowstone National Park is capable of sustaining;

(5) in consultation with the Secretary of the Interior, appropriate officials of Indian tribes, the States of Idaho, Montana, and Wyoming, and other interested parties, identify locations outside the Park that would be suitable for sustaining herds of bison created from any excess number of bison in the Yellowstone herd that are certified as being free of brucellosis, in accordance with standards established under the law of the States of Idaho, Montana, and Wyoming; and

(6) after brucellosis has been eradicated, continue to reduce the population of the Yellowstone herd to a number that is approximately 500 below the optimum population by transferring the excess number of bison to locations identified under paragraph (5).

(b) TIME FOR ACTION.—The Secretary of the Interior shall—

(1) initiate action under subsection (a) as soon as practicable, and in any event not later than December 31, 1995; and

(2) complete all of the actions required by subsection (a) not later than December 31, 1998.

(c) NO SURPLUS BISON.—After December 31, 1998, the Secretary of the Interior shall take all action necessary to ensure that the number of bison in the Yellowstone herd does not exceed the optimum population determined under subsection (a)(4).

By Ms. MOSELEY-BRAUN:

S. 746. A bill to amend the Social Security Act to provide certain reforms to welfare programs, and for other purposes; to the Committee on Finance.

THE ECONOMIC OPPORTUNITY AND FAMILY RESPONSIBILITY ACT OF 1995

Ms. MOSELEY-BRAUN. Mr. President. today I am introducing the Economic Opportunity and Family Responsibility Act of 1995. This bill seeks to reform the current welfare system in a way that protects children, supports families, and facilitates the transition from welfare to work, and it acknowledges what the debate in Congress has heretofore overlooked, moving recipients from welfare to work costs money, requires job creation, and will fail without transitional support services like health care and child care.

My bill also acknowledges that it takes two to make a baby and it includes strong child support provisions. At the same time, it acknowledges that some fathers would like to participate financially in the lives of their children, but cannot, due to under or unemployment. The bill provides assistance for them, too.

For me, the bottom line is ensuring that children are protected. The one question we must ask ourselves when evaluating various welfare reform proposals is, ''what about the children?'' Every provision in my bill seeks to improve the condition of children through economic opportunity for families and maintaining a minimum safety net for children. This country's future prosperity will be based on the accomplishments of all of our children. We do not have a child to waste.

I developed this legislation in conjunction with an advisory panel composed of Illinois academicians, advocacy organizations, State officials, and recipients. Their work and insight has been invaluable to this effort.

I wish to thank them for all their help.

The Senate Finance Committee has completed hearings on welfare reform and will soon consider specific proposals. Those on both sides of the aisle are committed to reform. The current system is broken and significant changes are necessary. Over 5 million families receive AFDC. While most leave welfare within 2 years, many cycle back on and off, and a small number are chronic welfare recipients. Recipients want to work, and I believe work is

both a policy and moral necessity. Unfortunately, the current welfare system is fraught with disincentives.

There are disincentives to work and disincentives to marry. The system also forces States to spend too much time on administrative and process issues. The incentives, Mr. President, are in the wrong places and work is not a requirement for receipt of the benefit. I think on these things we all agree.

Where there is disagreement, but hopefully an opportunity to build some consensus, is how to devise and implement a system that will accomplish the goal.

The House has chosen to turn the problem over to the States by ending the entitlement status of AFDC and other programs that provide assistance to low-income families and replacing them with block grants to the States. I believe the House action was taken hastily and fails in many respects to identify proposed solutions to the underlying problems of our Nation's welfare system.

The Economic Opportunity and Family Responsibility Act, which I am introducing today, recognizes that welfare is simply a response to poverty. In 1993 in this country, 39.9 million Americans were poor; 22 percent of all children live in poverty, and more than half of all female-headed households, or 53 percent, are poor. Female-headed households account for 23 percent of all families.

This Nation and this Government cannot give up on improving living conditions for the poor. We cannot abdicate our responsibility for ensuring that America provides an opportunity for all Americans to experience a better way of life. Welfare reform cannot be successful if it exacerbates poverty rather than instituting measures to combat it. Being poor is not a sin, and blaming and punishing the poor for the social ills of this country is a misguided approach. Poverty is not a genetic issue, it is an economic issue. Creating new economic opportunities is a critical part, therefore, of any sensible welfare reform legislation, and it is the focus of my bill.

If the Senate is going to make headway on a proposal that can garner bipartisan support, everybody in this body, I think, must acknowledge the facts and not give in to unfounded rhetoric. The current welfare debate must not be framed by misconceptions and prejudices. The real problems that cause bloated welfare rolls, growing poverty, the lack of jobs in poor communities, the lack of health care and child care, should not get lost in the crossfire.

The facts are:

First, more AFDC recipients are white than are black.

Second, two-thirds of the recipients, 9 million of the total 14.1 million people, are children.

Third, the average family size is 2.9, which is similar to the national family size average.

Four, the average national monthly benefit is $373 a month for a family of three which, of course, is far below the poverty line, the official designated poverty line of $1,026 per month.

Finally, that the bulk of the recipients, over 40 percent, stay on welfare for only 2 years or less.

In order to make a dent in the welfare problem, which is really an economic one, I believe we must first create jobs. Even though unemployment rates are declining nationally in our Nation's poor communities, the unemployment numbers are staggering. For example, Mr. President, in Chicago's Robert Taylor Homes, which is a section on the south side of the city, there is 1 percent private sector employment—1 percent. No wonder that, even in a period of low national unemployment, in Chicago in this area 80 percent of the youth between the ages of 16 and 19 are unemployed and 55 percent of the 20- to 24-year-olds are out of work. Mr. President, this is not only a local problem, this is a national calamity, and it represents the kind of economic meltdown that has given rise to the welfare chaos that we see.

In addition to creating jobs, we must also do better to match job opportunities to recipients. While some have advocated a public works program, I believe that we have to build public/private partnerships to build jobs in the private sector. My bill offers several ways that this can be done.

In the first instance, it encourages banks to make equity investments in companies that are willing to locate in poor communities. Companies receiving these funds will be required to hire and train welfare recipients.

It allows welfare recipients to save money in what are called qualified asset accounts so they can start their own businesses and begin to prepare for their future.

It provides funding for job support demonstrations to help recipients in private sector jobs to maintain them.

And it provides funding for one-stop shopping career centers that coordinate services for welfare recipients, including job placement and job training.

Mr. President, while creating private-sector jobs in some areas may be difficult, and while we may not be able to create enough jobs to employ all welfare recipients immediately, I believe we must take this step. The dearth of private sector jobs is one of the greatest unacknowledged truths in this welfare debate. Instead, many have focused on cuts in funding and time limits. Requiring responsibility is important, but requiring time limits is ludicrous if there are no jobs for the recipients.

In addition to job creation, I believe we have to invest in families. Our current program has focused on providing subsistence to needy families. I believe we have to move from this philosophy to one of investment in families.

We can start, I think, with eliminating marriage disincentives.

Further, we have to eliminate barriers to working. It makes no sense to reduce benefits to recipients after 4 months and then again after 12 months, effectively eliminating incentives to work. I believe States do need flexibility to make changes like those permitted in my home State. Illinois allows recipients to keep $2 for every $3 of income. This is much easier administratively and allows recipients to earn money and to support a household.

Also, I believe we also have to encourage the working poor to take full advantage of what is already available to them. Nearly a quarter of those eligible for the earned income tax credit did not take advantage of the program. Less than one-half of 1 percent of families collecting EITC used the advanced payment option, which effectively functions as a negative income tax. I believe we need to do more to encourage people to take advantage of the programs that are already in place.

Also, Mr. President, we must do more to help those who get off welfare to stay off welfare. The majority of AFDC recipients leave within 2 years and 50 percent leave within 1 year. The problem is that a good chunk of those, 50 percent, who receive welfare tend to cycle on and off. The principal reason that most women leave their jobs and return to welfare is the lack of health insurance. A temporary response until we have real health care reform and, hopefully, universal coverage is to allow States to extend Medicaid health care coverage to women who want to get off welfare and out of the trap of welfare.

Another critical element is the provision of child care. While there are child care programs for low-income families, the dollars, frankly, are scarce. If we are to move women from welfare to work, we cannot forget about the children. Child care must be available and affordable. There is no other way unless we want to encourage child abandonment so moms can go to work to feed them. I believe we should block grant many of the child care programs, allowing the States to construct their own systems of funding. At the same time, I believe it is important to maintain the child care guarantee for those receiving assistance and to make certain that the assistance is adequate.

What the American people, I believe, wanted and what this Congress should deliver is not a program that throws money at the problem or that pulls the rug out from under the feet of poor children. We must design a program that makes every dollar productive.

In designing reforms, we should not ignore our past experience. We have existing programs that have been successful in moving recipients from welfare to work.

Wisconsin and Riverside, CA have been widely touted as the most successful welfare-to-work programs in

the Nation. What both of these programs have are several things in common: An immediate requirement to find a job or participate in job search activities, increased funds for necessary support services like job training, counselors, and child care, and more caseworkers to deal more directly and comprehensively with the needs of individual recipients.

Moving recipients into jobs is expensive and time consuming. It can be done, but not on the cheap. Investing in people is more expensive, but far more rewarding, than just giving them a check. My bill costs money, but I believe it is an investment in the future. As the Chicago Tribune wrote in a recent editorial ''a society that does not invest long term is one that always will have problems in the short.''

I believe the Senate must also pledge to do no harm. We recently pledged to reject any legislation that increases the number of hungry and homeless children. Poorly thought out welfare reform does just that. When Michigan eliminated general assistance, jobs were not forthcoming and the number of homeless and hungry people increased. We must learn from past errors, and not enact reforms that ultimately hurt more poor children and families than are helped.

My bill, the Economic Opportunity and Family Responsibility Act, focuses on economic opportunity, family investment and transitional support. I believe these are the components for real welfare reform. I also believe that a greater dialog on these aspects of welfare reform should serve as a base for a wise and realistic Senate welfare reform effort.

Mr. President, I ask unanimous consent that a summary and a section-by-section analysis of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY

The Economic Opportunity and Family Responsibility Act of 1995 focuses on welfare reform solutions that seek to reduce poverty in America. The key elements follow:

Investment in poor communities through private sector job creation; improves work incentives; provides state flexibility; encourages marriage and family stability; encourages parental responsibility; targets teen parents; acknowledges and encourages the participation of the non-custodial parent; reduces recidivism.

1. PROVIDES INCENTIVES FOR PRIVATE SECTOR JOB CREATION

Equity Investment Proposal—Targets the use of the banking system to create equity investments in companies located in or near poor communities. The Federal Reserve would be required to pay interest on the over $30 billion that banks and thrifts have on deposit at the Federal Reserve. Instead of cash interest would be paid in the form of certificates equal in value to the interest each bank and thrift ''earned'' each year.

Banks and thrifts could turn the certificates into cash by making investments in qualified companies—qualified companies are those willing to locate in or near high-unemployment/poverty zones. Qualified companies must agree that 50% of their employees associated with the investments will come from the ranks of the unemployed residents of the zone and particularly the long term unemployed and those eligible for AFDC, Foodstamps, and General Assistance.

Job Support Demonstration—Demonstration funds are available to entities in poor communities that have developed agreements with the private sector to provide jobs and relevant training to AFDC recipients. Funds could be used for necessary support services.

Coordination of Services—Allows funds for several demonstrations for states to develop One-Stop Career Centers in poor communities that would provide information on and/or assist recipients in obtaining job training, education, support services and matching job skills with existing or anticipated jobs.

2. PROVIDES INCENTIVES TO WORK

Increase Income Disregard—Allows states the flexibility to set their own income disregards.

Qualified Asset Accounts—States may allow recipients to save up to $10,000 for education, self-employment, and work related expenses.

Advanced EITC—Requires the Secretary of the Treasury to develop an Advanced Earned Income Tax Credit demonstration program.

Tax Assistance Program—Expands government efforts to provide funds for tax assistance to low income families targeting AFDC, Food Stamp recipients, the homeless, and those families that receive child care assistance through the At-Risk program.

3. PROVIDES STATE FLEXIBILITY

Allows states to move from process and administrative activities to moving recipients into work by:

Allowing states to require participation in JOBS immediately.

Allowing states the flexibility to determine what activities constitute participation in JOBS and the hours of recipient participation.

Consolidating several child care programs into a capped entitlement block grant.

Liberalizing earned income disregard rule.

Increasing JOBS funds.

4. ENCOURAGES MARRIAGE AND FAMILY STABILITY

Elimination of Marriage Disincentives:

Work histories—Removes the AFDC provision that requires principal wage earners in two parent families to have record work histories.

100 hour rule—Removes the AFDC provision that denies eligibility in the wage earner works 100 hours or more in a month.

6 month limit—Removes the AFDC provision that allows States to limit the participation of two-parent families in AFDC to only 6 months in any 12 month period.

Stepparents—Exempts stepparents from current deeming rules when their income is less than 130 percent of poverty.

5. REQUIRES PARENTAL RESPONSIBILITY

Expands Federal Locator Systems—Establishes a national network based on comprehensive statewide child support enforcement systems, allowing states to locate any absent parent who owes child support and coordinating child support enforcement between states.

Federal Child Support Order Registry—Establishes a federal child support order registry at HHS.

National Child Support Guidelines Commission—Establishes a Commission to develop national child support guidelines for consideration by the Congress.

Civil Procedures for Paternity Establishment would be Strengthened—Streamlines civil procedures used to establish paternity.

Hold on Occupational, Professional, and Business Licenses—Denies/withholds occupational, professional, business, and drivers' licenses for noncompliance with child support orders.

6. TARGETS TEEN PARENTS

Teen Schooling and Employment Requirements—Requires teen AFDC recipients to participate in educational activities leading to completion of high school or the equivalent, or participate in job preparation and job search activities. For those teens who do not meet these requirements a portion of their AFDC grant will be cut.

Teen Case Management—Requires states to establish a system that provides intensive case management services to teen parents on AFDC.

Minor Teenage Parent Residency Requirement—Requires teen parents receiving AFDC to live at home with parents or in another supervised setting, except under certain circumstances.

7. ACKNOWLEDGES THE ROLE OF THE NON-CUSTODIAL PARENT

Allows states to use a portions of JOBS funds for non-custodial parents:

Child Support Demonstrations—Provides funding for state demonstrations to establish programs for non-custodial parents who are unable to pay child support due to under or unemployment.

Teen Noncustodial Parents and Child Support—Gives states the authority to temporarily waive the right to collect child support obligations of teen noncustodial parents who are participating in a state educational or employment preparation program.

Provides grants to states for access and visitation programs.

8. REDUCES RECIDIVISM

Allows states to extend transitional child care and Medicaid:

Six child care programs are block granted. The child care guarantee remains for those receiving AFDC and those transitioning off of AFDC. Additional funds are made available for the block grant.

SECTION-BY-SECTION ANALYSIS

TITLE I—WORK

Section 101. Increase in JOBS program funding

Increase funding for the JOBS program to: $1.540 billion in FY96, $1.980 billion in FY97, $2.420 billion in FY98, $2.860 billion in FY99, $3.300 billion in FY00.

Section 102. Increase in JOBS matching rate; continuation of minimum rate

Increase the Federal match rate by 5% in FY96, by 10% by FY2000, with a minimum of 70%.

Other Changes: A portion of JOBS funds up to 5% at a state's discretion can be targeted to non-custodial parents.

Section 103. Increase in required JOBS participation rate

Increase the JOBS participation requirement to: 25% in FY96, 30% in FY97, 35% in FY98, and 40% in FY99.

Other changes: Voluntary activities for parents of young children (head start centers, school activities, parenting classes etc) can count toward participation rates.

States are allowed to pay for school at institutions of higher learning, vocational or technical school, if part of employability plan.

Section 104. Additional requirements for JOBS participation

Would establish work requirements from 15 and not more than 35 hours per week.

Section 105. Activities that are considered participation in the JOBS program

Would include volunteer work and training as acceptable activities in the JOBS program.

Section 106. Training and employment for noncustodial parents

Would establish a program to conduct training and employment opportunities for noncustodial parents.

Section 107. Demonstration project for private sector employment

Would create a demonstration program to provide jobs for individuals receiving aid under title IV of Social Security Act.

Section 108. Coordination of services

Allow funds for several demonstrations for States to develop One-Stop Career Centers in poor communities that would provide or offer information and assistance in obtaining:

Aid under the State plan; employment and training counseling; job placement services; child care; health care; transportation assistance; housing assistance; child support services; National Service; Unemployment Insurance; Carl Perkins Vocational programs; School-to-work programs; Federal student loan programs: JTPA; and other types of counseling and support services.

TITLE II—REFORMS OF AFDC AND TREATMENT OF TEENAGE PARENTS

Subtitle A—AFDC Reforms

Section 201. Increased income disregard

Liberalizes earned income disregard requirements.

Section 202. Disregard of income and resources designated for education, training, and employability

Allows AFDC recipients to disregard up to $10,000 of their contributions to ''qualified asset accounts''. Funds could be used for the following:

the attendance of any family member at any education or training program;

the improvement of the employability (including self-employment) of a member of the family (such as through the purchase of a car);

the purchase of a family residence;

a change of the family residence.

Section 203. Elimination of marriage disincentives

Work histories: Remove the AFDC provision that requires principal wage earners in two parent families to have recent work histories.

100 hour rule: Remove the AFDC provision that denies eligibility if the wage earner works 100 hours or more in a month.

6 month limit: Remove the AFDC provision that allows States to limit the participation of two-parent families in AFDC to only 6 months in any 12 month period.

Stepparents: Exempt stepparents from current deeming rules when their income is less than 130% of poverty.

Subtitle B—Teenage Parents

Section 211. Minor teenage parent residency requirement

Teens would be required to live with their parents or in a supervised living arrangement.

Section 212. Schooling and employment requirements

Require individuals under the age of 20 to participate in an educational program.

Section 213. Planning, start-up, and reporting

The federal government would reduce payment levels if the State's teen participation rate does not exceed established levels.

Section 214. Case management

Would require State to assign a case manager to each teen recipient who is a custodial parent or pregnant.

TITLE III—STRENGTHENING PARENTAL RESPONSIBILITY AND FAMILY STABILITY

Subtitle A—Federal Responsibilities

Section 301. Expansion of functions of federal parent locator service

The functions of the federal parent locator service would be expanded to provide information about an absent parent in order to establish parentage, or establish, modify, and enforce child support obligations. Safeguards would be established to prevent disclosure of information that would jeopardize the safety of either parent, or any child.

Section 302. Expansion of federal parent locator systems

The information collected by the Locator System would be expanded to include the most recent residential address, employer name and address, and amounts and nature of income and assets. The Secretary of the Treasury would be required to provide access to all Federal income tax returns filed by individuals with the IRS. The Secretary of HHS would expand the Parent Locator Service to establish a national network based on comprehensive statewide child support enforcement systems, which would allow states to locate any absent parent who owes child support, and coordinate child support enforcement between states.

Section 303. Federal child support order registry

The Secretary of HHS would establish a federal registry containing all child support orders entered in any state. States would use the registry to enforce interstate orders, update support orders, and track old child support orders.

Section 304. National reporting of employees and child support information

Secretaries of Labor and the Treasury would establish a system of reporting of employees by requiring employers to provide a copy of every employee's W–4 form to the child support order registry. The W–4 would include information about the employee's child support obligations.

Section 305. Federal matching payments

The Federal Matching Rate would be increased to 69 percent in fiscal year 1996, 72 percent in fiscal year 1997; and 75 percent in fiscal year 1998 and each succeeding fiscal year.

Section 306. Performance-based incentives and penalties

To encourage and reward State child support enforcement programs which perform in an effective manner, the Federal matching rate for payments to a State would be increased by a factor reflecting the sum of the applicable incentive adjustments with respect to Statewide paternity establishment and to overall performance in child support enforcement. Amounts range from up to 5 percentage points, depending on Statewide paternity establishment; and 10 percentage points in connection with the overall performance in child support enforcement.

Section 307. Increased federal financial participation for States with unified child support enforcement programs

The quarterly payment would increase by 5 percentage points if the State child support enforcement program is centered at the State level in a unified State agency.

Section 308. New child support audit process

The Secretary of HHS would generate new criteria and standards for conducting reviews of the child support provisions of the Social Security Act.

Section 309. National child support guidelines commission

A commission would be established to develop a national child support guideline for consideration by the Congress.

Section 310. Child support audit advisory committee

A committee of no more than 6 members would be established to assist the Secretary of HHS in developing revised audit criteria and standards.

Subtitle B—Paternity Establishment

Section 311. Paternity establishment procedures

Procedure would be established to make the voluntary establishment of paternity easier, including the use of hospital-based acknowledgement. Due process protection would be established for those individuals who voluntarily acknowledge paternity with extra protection for minor noncustodial parents who voluntarily acknowledge paternity.

Section 312. Enhancing outreach to encourage paternity establishment

Would add an enhanced federal match rate of 90 percent for greater state outreach efforts to encourage voluntary paternity establishment. This outreach could occur through providers of health services, such as prenatal health care providers, health clinics, or hospitals.

Section 313. Strengthening civil procedures for paternity establishment

Civil procedures used to establish paternity would be streamlined through such activities as expediting procedures for genetic testing upon birth of the child; advance the costs of genetic tests, subject to recoupment from the putative father of a child if he is determined to be the father; prohibit the use of hearings by a court or administrative agency to ratify an acknowledgement of paternity; and allowing the forgiveness of medical expenses associated with the birth of the child if the father cooperates or acknowledges paternity.

Section 314. Penalty for failure to established paternity promptly

The amounts payable to a State for any quarter after the enactment of this act would be reduced by an amount determined from a formula developed by the Secretary of HHS for certain children for whom paternity has not been established.

Subtitle C—Enforcement

Section 321. Access to financial records

Establishes procedures under which the State may obtain access to financial records maintained by any financial institution doing business in the State, for the purpose of establishing, modifying, or enforcing a child support obligation of the person.

Section 322. Presumed address of obligor and obligee

Procedures under which the court would require each party subject to child support order to file the following: the party's residential address or addresses; the party's mailing address; the party's home telephone numbers; the party's driver's license number and the state that issued that license; the party's social security account number; the name of each employer of the party; the addresses of each place of employment of the party; and the party's work telephone number or numbers.

Section 323. Fair credit reporting act amendment

Would allow access to credit reports for a State agency for use in establishing, modifying, or enforcing a child support award.

Section 324. Additional benefits subject to garnishment

Would allow garnishment of Federal death benefits, Black Lung benefits, workers' compensation and veterans benefits to fulfill child support obligations.

Section 325. Hold on occupational, professional, and business licenses

Procedures under which the State or Federal occupational licensing and regulating departments and agencies may not issue or renew any occupational, professional, or business license of a parent who is the subject of an outstanding failure to appear in a child support proceeding, or an individual who is delinquent in the payment of child support.

Section 326. Driver's licenses and vehicle registrations denied to persons failing to appear in child support cases

The State would not issue or renew the driver's license of any noncustodial parent who is the subject of an outstanding failure to appear warrant, capias, or bench warrant related to a child support proceeding.

Section 327. Liens

The State would place liens on all nonexempt real and titled personal property for child support arrearages, updating the value of the lien on a regular basis.

Section 328. Fraudulent transfer pursuit

Would require agencies to view any transfer of property for significantly less than the market value by a person who owes child support arrearages as an attempt to avoid paying child support arrearages.

Section 329. Reporting of child support arrearages to credit bureaus

Would require the total amount of the monthly support obligation to be reported to credit bureaus.

Section 330. Denial of passports to noncustodial parents subject to State arrest warrants in cases of nonpayment of child support

The Secretary of State is authorized to refuse a passport or revoke, restrict, or limit a passport for any person owning child support in any case that is not less than $10,000.

Section 331. Statutes of limitations

The age through which a State could pursue back child support would be extended until the child to whom the support is owed reaches age 30.

Section 332. Collection of past-due support using tax collection authority

The role of the IRS would be expanded to include collection of delinquent child support orders.

Subtitle D—State Responsibilities

Section 341. Start role

Each State would be required to establish an automated central State registry of child support orders, which, under a phase-in plan, would eventually contain all child support orders entered, modified, or enforced in the State.

Section 342. Uniform terms in orders

There would be a uniform abstract of a child support order developed, for use by the child support order registry. The uniform order would contain all pertinent information for the registry.

Section 343. States required to enact the uniform interstate family support act

Each State must have in effect laws which adopt the officially approved version of the Uniform Interstate Family Support Act.

Section 344. Expedited processes and administrative procedures

Non-compliant States with judicial systems for processing child support cases would be required to convert to administrative system.

Section 345. Due process

Due process would ensure that individuals who are parties to cases in which services are being provided under this part receive notice of all proceedings in which support obligations might be established or modified; and receive a copy of all modifications; and have timely access to a fair hearing of their complaint procedure.

Section 346. Outreach and accessibility

States would be required to use the uniform federal application for child support.

Section 347. Cost-of-living adjustment of child support awards

States would be required to adjust child support orders for cost-of-living increases. The agencies would also be required to notify the individual obliged to pay child support and the individual owed child support of the adjustments.

Section 348. Simplified process for review and adjustment of certain child support orders

States would be required to review a child support order every 3 years at the request of either parent subject to such order.

Section 349. Prevention of conflict of interest

To ensure that States do not provide to any noncustodial parent of a child representation relating to the review or adjustment of an order for the payment of child support with respect to the child, unless the State makes provision for such representation outside the State agency.

Section 350. Staffing

The Secretary of Health and Human Services would conduct a study on staffing for each State child support enforcement program to report to Congress.

Section 351. Training

Would provide federal training assistance and funding for training to States. States would develop and implement a training program under which training is to be provided at least once per year to all personnel performing functions under the State plan.

Section 352. Priorities in distribution of collected child support

Amounts collected as support by a State would be allocated as follows: First, for cash support payments. Then, for payments related to health care insurance coverage of children covered by the order. Finally, for payments of support that are past due, and for payment of unreimbursed health care expenses.

Section 353. Teenage noncustodial parents and child support

The States would be given authority to temporarily waive the right to collect child support obligations of teen noncustodial parents who are participating in a State educational or employment preparation program.

Subtitle E—Demonstrations, Grants, and Miscellaneous

Section 361. Establishment of child support assurance demonstration projects

In order to encourage States to provide a guaranteed minimum level of child support for every eligible child not receiving such support, the Secretary of HHS will make grants to 6 States to conduct demonstration projects to establish system of minimum child support.

Section 362. Establishment of simple child support modification demonstration projects

Secretary of HHS would make grants to not more than 5 States to conduct demonstration projects for the purpose of establishing a simple process for the modification of child support orders based on changed family circumstances.

Section 363. Establishment of demonstration projects for providing services to certain noncustodial parents

Provides funds for state demonstrations to establish programs for noncustodial parents who are unable to pay child support due to unemployment.

Section 364. Grants to States for access and visitation programs

Would enable States to establish and administer programs to support and facilitate absent parents' access to and visitation of their children.

Section 365. Technical correction to ERISA definition of medical child support order

Would amend language in Employee Retirement Income Security Act of 1974.

Subtitle F—Tax Reforms

Section 371. Quarterly advanced EITC

Require the Secretary of the Treasury within 6 months of enactment of this act to develop a quarterly multi-state Advanced Earned Income Tax Credit demonstration program.

Section 372. Expansion of the tax counseling for the elderly programs

Expand the TCE program to also provide funds for tax assistance to low income families targeting AFDC, Food Stamp recipients, the homeless and those families that receive child care assistance through the At-Risk program. Funds could be used to recruit, train, coordinate and provide oversight of volunteers. Funds could also be used to assist low income persons with tax audits, administrative hearings and obtaining assistance through the judicial system. Families at or below 185% of the poverty would be eligible.

TITLE IV—CHILD CARE

Section 401. Child care for needy families block grant

The following programs would be repealed: AFDC JOBS Child Care, At-Risk Child Care, Transitional Child Care, Child Care and Development Block Grant, Child Development Associate Program, State Dependent Care Planning and Development Grants. A new capped entitlement would be created. Each state would receive the aggregate amount of child care funds they received in FY 95. Any additional amounts will be made available to states that maintain state spending levels on child care in FY 95 plus put up $1 for every $4 of new money.

FY 95 would serve as the base year. All states would receive the amount they received in FY 95. No state will receive less—hold harmless provision. The additional funds available through the block grant would be based on a new funding formula.

Formula:

Hold Harmless provision—every state will receive a base amount equivalent to the aggregate amount of the above programs in FY 1995.

All additional funds will be allocated based on each state's proportion of poor children.

Section 402. Repeals and technical and conforming amendments

Related Repeal and conforming amendments

Section 403. State option to extend transitional medicaid benefits

States are permitted to extend Medicaid for 1 additional year.

TITLE V—EQUITY INVESTMENT

Section 501. Short title

This title may be cited as the ''Equity Investment Development Act of 1995''.

Section 502. Definitions

Defines key terms used in this title.

Subtitle A—Equity Investment Development Zones

Section 511. Designation procedure

Would designate 10 areas as equity investment development zones, using the designation process provided in this section.

Section 512. Eligibility criteria

Establishes criteria for eligibility to be designated as a development zone. These criteria include a limit on population, a limit on size of area, a minimum poverty rate, and other requirements.

Section 513. Period for which designation is in effect

Would allow any designation under this section to remain unless revoked by the appropriate Secretary. The appropriate Secretary would revoke a designation if the average poverty rate of the area equals the States, or if the area has an average unemployment rate that is less than or equal to the average of the State or States in its zone.

Section 514. Subsequent designations

Would allow the appropriate Secretaries to designate no more than 100 additional areas as equity investment development zones within 6 years of enactment of this title.

Section 515. Special Rules

Would require each local government or State that seeks to nominate the same area to comply with all requirements of this subtitle. Would treat an area nominated by an economic development corporation chartered by the State the same as an area nominated by a local government or a State.

Subtitle B—Equity Investments in Qualified Companies

Part I—Certificate Program

Section 521. Calculation of imputed earnings; issuance of certificates

Would establish a single rate of interest applicable to all reserves. The Board would make necessary changes to interest rate, and calculate the imputed earnings on all reserves during the preceding years.

Section 522. Investment in qualified companies

Would issue a certificate to an insured depository institution that could: (1) be used to make an equity investment in one or more qualified companies in the amount equal to the adjusted face value of the certificate; (2) be transferred by the insured depository institution to the Corporation; or (3) be sold by the insured depository institution to a third party.

Section 523. Reimbursement

Establishes procedure for reimbursement relating to direct investment.

Section 524. Transferability of certificates

Would allow each certificate under this part to be fully transferable.

Section 525. Expiration of certificates

Would establish that each certificate expires after two year period at issuance of certificate.

Section 526. Effective date

Would become effective on the date on which all of the initial designations of areas are made.

Part II—Community Equity Investment Corporation

Section 531. Establishment

Would establish a corporation called the Community Equity Investment Corporation.

Section 532. Incorporators; Board of Directors

Designates the board of directors.

Section 533. Restrictions on transferability of corporation stock

Would not allow transfer of corporation stock for 5 years.

Section 534. Dissolution of the corporation

Establishes procedures for the dissolution of the corporation.

Subtitle C—Assistance to Qualified Companies Receiving Equity Investments

Section 541. Wage supplementation program

Establishes procedures for wage supplementation.

TITLE VI—EFFECTIVE DATE

Section 601. Effective date

This Act and the amendments made by this Act shall take effect on October 1, 1995.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. 747. A bill to require the President to notify the Congress of certain arms sales to Saudi Arabia until certain outstanding commercial disputes between United States nationals and the Government of Saudi Arabia are resolved; to the Committee on Banking, Housing, and Urban Affairs.

THE SAUDI ARABIAN ARMS SALES LIMITATION ACT OF 1995

Mr. D'AMATO. Mr. President, I rise today, on behalf of myself and Senator MOYNIHAN, to introduce the Saudi Arabian Arms Sales Limitation Act of 1995. This legislation is designed to rectify a wrong that has been placed on an American company with New York roots by the Government of Saudi Arabia.

Specifically, this legislation would modify section 36(b)(1) of the Arms Export and Control Act to require congressional oversight and scrutiny of all arms sales to the Government of the Kingdom of Saudi Arabia until such time as the Secretary of State certifies and reports to Congress that the unpaid claims of American companies described in the June 30, 1993 report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriation Act, 1993—Public Law 102–396; 106 Stat. 1939—have been resolved satisfactorily. This would also include the additional claims noticed by the Department of Commerce on page 2 of the report.

The claim of a New York company, Gibbs & Hill, Inc., falls under this legislation. The company, which was a large employer in New York, sought to have its claim paid through the special claims process established for the resolution of claims of American companies which had not received fair treatment in their commercial dealing with the Government of the Kingdom of Saudi Arabia. The Gibbs & Hill claim is the last remaining unpaid claim awaiting resolution under the special claims process. Gibbs & Hill was decimated by financial losses incurred in the design of the desalination and related facilities for the Yanbu industrial city in Saudi Arabia in the late 1970's and early 1980's as a result of the kingdom's failure to honor its contractual obligations and pay for work done for the company.

Myself and many of my colleagues wrote to Saudi Ambassador, Bandar bin Sultan, who has authority to pay the claim, to express my concern that outstanding United States commercial claims be successfully resolved. In particular, I stated my concern that American companies may learn of the difficulties faced by United States firms in their efforts to achieve just settlements of their disputes and may become reluctant to do business in Saudi Arabia thereby depriving both countries of a valuable form of business exchange.

Now, we have the opportunity to conclude the special claims process established in 1992 for the resolution of claims of American companies for work in the kingdom. The kingdom has made a series of commitments to our Government to favorably resolve the claim for Gibbs & Hill. These commitments date from April 1993 and were reiterated both in Washington and in Riyadh on the eve of the gulf crisis, October 7, 1994, when our Nation once again come to the kingdom's rescue. While we saved the kingdom's assets once again, Gibbs & Hill has yet to be paid.

Administration officials, and numerous Senators and Members of Congress have repeatedly expressed their concern that this claims issue be successfully concluded through payment to Gibbs & Hill. The delaying tactics of the kingdom, which stands in stark contrast to our immediate response to their needs, can no longer be tolerated. Further delay simply casts a shadow over our bilateral relationship that eclipses the good-faith efforts which we have exerted together on the claims issue and indeed on all issues.

I urge my colleagues in the Congress to support this legislation. I also hope that the ensuing discussion of this legislation will focus on additional measures to ensure that the unfair treatment of Gibbs & Hill in its commercial dealings with the Saudi Arabian Government during the course of performing its work on behalf of the Saudi Arabian Government, as well as under the special claims process, is not repeated. It is with the realization of the past unfair treatment of firms such as Gibbs & Hill that I offer this legislation in an effort to fully scrutinize our commercial dealings with the kingdom until such time as the kingdom demonstrates its intention to honor its obligations and commitments.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 747

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

SECTION 1. NOTIFICATION OF ARMS SALES.

Until the certification under section 2 is submitted to the Congress, section 36(b)(1) of the Arms Export Control Act shall be applied to sales to Saudi Arabia by substituting in

the first sentence ''$10,000,000'' for ''$50,000,000'', ''$50,000,000'' for ''$200,000,000'', and ''$2,000,000'' for ''$14,000,000''.

SEC. 2. CERTIFICATION.

Section 1 shall cease to apply if, and when the Secretary of State certifies and reports in writing to the Congress that the unpaid claims of American firms against the Government of Saudi Arabia that are described in the June 30, 1993, report by the Secretary of Defense pursuant to section 9140(c) of the Department of Defense Appropriations Act, 1993 (Public Law 102–896; 106 Stat 1939), including the additional claims noticed by the Department of Commerce on page 2 of that report, have been resolved satisfactorily.

By Mr. MCCAIN:

S. 748. A bill to require industry cost-sharing for the construction of certain new federally funded research facilities, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL RESEARCH FINANCING IMPROVEMENT ACT OF 1995

● Mr. MCCAIN. Mr. President, today I'm introducing legislation to restore fairness and fiscal accountability to the Federal Government's many research and development programs and activities.

The bill would require that commercial interests share the cost of constructing and operating new Federal research facilities that are intended to benefit their industries.

This year the Federal Government will spend $73 billion for research programs, including facility construction. Many of these programs are intended primarily to assist private industries and are sponsored by a host of Federal agencies, predominantly the Department of Agriculture, the Department of Commerce, and the National Research Council.

For example, the Department of Agriculture spends nearly $750 billion per year for 116 centers under the Agriculture Research Service. These federally funded centers are designed to help a variety of agriculture industries, many of which have enormous resources and do not require Federal assistance. I understand the agency is planning to construct even more facilities. Last year, Congress appropriated $26 million to construct a new swine research center at Iowa State University, even though we already have 12 Federal centers dedicated to swine research. This additional facility will cost nearly $10 million a year to operate.

Mr. President, I recognize the importance of research and development to our competitiveness and economic growth, although I seriously question why we need 13 centers dedicated to swine research. Nevertheless, given our serious fiscal condition at a time when we are contemplating significant reductions in practically every area of domestic discretionary spending, I see absolutely no reason why Government research that benefits private industries, many of them quite prosperous, should not be cost-shared by the private sector.

In regard to the Swine Research Center, the pork industry, generates nearly $66 billion per year. Surely, it is reasonable to expect the industry, and the many others that directly benefit from Federal research, to share the cost of that work. I should add that the legislation would not require cost sharing for any research conducted for the purpose of helping industry comply with Federal regulations.

Mr. President, industry is historically more cautious with their resources than the Federal Government. If the private sector will not expend their resources for a program that is intended for their benefit, one must question why we would feel compelled to spend the taxpayer's hard earned money on the same venture. Public-private cost-sharing arrangements for commercially oriented Federal research will ensure that proposed activities are truly cost-beneficial and that the potential outcomes of the research are worth the dollars invested.

Again, I realize and appreciate the importance of research and development. Certainly, activities intended to promote public health and safety should not be compromised. I believe, however, that the legislation I've introduced is a prudent and responsible approach which, no doubt, can be improved, but which should receive the Senate's full and timely consideration. I hope that we can have a hearing in the very near future to examine what I believe is a very important fiscal issue.●

By Mr. AKAKA (for himself and Mr. ROCKEFELLER):

S. 749. A bill to amend title 38, United States Code, to recise the authority relating to the Center for Women Veterans of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

THE TECHNICAL MODIFICATIONS TO MINORITY VETERANS INITIATIVES ACT OF 1995

● Mr. AKAKA. Mr. President, in behalf of myself and Senator ROCKEFELLER, I am offering legislation today that would make certain improvements, largely technical in nature, to provisions affecting minority and women veterans that were enacted as part of an omnibus veterans benefits measure (Public Law 103–446) late last year.

As my colleagues recall, among other initiatives, Public Law 103–446 established within the Department of Veterans Affairs [VA] a Center for Minority Veterans, a Center for Women Veterans, and an Advisory Committee on Minority Veterans. These provisions were adopted in order to ensure that VA appropriately addresses the special needs and concerns of veterans who are women or members of minority groups. The measure we are introducing today would make the following modifications to these initiatives:

First, it would allow the directors of the Center for Minority Veterans and the Center for Women Veterans to have either career or noncareer status. Under the legislation adopted last year, both directors are required to be noncareer appointees. As the Senate sponsor of the legislation that led to the establishment of the two Centers, I had wanted the Secretary to retain the discretion to appoint either career or noncareer individuals to these jobs and believed that there was agreement on this approach with our colleagues in the House. Unfortunately, the career alternative was not included in the final legislation. The provision in the bill we are introducing today would restore that option so that the Secretary will have the option to appoint directors with career status so as to be able to consider the widest possible field of qualified candidates.

Second, it would add an additional function to the list of statutory functions of the Center for Minority Veterans. Specifically, our legislation would require the center to advise the Secretary of the effectiveness of VA's efforts to include minority groups in clinical research and on the particular health conditions affecting the health of minority group members. This provision is consistent with the goals set forth in section 492B of the Public Health Service Act. The Center for Women Veterans is already mandated by law to carry out a similar function with respect to the health of women veterans.

Third, it would explicitly require that the Center for Minority Veterans provide support and administrative services to the Advisory Committee on Minority Veterans. This provision is consistent with the traditional agency role of providing professional and technical support to advisory entities. Again, this provision parallels existing law requiring that the Center for Women Veterans provide support to the Advisory Committee on Women Veterans.

Fourth, it would define the minority veterans for whom the Center for Minority Veterans has responsibility. Specifically, minority veterans are defined as individuals who are Asian-American, black, Hispanic, Native American—including American Indian, Alaskan native, and Native Hawaiian—and Pacific-Islander-American. This definition is identical to the definition included in current law with respect to the Advisory Committee on Minority Veterans.

Fifth, it would extend the termination date of the Advisory Committee on Minority Veterans an additional 2 years, from December 31, 1997, to December 31, 1999. This provision is necessary because delays in establishing the Advisory Committee have reduced its potential working life to significantly less than the 3 years authorized by Congress. Extending the life of the Advisory Committee to December 1999 is not unreasonable, given that all other statutory VA advisory boards, including the Advisory Committee on Women Veterans, the Advisory Committee on Former Prisoners of War,

and the Advisory Committee on Prosthetics and Special-Disabilities Programs, are authorized permanently.

Finally, our bill would give the Advisory Committee on Minority Veterans and the Advisory Committee on Women Veterans responsibility for monitoring and evaluating the respective activities of the Center for Minority Veterans and the Center for Women Veterans. Insofar as the Advisory Committees were established to oversee all of the activities of the Department of Veterans Affairs with respect to minorities and women, they necessarily should be tasked with overseeing the work of the very offices that are chiefly responsible for ensuring that the special needs of minority and female veterans are accommodated by VA.

Mr. President, I urge my colleagues to support this measure.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 749

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

SECTION 1. REVISION OF AUTHORITY RELATING TO CENTERS.

(a) SES STATUS OF DIRECTORS.—Sections 317(b) and 318(b) of title 38, United States Code, are each amended by inserting ''career or'' before ''noncareer''.

(b) ADDITIONAL FUNCTIONS OF CENTER FOR MINORITY VETERANS.—Section 317(d) of such title is amended—

(1) by redesignating paragraph (10) as paragraph (12); and

(2) by inserting after paragraph (9) the following new paragraphs (10) and (11):

''(10) Advise the Secretary and other appropriate officials on the effectiveness of the Department's efforts to accomplish the goals of section 492B of the Public Health Service Act (42 U.S.C. 289B of the Public Health Service Act (42 U.S.C. 289a–2) with respect to the inclusion of members of minority groups in clinical research and on particular health conditions affecting the health of members of minority groups which should be studied as part of the Department's medical research program and promote cooperation between the Department and other sponsors of medical research of potential benefit to veterans who are minorities.

''(11) Provide support and administrative services to the Advisory Committee on Minority Veterans provided for under section 544 of this title.''.

(c) DEFINITION OF MINORITY VETERANS.—Section 317 of such title is further amended by adding at the end the following:

''(g) In this section—

''(1) The term 'veterans who are minorities' means veterans who are minority group members.

''(2) The term 'minority group member' has the meaning given such term in section 544(d) of this title.''.

(d) CLARIFICATION OF FUNCTIONS OF CENTER FOR WOMEN VETERANS.—Section 318(d)(10) of such title is amended by striking out ''(relating to'' and all that follows through ''and of'' and inserting in lieu thereof ''(42 U.S.C. 288a–2) with respect to the inclusion of women in clinical research and on''.

SEC. 2 OVERSIGHT OF CENTERS BY ADVISORY COMMITTEES.

(a) CENTER FOR WOMEN VETERANS.—Section 542(b) of title 38, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) The Committee shall monitor and evaluate the activities of the Center for Women Veterans provided for under section 318 of this title and report to the Secretary the results of such monitoring and evaluation at the request of the Secretary.''.

(b) CENTER FOR MINORITY VETERANS.—Section 544(b) of such title is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) The Committee shall monitor and evaluate the activities of the Center for Minority Veterans provided for under section 317 of this title and report to the Secretary the results of such monitoring and evaluation at the request of the Secretary.''.

SEC. 3. EXTENSION OF TERMINATION DATE OF ADVISORY COMMITTEE ON MINORITY VETERANS.

Section 544(e) of title 38, United States Code, is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''December 31, 1999''.●

By Mr. PACKWOOD (for himself and Mr. MOYNIHAN):

S. 750. A bill to amend the Internal Revenue Code of 1986 to properly characterize certain redemptions of stock held by corporations; to the Committee on Finance.

REDEMPTION OF STOCKS LEGISLATION

● Mr. PACKWOOD. Mr. President, recent news reports suggest that corporate taxpayers may be attempting to dispose of stock of other corporations through stock redemption transactions that are the economic equivalent of sales. The transactions are structured so that the redeemed corporate shareholder apparently expects to take the position that the transaction qualifies for the corporate dividends received deduction and therefore substantially avoids the payment of full tax on the gain that would apply to a sales transaction.

For example, it has been reported that Seagram Co. intends to take the position that the corporate dividends received deduction will eliminate tax on significant distributions received from DuPont Co. in a redemption of almost all the DuPont stock held by Seagram, coupled with the issuance of certain rights to reacquire DuPont stock. (See, e.g. Landro and Shapiro, Hollywood Shuffle, Wall Street Journal, April 7, 1995; Sloan, For Seagram and DuPont, a Tax Deal that No One Wants to Brandy About, Washington Post, April 11, 1995; Sheppard, Can Seagram Bail Out of DuPont without Capital Gain Tax, Tax Notes Today, 95 TNT 75–4, April 10, 1995.) Moreover, it is reported that investment bankers and other advisors are actively marketing this potential transaction.

Today we introduce legislation intended to curtail the use of such transactions immediately. We believe the approach adopted in the bill is the correct approach, given the incentives under present law for corporations to structure transactions in an attempt to obtain the benefits of the dividends received deduction. We welcome comments on the bill and recognize that additional or alternative legislative changes may also be appropriate. However, it is anticipated that any legislative change that is enacted would apply to transactions after May 3, 1995.

No inference is intended that any transaction of the type described in the proposed legislation would in fact produce the results apparently sought by the taxpayers under present law. The bill does not address and does not modify present law regarding whether a transaction would otherwise be eligible for the dividends received deduction, nor is it intended to restrict the IRS or Treasury Department from issuing guidance regarding these or other issues.

The bill is directed at corporate shareholders because it is believed that the existence of the dividends received deduction under present law creates incentives for corporate taxpayers to report transactions selectively as dividends or sales. No inference is intended that any transaction characterized as a sale under the bill necessarily would be so characterized if the shareholder were an individual.

DESCRIPTION OF THE BILL

Under the bill, except as provided in regulations, any non pro rata redemption or partial liquidation distribution to a corporate shareholder that is otherwise eligible for the dividends received deduction under section 243, 244, or 245 of the Code would be treated as a sale of the stock redeemed. The bill applies to dividends to 80-percent shareholders that would qualify for the 100-percent dividends received deduction as well as to other transactions qualifying for a lesser dividends received deduction. It is not intended to apply to dividends that are eliminated between members of affiliated groups filing consolidated returns. However, it is expected that the Treasury Department will consider whether any changes to the consolidated return regulations would be necessary to prevent avoidance of the purposes of the bill.

The bill would replace the present-law provision (sec. 1059(e)(1)) that requires a corporate shareholder to reduce basis—but not recognize immediate gain—in the case of certain non pro rata redemptions or partial liquidation distributions.

It is intended that the bill apply to all non pro rata redemptions except to the extent provided by regulations.

The bill retains the existing Treasury Department regulatory authority, contained in section 1059(g) of present law, to issue regulations, including regulations that provide for the application of the provision in the case of stock dividends, stock splits, reorganizations, and other similar transactions and in the case of stock held by pass through entities. Thus, the Treasury Department can issue regulations to

carry out the purposes or prevent the avoidance of the bill.

It is expected that recapitalizations or other transactions that could accomplish results similar to any non pro rata redemption or partial liquidation will also be subject to the provisions of the bill as appropriate.

It is also expected that redemptions of shares held by a partnership will be subject to the provision to the extent there are corporate partners.

There are concerns that taxpayers might seek to structure transactions to take advantage of sale treatment and inappropriately recognize losses. It is expected that the Treasury Department will by regulations address these and other concerns, including by denying losses in appropriate cases or providing rules for the allocation of basis.

It is anticipated that the private tax bar and other tax experts will provide input concerning the proposed legislation before its enactment. It is hoped that this process will identify any problems with the proposed legislation and potential improvements. Comment is encouraged in particular with respect to the loss disallowance provision, including whether the loss disallowance should be mandatory. Comment is also encouraged as to whether additional transition should be provided for existing rights to redeem contained in the terms of outstanding stock or otherwise.

EFFECTIVE DATE

The bill would be effective for redemptions occurring after May 3, 1995, unless pursuant to the terms of a written binding contract in effect on May 3, 1995 or pursuant to the terms of a tender offer outstanding on May 3, 1995.

No inference is intended regarding the tax treatment of any transaction within the scope of the bill. For example, no inference is intended that any transaction within the scope of the bill would otherwise be treated as a sale or exchange under the provisions of present law. At the same time, no inference is intended that any distribution to an individual shareholder that would be within the scope of the bill if made to a corporation should be treated as a sale or exchange to that individual because of the existence of the bill.●

By Mr. EXON:

S. 751. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated business of such organization; to the Committee on Finance.

TAX LEGISLATION

Mr. EXON. Mr. President, today I am introducing legislation to repeal an obscurely worded provision in the 1986 Tax Reform Act which makes fundraising proceeds from games of chance conducted by nonprofit organizations subject to the unrelated business income tax [UBIT]. The 1986 change was effective for all States except North Dakota, which received a special exception from the rule. The effect of the change is that nonprofit groups must pay taxes on these proceeds at the corporate income tax rate.

In Nebraska, various churches, charities, veterans groups, and other nonprofit organizations use pull tab lottery cards for fundraising. Locally, these cards are known as pickle cards because they were often held for sale in old, large pickle jars. Pickle card fundraising in Nebraska is limited under State law only to nonprofit organizations. The problem with the 1986 change was that it was so obscure that many nonprofit groups had no knowledge of the new requirement to pay the added tax until 1990. Most, if not all, of the Nebraska nonprofit organizations conducting games of chance had a rude awakening when the Internal Revenue Service informed them of the back taxes they owed along with interest and penalties.

Most of these nonprofit groups are relatively small and they spend the funds raised by gaming each year. You can imagine their shock when they learned that they owed in some cases tens of thousands of dollars for a tax that they did not realize must be paid. In addition to the strain this puts on their finances, the IRS is now challenging the not-for-profits status of at least one Nebraska group based on the amount of funds raised through charitable gaming. Over 200 Nebraska charities have been affected by this confusing change in our law and my inconsistent enforcement by the IRS. I know that this has also been a problem in the past in other States, including Maryland and Minnesota.

The funds that these nonprofit organizations raise are used to support charitable causes and community services. The intention of the unrelated business income tax, enacted in 1950, is to eliminate the competitive advantage of certain tax-exempt organizations that engage in business in direct competition with taxable entities. In Nebraska, these nonprofits are not competing with private companies because, by Nebraska statute, only nonprofit organizations can raise money by selling pickle cards. I believe the solution to this problem is to eliminate the 1986 change, as the bill I am introducing today would do. This legislation would restore fairness and sensibility to our Tax Code and help to ensure that nonprofit organizations are able to continue to provide essential services and support in our communities.

By Mr. SIMON (for himself and Ms. MOSELEY-BRAUN):

S. 752. A bill to amend the Harmonized Tariff Schedule of the United States to restore the duty rate that prevailed under the tariff schedules of the United States for certain twine, cordage, ropes, and cables; to the Committee on Finance.

TARIFF LEGISLATION

Mr. SIMON. Mr. President, today I introduce legislation to correct an error that was made in the 1988 Harmonized Tariff Schedule [HTSUS].

Uni-Pac Equipment, Inc., of Bridgeview, IL, has served as the U.S. distributor of a Swiss company, Peter Born, since 1983. Born manufactures a sophisticated machine for tying the top layers of products stacked pallets. The Born palletyer requires a highly specialized twine with a high tensile strength in order to operate effectively.

Since 1984, Uni-Pac has been importing the twine used in these machines at a duty rate of 8 percent under tariff 316.5500 [TSUSA]. When the 1988 Harmonized Tariff Schedule came into effect an error was discovered. Due to an oversight by someone at the International Trade Commission when writing the language of the HTSUS, the tariff covering the twine that Uni-Pac imports was accidentally omitted. This was a mistake. The HTSUS was not supposed to change any prevailing duties when it became law. However, because of the omission, the twine imported by Uni-Pac was bumped to the other classification with a duty rate of 27.6 cents per kilogram and a 15 percent duty, a 300-percent increase over the previous tariff. This mistake will cost Uni-Pac over $100,000 in increased duties if it is not corrected.

Uni-Pac has sought several remedies to this problem. The International Trade Commission does not have the authority to fix it. They have looked for other domestic suppliers of this twine, to no avail. There are no U.S. manufacturers of any twine that will work in their machines, and the twine used in these machines is not used in any other machine sold in the United States.

The only way to fix this problem is to amend the 1988 Harmonized Tariff Schedule to include a classification for the twine imported by Uni-Pac and restore the duty rate that had previously been in effect. This new classification is limited in its scope so that it only covers the twine imported by Uni-Pac for use in the Born palletyer. This legislation also liquidates the increased duties that resulted from the omission of this classification in the 1988 HTSUS.

I am indebted to my colleague in the House, Mr. LIPINSKI, for his work on this issue. This is not a controversial issue, so I am hopeful that we can move quickly to address this problem.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 752

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

SECTION 1. TWINE, CORDAGE, ROPES, AND CABLES.

(a) TARIFF REDUCTION.—Chapter 56 of the Harmonized Tariff Schedule of the United States is amended by striking subheading

5607.50.20 and inserting the following new superior text and subheadings, with the superior text having the same degree of indentation as the article description in subheading 5607.50.40:

"5607.50.25	Not braided or plaited. Three ply twine of nylon having a final 'S' twist; measuring less than 4.8 mm in diameter; containing at least 10% cotton; made of 100% recycled materials	7.9%	Free (IL) 2.4% (CA) 5.8% (MX)	76.5%
5607.50.35	Other	26.8¢/kg + 14.6%	Free (IL) 8.2¢/kg + 4.5% (CA) 13% (M)	27.6¢/kg 76.5%."

(b) STAGED RATE REDUCTIONS.—

(1) FOR SUBHEADING 5607.50.25.—Any staged rate reduction of a rate of duty for subheading 5607.49.15 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act shall also apply to the corresponding rate of duty set forth in subheading 5607.50.25 (as added by subsection (a)).

(2) FOR SUBHEADING 5607.50.35.—Any staged rate reduction of a rate of duty for subheading 5607.50.20 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of the enactment of this Act and that would otherwise take effect after the date of the enactment of this Act shall also apply to the corresponding rate of duty set forth in subheading 5607.50.35 (as added by subsection (a)).

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—The amendments made by section 1 apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

(b) RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon a request filed with the Customs Service on or before the 90th day after the date of the enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any goods described in subheading 5607.50.25 of the Harmonized Tariff Schedule of the United States (as added by section 1(a)) that was made—

(1) after December 31, 1988; and

(2) before the 15th day after the date of the enactment of this Act;

shall be liquidated or reliquidated as though the amendment made by section 1(a) applied to such liquidation or reliquidation.

By Mr. BAUCUS (for himself, Mr. LEAHY, Mr. LUGAR, Mr. DASCHLE, Mr. CRAIG, Mr. BURNS, Mr. CAMPBELL, and Mr. HATFIELD):

S. 753. A bill to allow the collection and payment of funds following the completion of cooperative work involving the protection, management, and improvement of the National Forest System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL FOREST SYSTEM LAND LEGISLATION

● Mr. BAUCUS. Mr. President, today I am introducing legislation with Senators LEAHY, LUGAR, DASCHLE, CRAIG, HATFIELD, BURNS, and CAMPBELL. This bipartisan bill encourages public-private partnerships in the management of our national forests.

National forests provide some of our Nation's most valued resources—fish and wildlife species and habitat, rare plants, majestic trees, recreation, and outstanding scenery. The U.S. Forest Service is the agency charged with the task of managing and protecting these precious resources. But it can't do the job alone. Much of the work carried out on our national forests is done in partnership with nonprofit organizations.

The Forest Service works with hundreds of nonprofit groups, including the Nature Conservancy, Rocky Mountain Elk Foundation, Boy Scouts of America, and Trout Unlimited. In Montana, for example, the Rocky Mountain Elk Foundation helped improve habitat for elk, mule deer and sensitive bird species on the Lolo National Forest. These groups contribute millions of dollars and countless hours every year to improve our public lands. I think it is time that the U.S. Government recognized their importance and made the rules fairer.

That is why I'm introducing this legislation. This bill will make it easier for nonprofit groups to make donations for fish and wildlife projects on the national forests. Unlike commercial enterprises that pay for resources on the national forests after they use them, nonprofit organizations make their full contribution up front. This requirement puts these groups at a tremendous disadvantage by causing them to forego interest from the time a cost-share agreement is finalized to when work is finished—a process that frequently takes more than 2 years.

My legislation levels the playing field for these private partners. It authorizes the Forest Service to fund cooperative projects with appropriated money and lets cooperators reimburse the Forest Service as work is completed rather than having to make their full share in contributions by front. My bill also requires the Secretary of Agriculture to establish rules regarding the acceptance of contributions.

Everyone wins under this legislation. The Forest Service will complete more fish and wildlife projects. Nonprofit groups will have a greater incentive to participate in cost-share projects. And, most importantly, the American people will see the benefits of improved fish and wildlife habitat. In closing, I encourage Congress to act quickly on this bill so we can begin to see on-the-ground results.●

By Mr. KENNEDY (for himself, Mr. SIMON, and Mrs. BOXER):

S. 754. A bill to amend the Immigration and Nationality Act to more effectively prevent illegal immigration by improving control over the land borders of the United States, preventing illegal employment of aliens, reducing procedural wiretap and asset forfeiture authority to combat alien smuggling and related crimes, increasing penalties for bringing aliens unlawfully into the United States, and making certain miscellaneous and technical amendments, and for other purposes; to the Committee on the Judiciary.

IMMIGRATION ENFORCEMENT IMPROVEMENTS ACT

Mr. KENNEDY. Mr. President, it is a privilege to introduce the Immigration Enforcement Improvements Act of 1995 today on behalf of the Clinton administration.

This important bill builds upon the administration's already impressive record in addressing the pressing national problem of illegal immigration.

We must take strong steps to stop illegal immigration, while continuing to welcome those immigrants who enter lawfully within our immigration ceilings and contribute so much to the Nation.

This administration has done more to close the door on illegal immigration than any previous administration. With expected increases this year and next, we will have increased border control staffing by 51 percent since President Clinton took office—including border patrols and inspectors at border crossing points and airports. We have tripled the deportation of illegal immigrants and targeted the removal of criminal aliens. We have increased the budget of the Immigration Service by over 70 percent from $1.5 billion in 1993 to $2.6 billion requested for 1996.

The real credit for these impressive accomplishments goes to President Clinton, Attorney General Janet Reno, and Immigration Commissioner Doris Meissner for their effective leadership and commitment to meeting the challenge of illegal immigration.

The legislation introduced today recognizes that there is no single solution to illegal immigration. The bill will give the administration a variety of tools to control our borders more effectively, to deny jobs to illegal workers, and to remove illegal immigrants who are here in violation of our laws.

The bill authorizes increases in enforcement personnel of no less than 700 Border Patrol agents annually for the next 3 years, and authorizes the increases in INS inspectors needed to enable full staffing at airports and entry points.

The bill imposes new, stiff penalties for alien smuggling, document fraud and other serious immigration offenses.

The bill authorizes pilot programs to test effective ways to verify that job applicants are eligible to work in the United States. The goal is to find simple and effective ways of denying jobs to illegal immigrants, and thereby shutting down the magnet that draws so many illegal aliens to this country.

The bill promotes coordination on workplace enforcement between the Immigration Service and the Department of Labor, since employers who hire undocumented workers often also violate other labor standards as well.

Finally, the bill expedites the removal of criminal aliens by eliminating needless procedures and redtape.

I commend the administration for their impressive initiative. Immigration should not be a partisan issue. In the weeks ahead, I look forward to working closely with Senator SIMPSON, the chairman of the Judiciary Subcommittee on Immigration, and with many other colleagues on both sides of the aisle to bring bipartisan legislation before the Senate capable of dealing with the serious challenges we face.

I ask unanimous consent that a more detailed summary of the bill may be printed in the RECORD, along with the text of the bill itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 754

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Immigration Enforcement Improvements Act of 1995''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—BORDER ENFORCEMENT

SEC. 101. AUTHORIZATION FOR BORDER CONTROL STRATEGIES.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to provide for expansion of efforts to prevent illegal immigration through direct deterrence at the land borders of the United States.

SEC. 102. BORDER PATROL EXPANSION.

The Attorney General, in each of fiscal years 1996, 1997, and 1998, shall increase to the maximum extent feasible and consistent with standards of professionalism and training requirements, the number of full time, active-duty Border Patrol agents by no fewer than 700, above the number so such agents on duty at the end of fiscal year 1995, as well as hire an appropriate number of personnel needed to support these agents.

SEC. 103. LAND BORDER INSPECTION ENHANCEMENTS.

To eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General, subject to appropriation or availability of funds in the Border Services User Fee Account, shall increase in fiscal years 1996 and 1997 the number of full time land border inspectors assigned to active duty by the Immigration and Naturalization Service to a level adequate to assure full staffing of all border crossing lanes now in use, under construction, or whose construction has been authorized by Congress.

SEC. 104. INCREASED PENALTIES FOR FAILURE TO DEPART, ILLEGAL REENTRY, AND PASSPORT AND VISA FRAUD.

(a) The United States Sentencing Commission shall promptly promulgate, pursuant to 28 U.S.C. 994, amendments to the sentencing guidelines to make appropriate increases in the base offense levels for offenses under section 242(e) and 276(b) of the Immigration and Nationality Act (8 U.S.C. 1252(e) and 1326(b)) to reflect the amendments made by section 130001 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1796, 2023 (Sept. 13, 1994).

(b) The United States Sentencing Commission shall promulgate, pursuant to 28 U.S.C. 994, amendments to the sentencing guidelines to make appropriate increases in the base offense levels for offenses under 18 U.S.C. 1541–1546 to reflect the amendments made by section 130009 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 108 Stat. 1796, 2030 (Sept. 13, 1994).

SEC. 105. PILOT PROGRAM ON INTERIOR REPATRIATION OF DEPORTABLE OR EXCLUDABLE ALIENS.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Attorney General, after consultation with the Secretary of State, may establish a pilot program for up to two years which provides for interior repatriation and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—If the Attorney General establishes such a pilot program, not later than 3 years after the date of enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 106. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended—

(a) in subsection (b), by inserting at the end the following sentence: ''If the alien has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.''

(b) by adding at the end the following new subsections (d) and (e):

''(d) SPECIAL EXCLUSION FOR EXTRAORDINARY MIGRATION SITUATIONS.—

''(1) Notwithstanding the provisions of section (b) of this section and of section 236, the Attorney General under the circumstances described in subparagraphs (A) or (B) may, without referral to an immigration judge, order the exclusion and deportation of an alien who appears to an examining immigration officer to be excludable. The Attorney General shall by regulation establish a procedure for special orders of exclusion and deportation under this subsection when, in the case of an alien who is, or aliens who are excludable under section 212(a)—

''(A) The Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, including by aircraft, present an extraordinary migration situation; or

''(B) The alien—

''(i) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

''(ii) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

''(iii) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States.

''The judgment whether there exists an extraordinary migration situation within the meaning of (A) or whether to invoke the provisions of (B) is committed to the sole and exclusive discretion of the Attorney General; provided, that the provisions of this subsection may be invoked by the Attorney General under subparagraph (A) for a period not to exceed ninety days, unless, within such ninety-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 place for an additional ninety-day period.

''(2) As used in this section, '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 for the inspection and examination of such aliens.

''(3) When the Attorney General determines to invoke the provisions of paragraph (1), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend the normal operation of immigration regulations regarding the inspection and exclusion of aliens.

''(4) No alien may be ordered specially excluded under paragraph (1) if: (A) such alien is eligible to seek and seeks asylum under section 208; and (B) the Attorney General determines 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. The Attorney General may by regulation provide that, notwithstanding this paragraph, an alien may be returned to a country where the alien does not have a credible fear of persecution or of return to persecution. As used herein, the term ''credible fear of persecution'' means that: (A) there is a substantial likelihood that the statements made by the alien in support of his or her claim are true; and (B) in light of such statements and country conditions, the alien has a reasonable possibility of establishing eligibility as a refugee within the meaning of section 101(a)(42)(A). An alien determined to have a credible fear of persecution shall be taken before an immigration judge for a hearing in accordance with section 236.

''(5) Notwithstanding the provisions of paragraph (4), the Attorney General may provide that an application for asylum made by an alien arriving in the United States under the circumstances described in subparagraph (A) of paragraph (1) be considered pursuant to section 208 and any regulations promulgated thereunder for applications considered pursuant to this paragraph; Provided, however, that an alien not granted asylum is subject to a special order of exclusion under paragraph (1).

''(6) A special exclusion order entered in accordance with the provisions of this subsection is not subject to administrative appeal, except that the Attorney General shall provide by regulation for:

''(A) prompt review of such an order against an applicant who appears to have been lawfully admitted for permanent residence; and

''(B) prompt review of such an order entered against an alien physically present in the United States who has sought asylum under section 208 and was determined not to have a credible fear of persecution under paragraph (4). Such review shall be conducted by an officer or officers of the Department of Justice specially trained in asylum and refugee law.

''(7) A special exclusion order shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

''(8) Nothing in this subsection shall be regarded as requiring a hearing before an immigration judge in the case of an alien crewman or alien stowaway.

''(e) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 and 276 of the Immigration and Nationality Act, no court shall have jurisdiction to hear claims attacking the validity of orders of special exclusion entered under this section.''.

SEC. 107. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) of the Immigration and Nationality Act (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1) after ''paragraph (2)'' by replacing ''and'' with '','', striking ''State,'' inserting ''other Federal agencies and States,'' inserting ''and for the costs associated with repatiriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States'' before ''except,'' and by adding the following language at the end of paragraph (1), ''Provided, that the fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists.''.

(2) in paragraph (2)(A), by inserting ''to Federal agencies providing support to the Department of Justice or'' after ''available.''

(b) VESSEL MOVEMENT CONTROLS.—50 U.S.C. 191 is amended by inserting ''or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response,'' after ''United States,'' the first time it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end of subsection (a) a new sentence to read as follows:

''In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, any specially designated state or local law enforcement officer to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.''.

SEC. 108. COMMUTER LANE PILOT PROGRAMS.

(a) Section 286(q) of the Immigration and Nationality Act (8 U.S.C. 1356) is amended—

(1) in paragraph (1), by striking ''a project'' and inserting ''projects'';

(2) in paragraph (1), by striking ''Such project'' and inserting ''Such projects''; and

(3) by striking paragraph (5).

(b) The Department of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1994 (P.L. 103–121, 107 Stat. 1161) is amended by striking the fourth proviso under the heading ''Immigration and Naturalization Service, Salaries and Expenses''.

TITLE II—CONTROL OF UNLAWFUL EMPLOYMENT AND VERIFICATION

SEC. 201. REDUCING THE NUMBER OF EMPLOYMENT VERIFICATION DOCUMENTS.

(a) PROVISION OF SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) a new sentence to read as follows:

''The Attorney General is authorized to require an individual to provide on the form described in subsection (b)(1)(A) that individual's Social Security account number for purposes of complying with this section.''.

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking clauses (ii), (iii), and (iv) and redesignating clause (v) as clause (ii),

(B) in clause (i), by adding at the end ''or'', and

(C) in redesignated clause (ii), by revising the introductory text to read as follows:

''(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—''; and

(D) in redesignated clause (ii) by striking the period after subclause (II) and by adding a new subclause (III) to read as follows:

''(III) and contains appropriate security features.'' and

(2) in subparagraph (C)—

(A) by inserting ''or'' after the '';'' at the end of clause (i),

(B) by striking clause (ii), and

(C) by redesignating clause (iii) as clause (ii).

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date (not later than 180 days after the date of the enactment of this Act) as the Attorney General shall designate.

SEC. 202. EMPLOYMENT VERIFICATION PILOT PROJECTS.

(a) The Attorney General, together with the Commissioner of Social Security, shall conduct pilot projects to test methods to accomplish reliable verification of eligibility for employment in the United States. The pilot projects tested may include: (1) an expansion of the telephone verification system to include, by the end of Fiscal Year 1996, participation by up to 1,000 employers; (2) a process which allows employers to verify the eligibility for employment of new employees using Social Security Administration (SSA) records and, if necessary, to conduct a cross-check using Immigration and Naturalization Service (INS) records; (3) a simulated linkage of the electronic records of the INS and the SSA to test the technical feasibility of establishing a linkage between the actual electronic records of the INS and the SSA; or

(4) improvements and additions to the electronic records of the INS and the SSA for the purpose of using such records for verification of employment eligibility.

(b) The pilot projects referred to in subsection (a) shall be conducted in such locations and with such number of employers as is consistent with their pilot status.

(c) The pilot projects referred to in subsection (a) shall begin not later than 12 months after the enactment of this Act and may continue for a period of 3 years. During the pilot project, the Attorney General shall track complaints of discrimination arising from the administration or enforcement of the pilot project. Not later than 60 days prior to the conclusion of this 3-year period, the Attorney General shall submit to the Congress a report on the pilot projects. The report shall include evaluations of each of the pilot projects according to the following criteria: cost effectiveness, technical feasibility, resistance to fraud, protection of confidentiality and privacy, and protection against discrimination, and which projects, if any, should be adopted.

(d) Upon completion of the report required by subsection (c), the Attorney General is authorized to continue implementation on a pilot basis for an additional period of 1 year any or all of the pilot projects authorized in subsection (a). The Attorney General shall inform Congress of a decision to exercise this authority not later than the end of the 3-year period specified in subsection (c).

(e) Nothing in this section, shall exempt the pilot projects from any and all applicable civil rights laws, including, but not limited to, Section 102 of the Immigration Reform and Control Act of 1986, as amended; Title VII of the Civil Rights Act of 1964, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Equal Pay Act of 1963, as amended; and the Americans with Disabilities Act of 1990, as amended.

(f) In conducting the pilot projects referred to in subsection (a), the Attorney General may require appropriate notice to prospective employees concerning the employers' participation in the pilot projects. Any notice should contain information for filing complaints with the Attorney General regarding operation of the pilot projects, including discrimination in the hiring and firing of employees and applicants on the basis of race, national origin, or citizenship status.

SEC. 203. CONFIDENTIALITY OF DATA UNDER EMPLOYMENT ELIGIBILITY VERIFICATION PILOT PROJECTS.

(A) Any personal information obtained in connection with a pilot project under section 202 may not be made available to government agencies, employers, or other persons except to the extent necessary—

(1) to verify that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(2) to take other action required to carry out section 202; or

(3) to enforce the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) or sections 911, 1001, 1028, 1546, or 1621 of title 18, United States Code.

(b) No employer may participate in a pilot project under section 202 unless the employer has in place such procedures as the Attorney General shall require—

(1) to safeguard all personal information from unauthorized disclosure and condition redisclosure of such information to any person or entity upon its agreement also to safeguard such information; and

(2) to provide notice to all individuals of the right to request an agency to correct or amend the individual's record and the steps to follow to make such a request.

(c)(1) Any person who is a U.S. citizen, U.S. national, lawful permanent resident, or other employment authorized alien, and who is subject to work authorization verification under section 202 shall be considered an individual under 5 U.S.C. 552a(a)(2), but only with respect to records covered by this section.

(2) For purposes of this section, a record shall mean an item, collection, or grouping of information about an individual that is created, maintained, or used by a Federal agency in the course of a pilot project under section 202 to make a final determination concerning an individual's authorization to work in the United States, and that contains the individual's name or identifying number, symbol, or other identifying particular assigned to the individual.

(d) Whenever an employer or other person willfully and knowingly—

(1) discloses or uses information for a purpose other than those permitted under subsection (a), or

(2) fails to comply with a requirement of the Attorney General pursuant to subsection (b),

after notice and opportunity for an administrative hearing conducted by the Attorney General or the Commissioner of Social Security, as appropriate, or by a designee, the employer or other person shall be subject to a civil money penalty of not less than $1,000 nor more than $10,000 for each violation. In determining the amount of the penalty, consideration shall be given to the intent of the person committing the violation, the impact of the violation, and any history of previous violations by the person.

(e) Nothing in this section shall limit the rights and remedies otherwise available to U.S. citizens and lawful permanent residents under 5 U.S.C. 552a.

(f) Nothing in this section or in section 202 shall be construed to authorize, directly or indirectly, the issuance of use of national identification cards of the establishment of a national identification card.

SEC. 204. COLLECTION OF SOCIAL SECURITY NUMBERS.

Section 264 of the Immigration and Nationality Act (U.S.C. 1304) is amended by adding at the end of a new subsection (f) to read as follows:

''(f) Notwithstanding any other provision of law, the Attorney General is authorized to require any alien to provide the alien's Social Security account number for purposes of inclusion in any record of the alien maintained by the Attorney General.''.

SEC. 205. EMPLOYER SANCTIONS PENALTIES.

(a) INCREASED CIVIL MONEY PENALTIES FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—Section 274A(e)(4)(A) of the Immigration and Nationality Act (8 U.S.C. 1324(e)(4)(A)) is amended—

(1) in clause (i), by striking ''$250'' and ''$2,000'' and inserting ''$1,000'' and ''$3,000'', respectively;

(2) in clause (ii), by striking ''$2,000'' and ''$5,000'' and inserting ''$3,000'' and ''$8,000'', respectively; and

(3) in clause (iii), by striking ''$3,000'' and ''$10,000'' and inserting ''$8,000'' and ''$25,000'', respectively.

(b) INCREASED CIVIL MONEY PENALTIES FOR PAPERWORK VIOLATIONS. Section 274A(e)(5) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(5)) is amended by striking ''$100'' and ''$1,000'' and inserting ''$200'' and ''$5,000'', respectively.

(c) INCREASED CRIMINAL PENALTIES FOR PATTERN OR PRACTICE VIOLATIONS. Section 274A(f)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(f)(1)) is amended by inserting the phrase ''guilty of a felony and shall be'' immediately after the phrase ''subsection (a)(1)(A) or (a)(2).'' Section 274A(f)(1) of such Act is further amended by striking ''$3,000'' and ''six months'' and inserting ''$7,000'' and ''two years'', respectively.

SEC. 206. CRIMINAL PENALTIES FOR DOCUMENT FRAUD.

(a) FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—Section 1028(b)(1) of title 18, United States Code, is amended by striking ''five years'' and inserting ''10 years and by adding at the end the following new provision:

''Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this section—

''(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 15 years; and

''(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 20 years.''.(b) CHANGES TO THE SENTENCING LEVELS.—Pursuant to section 994 of title 28, United States Code, and section 21 of the Sentencing Act of 1987, the United States Sentencing Commission shall promptly promulgate guidelines, or amend existing guidelines, to make appropriate increases in the base offense levels for offenses under section 1028(a) of title 18. United States Code.

SEC. 207. CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) of the Immigration and Nationality Act (8 U.S.C. 1324c(a)) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period and inserting ''; or'' at the end of paragraph (4); and

(3) by adding at the end the following:

''(5) to present before boarding a common carrier for the purpose of coming to the United States a document that relates to the alien's eligibility to enter the United States and to fail to present such document to an immigration officer upon arrival at a United States port of entry, or

''(6) in reckless disregard of the fact that the information is false or does not relate to the applicant, to prepare, to file, or to assist another in preparing or filing, documents which are falsely made (including but not limited to documents which contain false information, material misrepresentation, or information which does not relate to the applicant) for the purposes of satisfying a requirement of this Act.

''The Attorney General may waive the penalties of this section with respect to any alien who knowingly violates paragraph (5) if the alien is subsequently granted asylum under section 208 or withholding of deportation under section 243(h). For the purposes of this section, the phrase 'falsely made any document' includes the preparation or provision of any document required under this Act, with knowledge or in reckless disregard of the fact that such document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a material fact pertaining to the document.''.

(b) CONFORMING AMENDMENTS FOR CIVIL PENALTIES.—Section 274C(d)(3) of the Immigration and Nationality Act (8 U.S.C. 132c(d)(3)) is amended by striking ''each document used, accepted, or created and each instance of use, acceptance, or creation'' in each of the two places it appears and inserting ''each document that is the subject of a violation under subsection (a)''.

SEC. 208, SUBPOENA AUTHORITY.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) Section 274A(e)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(2)) is amended by—

(A) striking at the end of subparagraph (A) ''and'';

(B) striking at the end of subparagraph (B) ''.'' and inserting '', and''; and

(C) adding a new subparagraph (C) to read as follows:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (3).'''

(2) Section 274C(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)(2)) is amended by—

(A) striking at the end of subparagraph (A) ''and'';

(B) striking at the end of subparagraph (B) '','' and inserting '', and''; and

(C) adding a new subparagraph (c) to read as follows:

''(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).''

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

The Immigration and Nationality Act is amended by adding a new section 293 (8 U.S.C. 1364) to read as follows:

''Sec. 294. Secretary of Labor Subpoena Authority.

The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. for the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.''.

SEC. 209. INCREASED PENALTIES FOR EMPLOYER SANCTIONS INVOLVING LABOR STANDARDS VIOLATIONS.

(a) Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding a new paragraph (10) to read as follows:

''(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) the Fair Labor Standards Act, 29 U.S.C. 201 et seq., pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction;

''(ii) the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq., pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction; or

''(iii) the Family and Medical Leave Act, 29 U.S.C. 2601 et seq., pursuant to a final determination by a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of the provisions of this paragraph.''.

(b) Section 274B(g) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)) is amended by adding a new paragraph (4) to read as follows:

''(4)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) the Fair Labor Standards Act, 29 U.S.C. 201 et seq., pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction;

''(ii) the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq., pursuant to a final determination by the Secretary of labor or a court of competent jurisdiction; or

''(iii) the Family and Medical Leave Act, 29 U.S.C. 2601 et seq., pursuant to a final determination by a court of competent jurisdiction.

''(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of the provisions of this paragraph.''.

(c) Section 274C(d) of the Immigration and Nationality Act (8 U.S.C. 1324c(d)) is amended by adding a new paragraph (7) to read as follows:

''(7)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

''(i) the Fair Labor Standards Act, 29 U.S.C. 201 et seq., pursuant to a final determination by the Secretary of labor or a court of competent jurisdiction;

''(ii) the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq., pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction; or

''(iii) the Family and Medical Leave Act 29 U.S.C. 2601, et seq. pursuant to a final determination by a court of competent jurisdiction.

''(B) the Secretary of Labor and the Attorney General shall consult regarding the administration of the provisions of this paragraph.''.

SEC. 210. INCREASED CIVIL PENALTIES FOR UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) Section 274B(g)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)) is amended—

(1) in clause (iv)(I), by striking ''$250'' and ''$2,000'' and inserting ''$1,000'' and ''$3,000'', respectively;

(2) in clause (iv)(II), by striking ''$2,000'' and ''$5,000'' and inserting ''$3,000'' and ''$8,000'', respectively; and

(3) in clause (iv)(III), by striking ''$3,000'' and ''$10,000'' and inserting '''$8,000'' and ''$25,000'', respectively.

(4) in clause (iv)(IV), by striking ''$100'' and ''$1,000'' and inserting ''$200'' and ''$5,000'', respectively.

SEC. 211. RETENTION OF EMPLOYER SANCTIONS FINES FOR LAW ENFORCEMENT PURPOSES.

Section 286(c) of the Immigration and Nationality Act, 8 U.S.C. 1356(c) is amended by striking the period at the end of the section and by adding the following:

''; provided further, that all monies received during each fiscal year in payment of penalties under section 274A of this Act in excess of $5,000,000 shall be credited to the Immigration and Naturalization Services Salaries and Expenses appropriations account that funds activities and related expenses associated with enforcement of that section and shall remain available until expended.''.

SEC. 212. TELEPHONE VERIFICATION SYSTEM FEE.

Section 274A(d) of the Immigration and Nationality Act (8 U.S.C. 1324a(d)) is amended by adding at the end a new paragraph (5) to read as follows:

''(5) TELEPHONE VERIFICATION SYSTEM FEE.—

''(A) The Attorney General is authorized to collect a fee from employers, recruiters, or referrers who subscribe to participate in a telephone verification system pilot under this section.

''(B) Funds collected pursuant to this authorization shall be deposited as offsetting collections to the Immigration and Naturalization Service Salaries and Expenses appropriations account solely to fund the costs incurred to provide alien employment verification services through such a system.''.

SEC. 213. AUTHORIZATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title. None of the costs incurred in carrying out this title shall be paid for out of any trust fund established under the Social Security Act.

TITLE III—ILLEGAL ALIEN REMOVAL

SEC. 301. CIVIL PENALTIES FOR FAILURE TO DEPART.

The Immigration and Nationality Act is amended by adding a new section 274D (8 U.S.C. 1324d) to read as follows:

''CIVIL PENALTIES FOR FAILURE TO DEPART

''SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

''(l) willfully fails or refuses to:

''(A) depart from the United States pursuant to the order;

''(B) make timely application in good faith for travel or other documents necessary for departure; or

''(C) present for deportation at the time and place required by the Attorney General; or

''(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more $500 to the Commissioner as offsetting collections for each day the alien is in violation of this section.

''(b) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.''.

SEC. 302. JUDICIAL DEPORTATION.

(a) Section 242A(d)(1) of the Immigration and Nationality Act (8 U.S.C. 1252a(d)(1)) is amended to read as follows:

''(1) Authority. Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien: (i) whose criminal conviction for an offense for which the alien is before the court for sentencing causes such alien to be deportable under section 241(a)(2)(A), or (ii) who previously has been convicted of an aggravated felony at any time, if such an order has been requested by the United States Attorney with the concurrence of the Commissioner and if the court chooses to exercise such jurisdiction.''.

(b) Section 242A(d)(3) of the Immigration and Nationality Act (8 U.S.C. 1252a(d)(3)(A)) is amended by striking clauses (ii) and (iii) and by revising clause (i) to read as follows:

''(i) A judicial order of deportation or denial of such order may be appealed by either party. Appellate review of any judicial order of deportation shall be considered as part of the underlying criminal case and subject to all the procedures and filing deadlines governing criminal appeals.''.

(c) Section 242A(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1252a(d)(4)) is amended by striking ''without a decision on the merits''.

(d) The last sentence of 18 U.S.C. 3583(d)(3) is amended to read as follows:

''If an alien defendant is subject to deportation, the court may provide, as a condition of supervised release, that he or she be ordered deported by the Attorney General, pursuant to the procedures in the Immigration and Nationality Act, and remain outside the United States, and the court may order that he or she be delivered to a duly authorized immigration official for such deportation.''.

SEC. 303. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting at the end the following: ''Nothing in this subsection shall preclude the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where waived or agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.''.

SEC. 304. SUBPOENA AUTHORITY.

(a) Section 236(a) of the Immigration and Nationality Act (8 U.S.C. 1226(a)) is amended by inserting ''issue subpoenas,'' in the first sentence after ''evidence.''.

(b) Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by inserting ''issue subpoenas,'' in the first sentence after ''evidence,''.

SEC. 305. STIPULATED EXCLUSION AND DEPORTATION.

(A) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended by adding at the end of subsection (a) the following new paragraph:

''(4) Stipulated Exclusion and Deportation.—The Attorney General shall provide by regulation for the entry by an immigration judge of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the immigration judge. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended in subsection (b) by striking the sentence immediately following paragraph (4) and inserting the following:

''The Attorney General shall further provide by regulation for the entry by an immigration judge of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the immigration judge. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States. The procedures so prescribed shall be the sole and exclusive procedures for determining the deportability of an alien under this section.''.

SEC. 306. STREAMLINING APPEALS FROM ORDERS OF EXCLUSION AND DEPORTATION.

(a) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended to read as follows:

''JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

''SEC. 106(A) APPLICABLE PROVISIONS.—Judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, except as provided in subsection (b); provided, however, that no court may order the taking of additional evidence pursuant to 28 U.S.C. 2347(c).

''(b) REQUIREMENTS.—

''(1) A petition for review must be filed not later than 30 days after the date of the final order of exclusion or deportation.

''(2) A petition for review shall be filed with the Court of Appeals for the judicial circuit in which the immigration judge completed the proceedings.

''(3) The respondent is the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee stays the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise. However, if the alien has been convicted of an aggravated felony, or the alien is under an order of exclusion, service of the petition does not stay the deportation unless the court orders otherwise.

''(4) Except as provided in paragraph (5)(B) of this subsection—''the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

''(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

''(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28.

''(C) The petitioner may have the nationality claim decided only as provided in this section.

''(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

''(B) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

''(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28.

''(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

''(7) This subsection—

''(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

''(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

''(C) except as provided in paragraph (3) of this subsection, does not require the Attorney General to defer deportation of the alien.

''(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.''

''(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

''(d) REVIEW OF FINAL ORDERS.—A court my review a final order of deportation only if—

''(1) the alien has exhausted all administrative remedies available to the alien as of right;

''(2) another court has not decided the validity of the order, unless the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

''(e) LIMITED REVIEW FOR NON-PERMANENT RESIDENTS CONVICTED OF AGGRAVATED FELONIES.—

''(1) A petition for review filed by an alien against whom a final order of deportation has been issued under section 242A may challenge only whether—

''(A) the alien is the alien described in the order;

''(B) the alien is an alien described in section 242A(b)(2) and has been convicted after entry into the United States of an aggravated felony; and

''(C) the alien was afforded the procedures described in section 242A(b)(4).

''(2) A court reviewing the petition has jurisdiction only to review the issues described in paragraph (1).

''(f) SPECIAL EXCLUSION.—Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to entertain any other cause or claim arising from or relating to the implementation or operation of the special exclusion provisions contained in section 235(d); except as provided herein, there shall be no judicial review of: (i) a decision by the Attorney General to invoke the provisions of section 235(d), (ii) the application of section 235(d) to individual aliens, including the determination made under paragraphs 5 and 6, or (iii) procedures and policies adopted by the Attorney General to implement the provisions of Section 235(d). Regardless of the nature of the action or claim or of the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

''(1) Judicial review of any cause, claim, or individual determination made or arising under or pertaining to special exclusion under section 235(d) shall only be available in

habeas corpus proceedings, and shall be limited to determinations of: (i) whether the petitioner is an alien, (ii) whether the petitioner was ordered specially excluded, and (iii) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as prescribed by the Attorney General pursuant to section 235(d)(3).

''(2) In any case where the court determines that the petitioner: (i) is an alien who was not ordered specially excluded, or (ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident, the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with sections 235(a) or 273(d). Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

''(3) In determining whether an alien has been ordered specially excluded, the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.''.

SEC. 307. SANCTIONS AGAINST COUNTRIES REFUSING TO ACCEPT DEPORTATION OF THEIR NATIONALS.

Section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)) is amended to read as follows:

''(g) DISCONTINUING GRANTING VISAS WHEN COUNTRY DENIES OR DELAYS ACCEPTING ALIEN—On being notified by the Attorney General that the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country after the Attorney General asks whether the government will accept the alien under this section, the Secretary of State may order consular officers in that foreign country to discontinue granting such classes of visas as the Secretary shall deem appropriate to citizens, subjects, nationals, and residents of that country until the Attorney General notifies the Secretary that the country has accepted the alien.''.

SEC. 308. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended in paragraph (e)(2) by inserting after ''unless'' the following subparagraph—

''(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation or (B)''.

(b) Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by revising paragraph (a)(2) to read as follows:

''(2)(A) The Attorney General shall take into custody any alien convicted of an aggravated felony when the alien is released. This requirement shall apply whether the alien is released on parole, supervised release, or probation, or may be arrested or imprisoned again for the same offense.

''(B) The Attorney General may release the alien only if the alien—

''(i) was lawfully admitted to the United States and satisfies the Attorney General that the alien is not a threat to the community and is likely to appear for any scheduled proceeding; or

''(ii) the Attorney General decides pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation.''.

SEC. 309. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) Section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)) is revised to read as follows:

''(c) An alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)). For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude the alien from the United States. Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b). The first sentence of this subsection shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term of imprisonment of at least 5 years. This subsection shall apply only to an alien in proceedings under section 236.''.

(b) Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254) is revised to read as follows:

''SEC. 244(a). CANCELLATION OF DEPORTATION.—The Attorney General may cancel deportation in the case of an alien who is deportable from the United States and:

''(1) is and has been a lawful permanent resident for at least 5 years who has resided in the United States continuously for 7 years after being lawfully admitted and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced, in the aggregate, to a term of imprisonment of at least 5 years; or

''(2) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

''For purposes of this section, any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242B(a)(1). An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (2) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days. No person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall be eligible for relief under this section. No person who has been convicted of an aggravated felony shall be eligible for relief under paragraph (2) of this section.

''(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsections (a)(1) and (a)(2) of this section shall not be applicable to an alien who: (1) has served for a minimum period of twenty-four months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and (2) at the time of his or her enlistment or induction was in the United States.

''(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General decides meets the requirements of subsection (a)(2). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel removal.

''(d) VOLUNTARY DEPARTURE.—(1) The Attorney General may in his or her discretion permit an alien voluntarily to depart the United States at the alien's own expense—

''(A) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4). The Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified. If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at his or her own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act; or

''(B) at the conclusion of a proceeding under section 242, only if the immigration judge determines that:

''(i) the alien is, and has been, a person of good moral character for at least five years immediately preceding his or her application for voluntary departure;

''(ii) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

''(iii) the alien establishes by clear and convincing evidence that he or she has the means to depart the United States and intends to do so. The alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

''(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with subparagraphs (1) or (2), the alien shall be subject to a civil penalty of not more than $500 per day and be ineligible for any further relief under this paragraph or paragraph (b).

''(3) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens. No court may review any regulation issued under this subparagraph.

''(4) An alien may appeal from denial of a request for an order of voluntary departure under subparagraph (2) in accordance with the procedures in section 106, provided that no court shall have jurisdiction over an appeal regarding the length of voluntary departure where the alien has been granted voluntary departure of 30 days or more. Notwithstanding the pendency of an appeal by an alien of a denial of voluntary departure or a grant of voluntary departure of less than 30 days, the alien shall be removable from the United States 60 days after entry of the order of deportation. No court may order a stay of

such removal. The alien's removal from the United States shall not moot the appeal.

''(e) ALIEN CREWMAN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) of this section shall not apply to an alien who—

''(1) entered the United States as a crewman subsequent to June 30, 1964;

''(2) was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant exchange alien after admission, in order to receive graduate medical education or training, regardless of whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

''(3)(A) was admitted to the United States as a nonimmigrant exchange alien as defined in section 101(a)(15)(J) or has acquired the status of such a nonimmigrant exchange alien after admission other than to receive graduate medical education or training, (B) is subject to the two-year foreign residence requirement of section 212(e), and (C) has not fulfilled that requirement or received a waiver thereof, or in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103–416, has not fulfilled the requirements of section 214(k).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 242(b) of the Immigration and Nationality Act (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B of the Immigration and Nationality Act (8 U.S.C. 1252b) is amended—

(A) in paragraph (e)(2)—

(i) by striking ''section 244(e)(1)'' and inserting ''section 244(d)'', and

(ii) by striking ''section 242(b)(1)'' and inserting ''section 244(d)'', and

(B) in paragraph (e)(5)—

(i) by striking ''section 242(b)(1)'' and inserting ''section 244(d)'', and

(ii) by striking ''suspension of deportation'' and inserting ''cancellation of deportation''.

(d)(1) The amendments made by subsection (a) of this section shall take effect on the date of enactment; except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of enactment.

(2) The amendments made by subsection (b) of this section shall take effect on the date of enactment; except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of enactment.

(3) The amendments made by subsection (c) of this section shall take effect on the date of enactment.

SEC. 310. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) of the Immigration and Nationality Act (8 U.S.C. 1256(a)) is amended by adding at the end the following sentence:

''Nothing in this subsection shall require the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 and 242A, and an order of deportation issued by an immigration judge shall be sufficient to rescind the alien's status.''.

SEC. 311. INCREASING EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) There are authorized to be appropriated such funds as may be necessary for the Attorney General to conduct a pilot program or programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost effectiveness of the services provided and the replicability of such programs at other locations.

(b) Nothing in this section shall be regarded as creating a right to be represented in exclusion or deportation proceedings at the expense of the Government.

TITLE IV—ALIEN SMUGGLING CONTROL

SEC. 401. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 2516(l) of title 18, United States Code, is amended—

(a) in paragraph (c), by inserting after ''trains)'' the following: ''or a felony violation of section 1028 (relating to production of false identification documentation), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud or misuse of visas, permits, or other documents)'';

(b) by striking ''or'' after paragraph (l);

(c) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(d) by inserting after paragraph (l) the following new paragraph:

''(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (relating to the smuggling of aliens);''.

SEC. 402. APPLYING RACKETEERING OFFENSES TO ALIEN SMUGGLING.

Section 1961(l) of title 18, United States Code, is amended—

(a) by striking ''or'' after ''law of the United States,'';

(b) by inserting ''or'' at the end of clause (E); and

(c) by adding at the end the following:

''(F) any act, or conspiracy to commit any act, in violation of section 274(a)(1)(A)(v), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(A)(v), 1327, or 1328).''.

SEC. 403. EXPANDED ASSET FORFEITURE FOR SMUGGLING OR HARBORING ALIENS.

Section 274 of the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1324) is amended—

(a) by amending paragraph (b)(1) to read as follows:

''(b) SEIZURE AND FORFEITURE.—(1) The following property shall be subject to seizure and forfeiture:

''(A) any conveyance, including any vessel, vehicle, or aircraft, which has been or is being used in the commission of a violation of subsection (a); except that—

''(1) no conveyance used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to the illegal act; and

''(2) no conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such conveyance was unlawfully in the possession of a person other than such owner in violation of the criminal laws of the United States, or any State; and

''(B) any property, real or personal, (i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of subsection (a), or (ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of subparagraph (a)(1)(A), except that no property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted by any other person other than such owner without knowledge or consent of that owner.''; and

(b) in paragraph (b)(2)—

(1) by striking ''conveyances'' both places it appears and inserting ''property''; and

(2) by striking ''is being used in'' and inserting ''is being used in, is facilitating, has facilitated, is facilitating or was intended to facilitate'';

(3) in paragraph (3)—

(A) by inserting ''(A)'' immediately after ''(3)'', and

(B) by adding at the end the following:

''(B) Before the seizure of any real property pursuant to this section the Attorney General shall provide notice and opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this paragraph.'';

(4) in paragraphs (b)(4) and (b)(5) by striking each place they appear the phrase ''a conveyance'' and the word ''conveyance'' and inserting ''property''; and

(5) by redesignating subsection (c) to be subsection (d) and inserting the following new subsection (c)—

''(c) CRIMINAL FORFEITURE.—

''(1) Any person convicted of a violation of subsection (a) shall forfeit to the United States, irrespective of any provision of State law—

''(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of subsection (a); and

''(B) any property real or personal—

''(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of subsection (a), or

''(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of subparagraph (a)(1)(A).

''The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except for subsections 413(a) and 413(d) which shall not apply to forfeitures under this subsection.''.

SEC. 404. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

Section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)) is amended—

(a) in subsection (a)(1)(A)—

(A) by striking ''or'' at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting ''; or''; and

(C) by adding at the end the following new clause:

''(v)(I) engages in any conspiracy to commit any of the preceding acts, or (II) aids or abets the commission of any of the preceding acts.'';

(b) in subsection (a)(1)(B)—

(A) in clause (i), by inserting ''or(v)(I)'' after ''(A)(i)'';

(B) in clause (ii), by striking ''or(iv)'' and inserting ''(iv), or (v)(II)'';

(C) in clause (iii), by striking ''or (iv)'' and inserting ''(iv), or (v)'';

(c) in subsection (a)(1)(B) by adding at the end the following new paragraph—

''(3) Any person who hires for employment an alien—

''(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

''(B) knowing that such alien has been brought into the United States in violation of this subsection.

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.''; and

(d) in subsection (a)(2)(A)—

(1) by striking the period after clause (iv) and adding a new clause (v) to read as follows:

''(v) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year.''; and

(2) in subparagraph (B) by adding ''(v)'' after ''(A)(i)'' in clause (i),

SEC. 405. UNDERCOVER INVESTIGATION AUTHORITY.

(a) With respect to any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States—

(1) sums authorized to be appropriated for the Immigration and Naturalization Service by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732 (a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Immigration and Naturalization Service by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(3) sums authorized to be appropriated for the Immigration and Naturalization Service by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of Title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

The authorization set forth in this section may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1), (2), (3), or (4) is necessary for the conduct of such undercover operation.

(b) As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraphs (3) and (4) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 406. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), is amended—

(1) in subparagraph (N), by striking ''of title 18, United States Code''; and

(2) in subparagraph (O), by striking ''which constitutes'' and all that follows up to the semicolon at the end and inserting '', for the purpose of commercial advantage''.

(b) EFFECTIVE DATE OF CONVICTION.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)), as amended by section 222(g) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by adding at the end the following sentence:

''Notwithstanding any other provision of law, the term applies for all purposes to convictions entered before, on, or after the date of enactment of this Act.''

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)) is amended in paragraph (2) by inserting ''for which the sentence imposed is 5 years or more'' after ''aggravated felony''.

TITLE V—INSPECTIONS AND ADMISSIONS

SEC. 501. CIVIL PENALTIES FOR BRINGING INADMISSIBLE ALIENS FROM CONTIGUOUS TERRITORIES.

Section 273 of the Immigration and Nationality Act (8 U.S.C. 1323) is amended by—

(a) striking ''(other than from foreign contiguous territory)'' from subsection (a), and

(b) striking ''$3,000'' and inserting ''$5,000'' in subsection (b).

SEC. 502. DEFINITION OF STOWAWAY; EXCLUDABILITY OF STOWAWAY; CARRIER LIABILITY FOR COSTS OF DETENTION.

(a) Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding the following new subsection:

''(47) The term ''stowaway'' means any alien who obtains transportation without the consent of the owner, charterer, master or person in command of any vessel or aircraft through either concealment on board such vessel or aircraft or evasion of that carrier's standard boarding procedures.''.

(b) Section 237 of the Immigration and Nationality Act (8 U.S.C. 1227) is amended as follows:

(1) by inserting in paragraph (a)(1) before the period at the end of the first sentence the following: '', or unless the alien is an excluded stowaway who has requested asylum or withholding of deportation and whose application has not been adjudicated, or whose application has been denied but who has not exhausted any remaining appeal rights'';

(2) by inserting after the first sentence in paragraph (a)(1) the following sentences:

''Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. The term ''alien'' wherever appearing in this section shall include an excluded stowaway. The provisions of section 237 concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).''.

(c) Section 273(d) of the Immigration and Nationality Act (8 U.S.C. 1323(d)) is amended to read as follows:

''It shall be the duty of the owner, charterer, agent consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer. Upon inspection, the Attorney General, pursuant to regulation, may take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway. It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer. Failure to comply with the provisions of this section shall result in the imposition of a $5,000 fine, payable to the Commissioner as offsetting collections for each alien stowaway. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner. An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act. The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the ultimate departure, removal or deportation of such alien from the United States. A stowaway may apply for asylum or withholding of deportation, as provided in sections 208 and 243(h) of this Act, pursuant to such regulations as the Attorney General may establish.''.

SEC. 503. LIST OF ALIEN AND CITIZEN PASSENGERS ARRIVING OR DEPARTING.

Section 231(a) of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended by—

(a) striking the first sentence and inserting the following—

''In connection with the arrival of any person by water or by air at any port within the United States from any place outside the United States, it shall be the duty of the master or commanding officer, or authorized agent, owner, or consignee of the vessel or aircraft, having such person on board to deliver to the immigration officers at the port of arrival, or other place designated by the Attorney General, electronic, typewritten or printed lists or manifests of the persons on board such vessel or aircraft.'';

(b) striking in the second sentence ''shall be prepared'' and inserting ''shall be prepared and submitted''; and

(c) inserting after the second sentence the following sentence:

''Such lists or manifests shall contain, but not be limited to, for each person transported, the person's full name, date of birth, gender, citizenship, travel document number (if applicable), and arriving flight number.''.

SEC. 504. ELIMINATION OF LIMITATIONS ON IMMIGRATION USER FEES FOR CERTAIN CRUISE SHIP PASSENGERS.

Section 286(e)(1) of the Immigration and Nationality Act (8 U.S.C. 1356) is amended to read as follows:

''No fee shall be charged under subsection (d) for immigration inspection or preinspection provided in connection with the arrival of any passenger aboard an international ferry.''.

SEC. 505. TRANSPORTATION LINE RESPONSIBILITY FOR TRANSIT WITHOUT VISA ALIENS.

Section 238(c) of the Immigration and Nationality Act (8 U.S.C. 1228(c)) is amended by inserting after the first sentence the following:

''Notwithstanding any other provision of this Act and in consideration for bringing aliens transiting through the United States without a visa, transportation lines shall agree, as part of any contract entered into under this section, to indemnify the United States against any costs for the detention and removal from the United States of any such alien who for any reason:

(a) is refused admission to the United States;

(b) fails to continue his or her journey to a foreign country within the time prescribed by regulation; or

(c) is refused admission by the foreign country to which the alien is travelling while transiting through the United States.''.

SEC. 506. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(1)) is amended by inserting before the period at the end the following:

''; provided, however, that nothing in this subsection shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.''.

SEC. 507. BORDER SERVICES USER FEE.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by inserting the following new subsection:

''(s)(1) In addition to any other fee authorized by law, the Attorney General shall charge and collect a fee, in United States currency, for border-related services and enforcement, at ports selected by the states in which they are located to participate in the border services user fee program. The fee shall be $1.50 for each non-commercial conveyance and $.75 for each pedestrian, for every land border entry, including persons arriving via ferries on any body of water which forms a part of the borders and boundaries contiguous to the United States. Commercial conveyances transporting passengers through passenger processing facilities shall be charged the pedestrian fee for the operator and each passenger, except that crewmen on ferries shall not be charged and conveyances on ferries will be charged the conveyance fee. These funds shall be available to the Attorney General in accordance with this section.

''(2) To the greatest extent practicable, fee revenues will be reinvested in participating ports in amounts that are approximately proportionate to the amounts collected at those ports and will not be used to substitute for the resources that would be allocated to the ports if they were not in the program, but will be added to the funds that would otherwise be dedicated to port spending.

''(3)(A) Each state that selects one or more ports to participate in the border services user fee program may establish a Border Services Council for each participating port.

''(B) The Councils shall develop spending priorities for the ports and submit those priorities to the Attorney General or his or her designated representative.

''(1) Port Services. The Attorney General or his or her designee shall account for these priorities in reinvesting fee revenues to fund additional permanent and temporary immigration inspectors and related support; the addition, improvement, and modification of facilities at ports of entry and border areas contiguous to those ports; the expansion, operation, and maintenance of information systems and advanced technologies related to port-related services and enforcement; and the enhancement of facilitation of legal traffic and the reduction of border violence and smuggling.

''(2) Port-related Enhancements. The Attorney General shall grant all revenues available for expenses above and beyond the costs set forth in subparagraph (1) to the Councils. These grant funds shall be spent on enhancements outside the port that facilitate operation of the port or otherwise enhance the flow of people or goods across the border.

''(3) For ports without Border Councils, the Attorney General or his or her designee shall make grants of all funds beyond those used for the purposes of subparagraph (1) to other ports.

''(C) The membership of the Councils shall include:

''(1) three state representatives appointed by the Governor, at least one of which shall represent business interests;

''(2) three local representatives appointed by the Mayor, the County Board of Supervisors, the Town Council, or other local governing body, as determined by the state; and

''(3) three federal representatives, including a Service representative appointed by the Commissioner; a Customs representative appointed by the Commissioner of the Customs Service; and a GSA representative appointed by the Administrator of General Services.

''(D) The Councils shall be exempt from the requirements of the Federal Advisory Committees Act, 5 U.S.C. App. All Council meetings shall be open to the public.

''(E) States that select ports for participation in the border services user fee program may withdraw those ports from the program: (1) after amortizing any improvements that have been made with revenues from the program and (2) after providing one year's notice, to allow the federal agencies to comply with the proper procedures for relocating or terminating inspectors and other personnel.

''(4) The Attorney General may—

''(A) develop and implement special discounted fee programs for frequent border crossers;

''(B) adjust the border crossing user fee periodically to compensate for inflation, based on a national average of the consumer price index, and other escalation in the cost of carrying out the purposes of this Act; and

''(C) contract with private and public sector entities to collect the fee and require the collection of the fee to be performed by local bridge, tunnel and other transportation authorities operating in the United States, including ferry operators, adjacent to ports of entry, where such authorities exist. Such authorities shall be reimbursed for administrative costs related to collection of the fee.

''(5) Nothing in this section shall be construed to limit the methods used for fee collection, including outbound collection of the fee.

''(6) All of the fees collected under this subsection shall be deposited as offsetting governmental receipts in a separate account within the Treasury of the United States, to be expended in accordance with subsection (2) of this section. Such account shall be known as the Border Services User Fee Account.

''(7) START UP COSTS.—The Attorney General is authorized to advance from the Working Capital Fund of the Department of Justice to the Border Services User Fee Account the funds required to implement the Border Services User Fees. Receipts from this Fee shall be transferred from the Border Services User Fee Account and deposited as offsetting receipts to the Working Capital Fund of the Department of Justice, up to the amount advanced by the Fund to liquidate the advance provided by the Department of Justice Working Capital Fund.

''(8) EFFECTIVE DATE.—The Attorney General shall begin collection of the fee in a participating State not later then twelve months from the date the State notifies the Attorney General that it has selected ports to participate in the border services user fee program.

''(9) PENALTIES FOR NONPAYMENT.—The Attorney General may establish penalties for non-payment of fees as determined to be necessary to ensure compliance with the provisions of this section.

''(10 REGULATIONS.—The Attorney General may prescribe such rules and regulations as may be necessary to carry out the provision of this section.''.

TITLE VI—MISCELLANEOUS AND TECHNICAL AMENDMENTS

SEC. 601. ALIEN PROSTITUTION.

Section 2424 of title 18 of the United States Code is amended by—

(a) in the first paragraph of subsection (a)—

(1) striking ''alien'';

(2) inserting after ''individual'' the first time it appears '', knowing or in reckless disregard of the fact that said individual is an alien,''; and

(3) striking ''within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppresing of the white-slave traffic''.

(b) in the second paragraph of subsection (a)—

(1) striking ''thirty'' and inserting ''five business''; and

(2) striking ''within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white slave traffic''.

(c) in the third paragraph of subsection (a), stirking ''two'' and inserting ''ten''.

(d) in subsection (b), striking ''.'' after ''failing to comply with this section'' and inserting '', or for enforcement of the provisions of section 272A of the Immigration and Nationality Act, as amended.''.

SEC. 602. GRANTS TO STATES FOR MEDICAL ASSISTANCE TO UNDOCUMENTED IMMIGRANTS.

(a) IN GENERAL.—In order to assist States to meet the costs of providing treatment to certain aliens for emergency medical conditions, there are authorized to be appropriated $150,000,000 for each of fiscal years 1996 through 2000.

(b) ALLOTMENTS.—

(1) From the sums appropriated pursuant to subsection (a) for a fiscal year, the Secretary of Health and Human Services shall determine, with respect to each State with a plan approved under title XIX of the Social Security Act, an allotment for each such State which shall be the amount which bears the same ratio to the amount appropriated for such fiscal year as the sum of such State's allotments for fiscal years 1988 through 1994 under section 204 of the Immigration Reform and Control Act of 1986 bears to the total of such allotments for all the States for such fiscal years.

(2) In the case of any State for which the allotment determined under paragraph (1) for fiscal year is less than 1 percent of the amount appropriated pursuant to subsection (a) for such year, no allotment shall be made, and in the case of any other State which notifies the Secretary that all or part of its allotment will not be needed for the purpose for which it is available, the State's allotment shall be made as determined under paragraph (1), and then reduced by the unneeded portion. There shall be allotted to each of the remaining States the amount determined with respect to each such State under paragraph (1), together with the additional allotments provided below in this paragraph. The total of (A) the amounts of allotments determined under paragraph (1) but not made, and (B) the amount of the reductions under the preceding sentence, shall also be allotted among each of the remaining States as follows: the allotment of each such remaining State shall be increased by an amount which bears the same ratio to such total as the allotment amount determined with respect to such State for the fiscal year involved under paragraph (1) bears to the sum of such allotment amounts for all such remaining States for such fiscal year.

(c) USE OF FUNDS.—Payments under this section may only be used to provide the non-Federal share of expenditures under the State plan approved under title XIX of the Social Security Act (as required by the last sentence of section 1902(a) of such Act) for care and services necessary for the treatment of an emergency condition that are furnished to an alien who is not a qualified alien under section 250A(c) of the Immigration and Nationality Act.

(d) PAYMENT OF FUNDS.—In order to receive funds under this section, the State shall certify to the Secretary that funds will only be used for the purpose described in subsection (c). Thereafter, the Secretary shall from time to time make payments to each State from its allotment under subsection (b)(2). Payments under this section shall be made to the agency responsible for administering or supervising the administration of the State's plan approved under title XIX of the Social Security Act, and such payments shall be available to the State for expenditure in accordance with this section in the year allotted or in any subsequent fiscal year.

(e) DEFINITION.—As used in this section, the term ''State'' has the meaning given such term, for purposes of title XIX of the Social Security Act, under section 1101(a)(1) of such Act.

SEC. 603. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a)(1) Section 130003(c)(1) of the Violent Crime Control Act of 1994, Pub. L. 103–322, is amended by striking ''a new subsection (i)'' and inserting ''a new subsection (j)''.

(2) The amendment made by this subsection shall be effective as if originally included in section 130003(c)(1) of the Violent Crime Control Act of 1994.

(b)(1) Section 106(d)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1105a), as amended by Section 130004(b) of the Violent Crime Control Act of 1994, Pub. L. 103–322, is amended by striking ''242A(b)(5)'' and inserting ''242A(b)(4)''.

(2) The amendment made by this subsection shall be effective as if originally included in section 130004(b) of the Violent Crime Control Act of 1994.

(c)(1) Section 242A(d)(4) of the Immigration and Nationality Act (8 U.S.C. 1252a(d)(4)), as added by section 223 of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103–416, is amended by striking ''without a decision on the merits''.

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of Pub. L. 103–416.

SEC. 604. EXPEDITIOUS DEPORTATION.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994, Pub. L. 103–416, is amended by striking the words ''section 242(i) of the Immigration and Nationality Act (8 U.S.C 1252(i))'' and substituting in lieu thereof, ''sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)''.

SEC. 605. AUTHRORIZATION FOR USE OF VOLUNTEERS.

Notwithstanding any other provision of law, the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this Section shall require the Attorney General to accept the services of any person.

SECTION-BY-SECTION ANALYSIS AS PREPARED BY THE DEPARTMENT OF JUSTICE

TITLE I—BORDER ENFORCEMENT

Sec. 101. Authorization for border control strategies.

This section authorizes the appropriation to the Department of Justice of the funds necessary for expanded control at the land borders.

Sec. 102. Border patrol expansion.

This section mandates the Attorney General in fiscal years 1996, 1997, and 1998, to increase the number of border patrol agents to the maximum extent possible and consistent with standards of professionalism and training, by no fewer than 700 each year.

Sec. 103. Land border inspection enhancements.

This section mandates the Attorney General, subject to appropriations or the availability of funds in the Border Services User Fee Account, to increase the number of land border inspectors in fiscal years 1996 and 1997 to a level that will provide full staffing to end undue delay and facilitate inspections at the land border ports of entry.

Sec. 104. Increased penalties for failure to depart, illegal reentry, and passport and visa fraud.

Section 104(a) directs the U.S. Sentencing Commission to increase the base offense level under section 242(e) for failure to depart under an order of deportation, and section 276(b) for illegal reentry after deportation to reflect the enhanced penalties provided in section 130001 of the Violent Crime Control Act of 1994 (VCCA).

The VCCA made failure to depart after a final order of deportation punishable by imprisonment of not more than four years, or not more than 10 years if the alien is deportable for alien smuggling, has committed certain other criminal offenses, has failed to register, has falsified documents, or is engaged in security-related espionage or terrorism.

The VCCA also provided for punishment of 10 years imprisonment of any alien who reenters subsequent to deportation for conviction or commission of three or more misdemeanors involving drugs, crimes against the person, or both. Imprisonment for aliens who reenter after deportation for aggravated felony was raised from 15 to 20 years.

Section 104(b) directs the Sentencing Commission to make appropriate increases in the base offense level for sections 1541–46 of Title 18, U.S.C. (passport and visa fraud) to reflect the enhanced penalties provided in section 130009 of the VCCA.

The VCCA increases the penalties for passport and visa fraud to up to 10 years imprisonment in most cases; and changes prior law by eliminating the option for fines instead of imprisonment and increasing the maximum number of years in prison.

Sec. 105. Pilot program on interior repatriation of deportable or excludable aliens.

This section permits the Attorney General to establish a pilot program for deportation of persons to the interior, rather than the border area, of a contiguous country. It mandates a report to Congress not later than 3 years after initiation of any pilot program.

Sec. 106. Special exclusion in extraordinary migration situations.

This section will aid with border control by allowing aliens to be excluded from entering the United States during extraordinary migration situations or when the aliens are arriving on board smuggling vessels. Persons with a credible fear of persecution in their countries of nationality will be allowed to enter the United States to apply for asylum.

Section 106(a) amends section 235 of the Immigration and Nationality Act (INA) to clarify that an alien in exclusion proceedings who has arrived from a foreign contiguous country may be returned to that country while the proceedings are pending.

Section 106(b) amends section 235 of the INA, relating to inspection requirements, by adding two new subsections, 235(d) and 235(e). New subsection (d) allows the Attorney General to order an alien excluded and deported without a hearing before an immigration judge. This authority may be exercised when the Attorney General declares an extraordinary migration situation to exist (because of the number of aliens en route to or arriving in the United States, including by aircraft) or when aliens are brought to the United States or arrive in the United States on board a smuggling vessel. (This language is virtually identical to that passed by the full Senate Judiciary Committee in August 1994 as a substitute for the general expedited exclusion authority proposed in S. 1333.)

A person will not be subject to expedited exclusion if he or she claims asylum and establishes a credible fear of persecution in his or her country of nationality. However, a person may be returned to a third country in which he or she has no credible fear of persecution or of return to persecution.

There is no administrative review of an order of special exclusion except for persons previously admitted to the United States as lawful permanent residents. Asylum denials would be reviewable by an asylum officer,

but there is no judicial review of the asylum denial. (See section 308, below, for amendments to the judicial review provisions of the INA, which limit judicial review of a special exclusion order to certain issues through habeas proceedings.

New subsection 235(e) provides that a person may not attack prior orders of deportation as a defense against penalties for illegal reentries.

Sec. 107. Immigration emergency provisions.

Section 107(a) amends section 404(b) of the INA to permit reimbursement of other Federal agencies, as well as the States, out of the immigration emergency fund. Reimbursements could be made to other countries for repatriation expenses without the requirements that the President declare an immigration emergency.

Section 107(b) amends 50 U.S.C. 191 (Magnuson Act) to permit the control and seizure of vessels when the Attorney General determines that urgent circumstances exist due to a mass migration of aliens.

Section 107(c) amends section 101(a) of the INA by authorizing the Attorney General to designate local enforcement officers to enforce the immigration laws when the Attorney General determines that an actual or imminent mass migration of aliens present urgent circumstances.

Sec. 108. Commuter land pilot programs.

To facilitate border management, this section amends section 286(q) of the INA and the 1994 Department of Justice Appropriations Act to permit expansion of commuter lane pilot programs at land borders.

It also amends the 1994 Justice Appropriations Act to allow the Immigration and Naturalization Service (INS) to establish these projects on the Northern, as well as the Southern, border.

TITLE II—CONTROL OF UNLAWFUL EMPLOYMENT AND VERIFICATION

Sec. 201. Reducing the number of employment verification documents.

The provisions of this section will strengthen enforcement of employer sanctions. These provisions will assist interior enforcement and decrease nonimmigrant overstays by making it more difficult for illegal aliens to gain unlawful employment.

Section 201(a) amends section 274A(b)(2) of the INA to permit the Attorney General to require any individual to provide his or her Social Security account number on any forms required as part of employment verification process.

Section 201(b) amends section 274A(b)(1)(B) of the INA to eliminate three types of documents that may be present to establish both an individual's employment authorization and identity.

Under current law, by statute and regulation, an individual may present 1 or more of up to 29 documents to establish employment authorization, identity, or both.

Documents that now establish both employment authorization and identity are a U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport with work authorization, or a resident alien card or other alien registration card containing a photograph and work authorization. Under this amendment, only a U.S. passport, resident alien card, or alien registration card or other employment authorization document issued by the Attorney General would establish both employment authorization and identity.

Subsection (b) also amends 274A(b)(1)(C) of the INA to eliminate the use of a U.S. birth certificate as a document that can establish work authorization.

Subsections (a) and (b) would apply with respect to hirings occurring not later than 180 days after enactment, as designated by the Attorney General.

Sec. 202. Employment verification pilot projects.

This section provides for the Attorney General, working with the Commissioner of Social Security, to conduct pilot projects to test methods for reliable and nondiscriminatory verification of employment eligibility. Pilot programs may include the expansion of the telephone verification system up to 1000 employers; a simulated linkage of INS and Social Security Administration (SSA) databases; a process to allow employers to verify employment eligibility through SSA records using INS records as a crosscheck; and improvements and additions to the INS and SSA databases to make them more accessible for employment verification purposes. Pilots are to run for 3 years with an option for a 1-year extension and are to be limited to certain geographical locations. The Attorney General may require employers participating in the pilots to post notices informing employees of their participation and of procedures for filing complaints with the Attorney General regarding the operation of the pilots.

At the end of the 3-year period, the Attorney General must report to Congress regarding the cost effectiveness, technical feasibility, resistance to fraud, and impact upon privacy and anti-discrimination policies of the various pilot projects.

Sec. 203. Confidentiality of data under employment eligibility verification pilot projects.

Section 203(a) provides for the confidentiality of individual information collected in the operation of pilot projects under section 202. No individual information may be made available to any Government agencies, employers, or other persons other than as necessary to verify that the employee is not an authorized alien. In addition, the information may be used for enforcement of the INA and for criminal enforcement of the immigration-related fraud provisions of Title 18 (sections 911, 1001, 1028, 1546, and 1621).

Pursuant to section 203(b), participating employers must have in place procedures to safeguard the personal information and notify employees of their right to request correction or amendment of their records. These procedures will be detailed in a standard memorandum of understanding signed by INS and each employer.

Section 203(c) makes the provisions, rights and remedies of 5 U.S.C. 552a(a)(2), applicable to all work-authorized persons who are subject to work authorization verification under section 202 with respect to records used in the course of a pilot project to make a final determination concerning an individual's work authorization.

Pursuant to section 203(d), employers and other persons are subject to civil penalties from $1,000 to $10,000 for the willful and knowing unlawful disclosure or use of information or failure to comply with subsection 203(b).

Section 203(e) states that nothing in this section shall limit the rights and remedies otherwise available to U.S. citizens and lawful permanent residents under 5 U.S.C. 552a.

Section 203(f) states that nothing in this section or section 202 shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

Sec. 204. Collection of Social Security numbers.

To facilitate the use of Social Security numbers in immigration-related activities, this section adds a new subsection 264(f) to the INA to clarify that the Attorney General may require any alien to provide his or her Social Security number for inclusion in any record maintained by the Attorney General. (This is a companion to section 201(a), described above.)

Sec. 205. Employer sanctions penalties.

Section 205(a) amends section 274A(e)(4)(A) of the INA to increase the civil penalties for employer sanctions for first violations from the current range of $250 to $2,000 to a range of $1,000 to $3,000. The subsection also increases penalties for second violations from the current range of $2,000 to $5,000 to a range of $3,000 to $8,000. The penalties for subsequent violations are increased from a range of $3,000 to $10,000 to a range of $8,000 to $25,000.

Section 205(b) amends section 274A(e)(5) of the INA to increase the penalties for employer sanctions paperwork violations from the current range of $100 to $1,000 to a range of $200 to $5,000.

Section 205(c) amends section 274A(f)(1) of the INA to increase the criminal penalty for pattern and practice violations of employer sanctions to a felony offense, increasing the applicable fines from $3,000 to $7,000 and the criminal sentence which may be imposed from not more than six months to not more than two years.

Sec. 206. Criminal penalties for document fraud.

Section 206(a) amends 18 U.S.C. 1028(b)(1), on identification document fraud, to increase the maximum term of imprisonment from 5 to 10 years. The maximum term of imprisonment is up to 15 years if committed to facilitate a drug trafficking offense, and up to 20 years if committed to facilitate an act of international terrorism.

Section 206(b) directs the Sentencing Commission promptly to make appropriate increases in all of the base offense levels for immigration document fraud offenses under 18 U.S.C. 1028.

Sec. 207. Civil penalties for document fraud.

Section 207(a) amends section 274C(a) of the INA to apply civil penalties in cases where an alien has presented a travel document upon boarding a vessel for United States, but fails to present the document upon arrival (''document-destroyers''). A discretionary waiver of these penalties is provided if the alien is subsequently granted asylum.

Subsection (a) also applies civil penalties against a person who prepares, files, or assists another person in preparing or filing, certain false documents in reckless disregard of the fact that the information is false or does not relate to the applicant.

Section 207(b) conforms section 274(c)(d)(3) to refer to ''each document that is the subject of a violation under subsection (a)''. This will clarify that an alien who does not present a document (because it was destroyed) is subject to penalties.

Sec. 208. Subpoena authority.

Section 208(a) amends section 274A(e)(2) of the INA to clarify that immigration officers may issue subpoenas for investigations of employer sanctions offenses under section 274A.

Section 208(b) adds a new section 294 to the INA to authorize the Secretary of Labor to issue subpoenas for investigations relating to the enforcement of any immigration program. It makes the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50) available to the Secretary of Labor. The Federal Trade Commission Act provisions allow access to documents and files of corporations, including the authority to call witnesses and require production of documents.

Sec. 209. Increased penalties for employer sanctions involving labor standards violations.

Section 209(a) adds a new paragraph 274A(e)(10) to the INA to authorize an administrative law judge to increase the civil penalties provided under employer sanctions to an amount up to two times the normal penalties, for willful or repeated violations of: (i) the Fair Labor Standards Act (29 U.S.C. 201 et seq.); (ii) the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.); and (iii) the Family and Medical Leave Act (29 U.S.C. 2601 et seq.).

Section 209(b) adds a new paragraph, section 274B(g)(4), to the INA to make the same provisions in (a) above applicable in section 274B, unfair immigration-related employment practices.

Sec. 210. Increased civil penalties for unfair immigration-related employment practices.

This section amends section 274B(g)(2)(B) of the INA to increase the civil penalties applicable for unfair immigration-related employment practices to make the penalties comparable to the increased proposed for employer sanctions violations.

The penalty for a first violation would be increased from the current range of $250 to $2,000 to a range of $1,000 to $3,000. The penalty for a second violation would be increased from the current range of $2,000 to $5,000 to a range of $3,000 to $8,000. The penalty for more than two violations would be increased from the current range of $3,000 to $10,000 to a range of $8,000 to $25,000.

The penalty for a documents violation, that is, requesting more or different documents than are required or refusing to honor documents tendered that on their face reasonably appear to be genuine, would be increased from a range of $100 to $1,000 to a range of $200 to $5,000.

Sec. 211. Retention of employer sanctions fines for law enforcement purposes.

This section amends section 286(c) of the INA to credit to INS appropriations any employer sanction penalties received in excess of $5,000,000. These funds will be used to fund employer sanctions enforcement and related expenses. The funds credited to the account remain available until used.

Sec. 212. Telephone verification system fee.

This section amends section 274A(d) of the INA to authorize INS to collect and retain the fees paid to use the telephone verification system pilot project. These fees are to be credited to the INS Salaries and Expenses appropriation as offsetting collections solely for employer verification services costs.

Sec. 213. Authorizations.

This section provides for blanket authorization for appropriation of funds needed to carry out this title.

TITLE III—ILLEGAL ALIEN REMOVAL

Sec. 301. Civil penalties for failure to depart.

This section adds a new section 274D to the INA, to subject aliens who willfully fail to depart after an order of exclusion or deportation to a $500-per-day penalty (payable to the INS Commissioner as offsetting collections). This section would not diminish the criminal penalties at section 242(e) for failure to depart or any other section of the INA.

Sec. 302. Judicial deportation.

Section 302(a) amends section 242A(d)(1) of the INA to authorize a U.S. district court to enter a judicial order of deportation when the court imposes a sentence that causes the alien to be deportable or when the alien previously has been convicted of an aggravated felony. Current law limits judicial deportation to the time of sentencing for an aggravated felony conviction.

Section 302(b) amends section 242A(d)(3) to provide that a judicial order of deportation or denial of the Government's motion for such an order may be appealed by either party, as part of the underlying criminal case.

Section 302(c) amends section 242A(d)(4) of the INA to strike the reference to ''a decision on the merits.'' This change clarifies that the INS may place an alien in administrative deportation proceedings if a Federal district court judge has declined the Government's petition to issue a judicial deportation order.

Section 302(d) amends 18 U.S.C. 3583(d)(3) to provide that a court may set as a condition of supervised release that an alien defendant be ordered deported by the Attorney General and that the alien remain outside the United States. This amendment addresses an issue in litigation where district court judges have read this section to authorize them to order deportation.

Sec. 303. Conduct of proceedings by electronic means.

This section amends section 242(b) of the INA to permit deportation proceedings to be conducted by video conference or telephone, saving travel and hearing time and resources. The alien must consent to such a hearing by telephone if it is to be a full contested evidentiary hearing on the merits.

Sec. 304. Subpoena authority.

This section clarifies the authority of immigration judges to issue subpoenas in proceedings under sections 236 (exclusion) and 242 (deportation) of the INA.

Sec. 305. Stipulated exclusion and deportation.

This section amends sections 236 and 242 of the INA to permit the entry of orders of exclusion and deportation stipulated to by the alien and the INS, and to provide that stipulated orders are conclusive. Department of Justice regulations will provide that an alien who stipulates to an exclusion or deportation order waives all appeal rights.

Sec. 306. Streamlining appeals from orders of exclusion and deportation.

This section revises and amends section 106 of the INA. It provides for judicial review of final administrative orders of both deportation and exclusion through a petition for review, filed within 30 days after the final order in the judicial circuit in which the immigration judge completed the proceedings. Under current law, an order of exclusion is appealable to a district court and then appealable to the court of appeals.

The Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

As in current law, a court may review a final order only if the alien has exhausted all administrative remedies. This section adds a requirement that no other court may decide an issue, unless the petition presents grounds that could not have been presented previously or the remedy provided was inadequate or ineffective to test the validity of the order.

A new section 106(e) provides that a petition for review filed by an alien against whom a final order of deportation has been issued under section 242A (aggravated felonies) will be limited to whether the alien: is the alien described in the order; has been convicted after entry of an aggravated felony; and was afforded the appropriate deportation proceedings.

Under section 106(f) there is no judicial review of an individual order of special exclusion or of any other challenge relating to the special exclusion provisions. The only authorized review is through a habeas corpus proceeding, limited to determinations of alienage, whether the petitioner was ordered specially excluded, and whether the petitioner can prove by a preponderance of the evidence that he or she is an alien admitted for permanent residence and is entitled to further inquiry. In such cases the court may order no relief other than a hearing under section 236 or a determination in accordance with sections 235(a) or 273(d). There shall be no review of whether the alien was actually excludable or entitled to relief.

Sec. 307. Sanctions against countries refusing to accept deportation of their nationals.

This section amends section 243(g) of the INA to permit the Secretary of State to refuse issuance of all visas to nationals of countries that refuse to accept deportation of their nationals from the United States. Under current law, the Secretary of State has the authority only to refuse to issue immigrant visas.

Sec. 308. Custody of aliens convicted of aggravated felonies.

Section 308(a) amends section 236(e) of the INA to permit the Attorney General to release an aggravated felon alien who is in exclusion proceedings from detention if the release is necessary to provide protection to a witness, a potential witness, or a person cooperating with a major criminal investigation, or to protect an immediate family member of such a person.

Section 308(b) amends section 242(a)(2) of the INA to permit the Attorney General to release an aggravated felon alien who is in deportation proceedings from detention if the release is necessary to provide protection to a witness, a potential witness, or a person cooperating with a major criminal investigation, or to protect an immediate family member of such a person.

Sec. 309. Limitations on relief from exclusion and deportation.

Section 309(a) amends section 212(c) of the INA to limit relief under section 212(c) of the INA to a person who has been lawfully admitted to the U.S. for at least 7 years, has been a lawful permanent resident for at least 5 years, and is returning to such residence after having temporarily proceeded abroad not under an order of deportation. The 5-year and 7-year periods would end upon initiation of exclusion proceedings. Also, relief under INA section 212(c) will be available only to persons in exclusion proceedings. Persons in deportation proceedings must now apply for cancellation of deportation (described below). Finally, an aggravated felon will be eligible for section 212(c) relief only if he or she has been sentenced to less than 5 years, in the aggregate, for the aggravated felony conviction or convictions. Time actually served will not be a factor in determining eligibility.

Section 309(b) amends section 244 of the INA to consolidate two existing forms of relief from deportation (suspension of deportation under section 244 and a waiver of deportability under section 212(c)) into one form of relief, ''Cancellation of Deportation.'' A lawful permanent resident (LPR) would be eligible for cancellation if he or she has been an LPR for 5 years, has resided in the U.S. after lawful admission for 7 years, and has not been convicted of an aggravated felony or felonies for which he or she has been sentenced, in the aggregate, to a term or terms of 5 years or more. A non-LPR would be eligible for relief if he or she had been continuously physically present for 7 years, was of good moral character, and could establish extreme hardship to the alien or the alien's U.S. citizen spouse or child if deported. The 7-year and 5-year periods end with the issuance of an Order to Show Cause initiating deportation proceedings. This provision would clarify an area of the law regarding the cutoff periods for these benefits that have given rise to significant litigation and different rules being applied in different judicial circuits.

This section also amends the existing provisions for voluntary departure. Prehearing

voluntary departure may be granted to any alien other than an aggravated felon. The Attorney General may require a voluntary departure bond. At the conclusion of a deportation proceeding, voluntary departure may be granted only if the person has been of good moral character for 5 years prior to the order, is not deportable under certain criminal or national security grounds, and demonstrates by clear and convincing evidence that he or she has the means to depart the United States and intends to do so. The alien would be required to post a voluntary departure bond. An alien would be subject to civil penalties of $500 per day for failure to depart within the time set for voluntary departure. Judicial review of voluntary departure orders would be limited.

An alien would be subject to civil penalties of $500 per day for failure to depart within the time set for voluntary departure. Judicial review of a voluntary departure order would be prohibited if relief was granted for 30 days or more. Judicial review of a denial of voluntary departure could not stay deportation of an alien after 60 days had passed from issuance of an order of deportation.

Section 309(c) makes conforming amendments to sections 242(b) and 242B(e) of the INA.

Section 309(d) provides that the effective date of this section is the date of enactment, except that subsections (a) and (b), relating to the determination of when the period of residency or of continuous physical presence ends, are applicable only to orders to show cause filed on or after the date of enactment. The conforming amendments made by subsection (c) are effective on enactment.

Sec. 310. Rescission of lawful permanent resident status.

This section amends section 246(a) of the INA to clarify that the Attorney General is not required to rescind the lawful permanent resident status of a deportable alien separate and apart from the deportation proceeding under section 242 or 242A. This provision will allow INS to place a lawful permanent resident who has become deportable into deportation proceedings immediately.

Sec. 311. Increasing efficiency in removal of detained aliens.

This section authorizes appropriations for the Attorney General to conduct a pilot program or programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing availability of pro bono counseling and representation. The Attorney General may use funds to award grants to not-for-profit organizations assisting aliens.

TITLE IV—ALIEN SMUGGLING CONTROL

Sec. 401. Wiretap authority for investigations of alien smuggling and document fraud.

This section amends 18 U.S.C. 2516(l) to give INS the authority to use wiretaps in investigations of alien smuggling and document fraud.

Sec. 402. Applying racketeering offenses to alien smuggling.

This section amends 18 U.S.C. 1961(l) to include the offenses relating to alien smuggling as predicate offenses for racketeering charges. The application of RICO to smuggling will be limited to those offenses committed for commercial advantage or private financial gain.

Sec. 403. Expanded asset forfeiture for smuggling or harboring aliens.

This section amends 274 of the INA to authorize seizure and forfeiture of real and personal property in cases of alien smuggling and harboring. Current forfeiture authority is limited to conveyances. INS must give notice to owners of an intent to forfeit.

Sec. 404. Increased criminal penalties for alien smuggling.

This section amends section 274(a)(1)(A) of the INA to add conspiracy and aiding and abetting to the smuggling offenses, with offenders being subject to a fine, and/or 10 years imprisonment for conspiracy and/or 5 years imprisonment for aiding and abetting. It makes it a criminal offense to hire an alien with the knowledge that the alien is not authorized to work and that the alien was smuggled into the U.S. The penalty for violating this section is a fine and/or up to 5 years imprisonment.

This section also amends section 274(a)(2) of the INA to increase the penalties for multiple smuggling offenses (and for a new offense for smuggling aliens who will be committing crimes) to not less than 3 years or more than 10 years of imprisonment.

Sec. 405. Undercover investigation authority.

This section authorizes INS to use appropriated funds to lease space, establish, acquire, or operate business entities for undercover operations, so-called ''proprietaries'' to facilitate undercover immigration-related criminal investigations. INS may deposit funds generated by these operations or use them to offset operational expenses.

Sec. 406. Amended definition of aggravated felony.

Section 406(a) amends section 101(a)(43)(N) of the INA, to strike the reference to title 18, U.S.C. in defining alien smuggling as an aggravated felony. This amendment will result in the inclusion of the smuggling offenses in section 274 of the INA into the definition of aggravated felony. It also amends the definition of ''aggravated felony'' by adding a requirement that the offense of trafficking in document fraud to be ''for the purpose of commercial advantage.''

Section 406(b) amends section 101(a)(43) to provide that the term ''aggravated felony'' applies for all purposes to convictions entered before, on, or after the date of enactment of this Act. This amendment will end controversy on which convictions fall within the definition.

Section 406(c) amends section 243(h) of the INA to provide that for purposes of determining whether an alien is ineligible for withholding of deportation based on conviction for an aggravated felony, the alien must have been sentenced to five years or more. Currently any aggravated felon is ineligible for withholding of deportation.

TITLE V—INSPECTIONS AND ADMISSIONS

Sec. 501. Civil penalties for bringing inadmissible aliens from contiguous territories.

This section amends section 273(a) to establish the illegality of bringing inadmissible aliens from foreign contiguous territories. It amends section 273(b) of the INA to increase from $3,000 to $5,000 the fine for bringing in an alien unlawfully.

Sec. 502. Definition of stowaway; excludability of stowaway; carrier liability for costs of detention.

Section 502(a) adds a definition of stowaway to the INA (section 101(a)) to mean any alien who obtains transportation without consent or through concealment or evasion.

Section 502(b) amends section 237 of the INA to clarify that a stowaway is subject to immediate exclusion and deportation. However, it allows a stowaway to apply for asylum or withholding of deportation.

Section 502(c) amends section 273(d) of the INA to require the carrier to detain a stowaway until he or she has been inspected by an immigration officer and to pay for any detention costs incurred by the Attorney General should the alien be taken into custody. It amends section 273(d) by raising the fine for failure to remove a stowaway from $3,000 to $5,000 per stowaway, payable to the Commissioner as offsetting collections.

Sec. 503. List of alien and citizen passengers arriving or departing.

This section amends section 231(a) of the INA to clarify the content of and format for passenger lists and manifests to be prepared and submitted by carriers to INS, including name, date of birth, gender, citizenship, travel document number, and arriving flight number.

Sec. 504. Elimination of limitations on immigration user fees for certain cruise ship passengers.

This section amends section 286(e)(1) of the INA to remove the current exemption from payment of the $6 immigration user fee for cruise ship passengers.

Sec. 505. Transportation line responsibility for transit without visa aliens.

This section amends section 238(c) of the INA to provide that a carrier which has entered into an agreement with the United States to transport aliens without visas through the U.S. must agree to indemnify the United States for any costs of detaining or removing such an alien.

Sec. 506. Authority to determine visa processing procedures.

This section amends section 202(a)(1) of the INA, which provides that visas must be issued without discrimination because of race, sex, nationality, place of birth, or place of residence, to state that nothing in this subsection limits the authority of the Secretary of State to determine procedures for processing visas. This section would reverse a recent judicial decision which interpreted the existing language to require the Secretary of State to process visas in a specific location.

Sec. 507. Border services user fee.

This section adds a new subsection 286(s) to the INA, authorizing the Attorney General to charge and collect a border services user fee for every land border entry, including persons arriving at U.S. borders by ferry, at participating ports-of-entry. The fee is to be collected in U.S. Currency and is set at $1.50 for each non-commercial conveyance, and $.75 for each pedestrian. Commercial passenger conveyances will be charged the pedestrian fee for operator and each passenger, except that ferry crewmen are not subject to the fee.

The section provides for each State to determine at which, if any, ports the fee is to be collected. A State that exercises this local option may establish a Border Service Council for each port to develop priorities for use of the fees collected, for submission to the Attorney General. The Attorney General must consider these priorities in funding port services. Funds remaining after payment of the costs of port services are to be given to the Councils to spend on port-related enhancements. The Attorney General will allocate enhancement funds for ports that do not set up a Border Service Council.

The Council membership must include three state representatives appointed by the Governor including at least one business representative, three local representatives, and three federal representatives.

A State may withdraw a port from participation after amortizing improvements and after one year's notice.

The Attorney General is authorized to provide special discounts for frequent border crossers, to adjust the fee to compensate for inflation and cover increased costs, and to contract with private and public sectors to collect the fee. The Attorney General may establish such penalties for non-payment of the fees as are necessary to ensure compliance. The Attorney General is authorized to advance to the Border Services User Fee Account the amount of the start up costs from the Department of Justice's Working Capital Fund. Receipts from the fee will be transferred back from the Border Services User

Fee Account and deposited as offsetting receipts to the Working Capital Fund to cover this advance.

The Attorney General will begin collecting the fee not later than 12 months from the date the State notifies the Attorney General that it has selected ports to participate in the fee program.

TITLE VI—MISCELLANEOUS AND TECHNICAL AMENDMENTS

Sec. 601. Alien prostitution.

This section amends section 2424 of Title 18, U.S.C. (relating to filing statements with INS when bringing in aliens for immoral purposes) to add as a requirement for the offense that a person bringing in an alien for prostitution do so ''knowing[ly] or in reckless disregard.'' It also deletes the statutory reference to signatories to the 1902 international convention and increases the maximum sentence for the offense from two to ten years.

Sec. 602. Grants to States for medical assistance to undocumented immigrants.

This section authorizes appropriations to assist States in providing treatment to certain aliens for emergency medical conditions.

Sec. 603. Technical corrections to Violent Crime Control Act and Technical Corrections Act.

Section 603(a) amends section 130003(c)(1) of the Violent Crime Control Act of 1994, Pub. L. 103–322. Section 130003(c)(1) created a new subsection 245(i) of the Act to provide for the adjustment of status for certain aliens in S nonimmigrant status. A technical correction is necessary because section 506(b) of the Commerce, Justice, and State appropriations statute, P.L. 103–317 (Aug. 26, 1994) had previously created a new subsection 245(i) to provide for the adjustment of status of certain aliens previously ineligible for such privilege. This proposed statutory amendment would redesignate the S-related adjustment provision as section 245(j) of the Act.

Section 603(b) amends section 130004(b)(3) of P.L. 103–322 by removing an incorrect reference to section 242A(b)(5) and replacing it with proper reference to paragraph (b)(4).

Sec. 604. Expeditious deportation.

This section amends Section 225 of the Immigration and Nationality Technical Corrections Act of 1994, P.L. 104–416, by adding a reference to section 242A of the INA (which requires the Attorney General to commence deportation proceedings promptly) to the existing reference to section 242(i) (also requiring expeditious deportation), so that section 225 now provides that neither of those provisions create any enforceable substantive or procedural right or benefit against the United States.

Sec. 605. Authorization for use of volunteers.

This section authorizes the Attorney General to accept and use unpaid personnel to assist INS administratively in naturalization, adjudications at ports of entry, and to remove criminal aliens.

By Mr. DOMENICI (for himself, Mr. FORD, Mr. JOHNSTON, Mr. CAMPBELL, Mr. THOMAS, and Mr. SIMPSON):

S. 755. A bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the U.S. Enrichment Corporation; to the Committee on Energy and Natural Resources.

USEC PRIVATIZATION ACT

Mr. DOMENICI. Mr. President, I rise today on behalf of myself and Senators FORD, JOHNSTON, CAMPBELL, THOMAS, and SIMPSON to introduce the USEC Privatization Act.

The U.S. Enrichment Corporation is a federally owned corporation established pursuant to the Energy Policy Act of 1992. Prior to the transition mandated by the Energy Policy Act, USEC's functions were performed by the Department of Energy and its predecessor agencies.

Currently, the Corporation leases assets, most notably gaseous diffusion plants at Portsmouth, OH, and Paducah, KY, from the Department of Energy. USEC continues to operate those facilities in a manner similar to that in which they were operated prior to the transition. USEC also assumed contractual responsibility to implement uranium enrichment contracts that were in existence at the transition date and the right to utilize the gaseous diffusion facilities leased from the Department to provide uranium enrichment services, for the most part, as the market dictates.

The legislation I have introduced today would complete the transition process initiated by the Energy Policy Act by establishing USEC as a privately owned entity. The legislation is necessary to provide for a smooth transition and to resolve a number of issues not considered by the Energy Policy Act.

The legislation provides for the transfer of employment, health, and pension benefits of current employees from the current Government-owned Corporation to the private corporation. The language included in the legislation has been developed by USEC and the Department of Energy working in conjunction with the Office of Personnel Management. In addition, the union that represents the majority of employees at the Portsmouth and Paducah gaseous diffusion plants; the Oil, Chemical, and Atomic Workers International Union have made recommendations. It is my clear intention to protect the interests of those employees through the transition.

One of the most difficult and complicated issues facing USEC, and the uranium industry as a whole, is the reintroduction into the commercial market of uranium produced for defense purposes. During the cold war, uranium was produced for national security requirements in huge volumes with almost no consideration of cost. Treaty mandated reductions in nuclear arsenals have suddenly surplused much of that material. In addition, there is significant pressure to process fissile material from dismantled weapons in order to limit the ability to easily reconstitute those weapons. In the case of highly enriched uranium, those pressures have resulted in efforts, both in the United States and the former Soviet Union, to blend the material into low-enriched uranium suitable for electricity generation in commercial reactors.

Low-enriched uranium derived from highly enriched uranium, regardless of its country of origin, has suddenly become available in large quantities and, for the most part, in order to be sold in the commercial market, is being offered at prices significantly below its total production costs. Material once required regardless of cost, is now available to be sold at the marginal costs of blending it down—significantly below the production costs of even the most efficient producers in operation today.

U.S. trade law prohibits imported low-enriched uranium derived from highly enriched uranium from being dumped into U.S. markets. The Department of Commerce currently enforces restrictions on all uranium imported from the Russian Federation through the Amendment to the Agreement Suspending the Antidumping Investigation on Uranium from the Russian Federation, Department of Commerce Investigation No. A–821–802, dated March 11, 1994, the Suspension Agreement. In addition, the Department of State has recently reached an understanding with Canada on the Implementation of the Suspension Agreement particularly as it pertains to the natural uranium component of low-enriched uranium derived from highly enriched uranium. That understanding stipulates that such material could be used only in the operation of the U.S. Enrichment Corporation, for example, for overfeeding purposes, for sale in accordance with Section IV.M of the Suspension Agreement, for example, outside of the United States, or it could be returned to Russia.

Those commitments place severe restrictions on the ability of the United States to implement the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, the HEU Agreement. That agreement calls upon the executive agent for the United States, currently USEC, to purchase $8 billion of separative work units and $4 billion of natural uranium displaced by low-enriched uranium derived from highly enriched uranium from former Soviet nuclear weapons between now and 2013. While USEC may sell the separative work units into the commercial market, the Suspension Agreement and the understanding with Canada prevent USEC from selling the vast majority of the natural uranium derived from the agreement. While USEC is technically obligated to pay the Russians for the natural component only when it is sold or 2013, whichever comes first, Russia has made it clear that failure to pay for the natural uranium upon delivery jeopardizes the entire HEU Agreement—clearly a detriment to United States national security interests.

This legislation proposes an innovative remedy to this situation. Simply put, natural uranium displaced by low-enriched uranium imported under the HEU Agreement would be deemed to be

of Russian origin and title of such material would be given to Russia. That material would be subject to the Suspension Agreement and the understanding with Canada accept that it could be sold for commercial end use in the United States starting in 2002 according to a schedule defined in the legislation.

Under this proposal, the Russians would be able to sell natural uranium derived from the HEU Agreement for future deliveries; in effect establishing a futures market. The price the Russians would be able to derive for the material sold now as futures would be dependent upon the conditions of commercial agreements between the Russians and any private investment entity, and would vary depending on predicted prices in the year 2002 and beyond.

However, it is my estimate that the net present value of that material is somewhere near $7 per pound. While that is below the current market price of $11.50 per pound, a futures contract could provide for an immediate cash purchase of the uranium instead of the continued uncertainty and possible delay of reimbursement until 2013.

In addition to the benefits to the Russians, the United States gains because the Suspension Agreement and commitments made to Canada would stand. The USEC privatization is able to proceed without the uncertainty of a potential $4 billion obligation, and because the Suspension Agreement continues in its current form, the United States uranium industry is allowed to continue to operate according to market conditions.

The United States also has significant, undertermined inventories of excess highly enriched uranium and low-enriched uranium. This legislation establishes a series of requirements that must be met before that material may enter the civilian market. Prior to the privatization date, the Secretary may agree to transfer up to 4 million separative work units and 7,000 metric tons or natural uranium to USEC. However, that material may be delivered for commercial end use only according to a defined disposition schedule.

Additional material, transferred to USEC from the Department of Energy following privatization may also enter the commercial market. However, prior to any such sale, the Secretary of Energy must conduct a full rulemaking to determine that the sale of the material will not have an adverse impact on the domestic mining or enrichment industry.

The legislation leaves in place the Energy Policy Act's provisions regarding liability. This issue will be considered in hearings. However, it is my intent that liabilities incurred following the transition date will be borne by the government-owned enrichment enterprise in existence today and its privately owned successor following the privatization date.

There are a number of issues the legislation does not address. It does not include language proposed by USEC to enable USEC to commercialize organic membrane technology developed by the Department of Energy for uranium enrichment purposes. National security considerations and a desire to maintain a level playing field for technology transfer make this an issue best considered at a hearing before it is included in legislation. The legislation is also silent on the renegotiation of the current USEC-Department of Energy lease for the gaseous diffusion facilities. This may be an issue that is addressed following hearings.

Mr. President. The U.S. Enrichment Corporation falls within the jurisdiction of the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources. I serve as chairman of that subcommittee while my distinguished colleague from Kentucky, Senator FORD, serves as ranking member. It is my intention to hold hearings on this legislation as soon as practicable, preferably this month.

By Mr. ROCKEFELLER:

S. 756. A bill to expand United States exports of goods and services by requiring the development of objective criteria to achieve market access in foreign countries, to provide the President with reciprocal trade authority, and for other purposes; to the Committee on Finance.

THE OPEN MARKETS AND FAIR TRADE ACT

Mr. ROCKEFELLER. Mr. President, I am rising to talk about a problem that persists year after year, and a bill to do something about it. I'm speaking of our trade deficit, which is out of control. Certainly, we are making progress on some micro-economic levels, and the Clinton administration has hammered out more than 70 different trade agreements over the last 2-plus years—14 with Japan alone. These are helping some industries, some workers, and some parts of our economy. But they have done nothing to shrink the trade deficit. Clearly, more must be done.

The bill I am introducing today, the Open Markets and Fair Trade Act of 1995, will evaluate the current conditions of markets around the world for American products and negotiate access to those markets. It also gives the President and Congress a new tool to use in those negotiations—the threat of reciprocal trade action. Basically the bill tells our trading partners that if they refuse to give our products reasonable market access, we may impose the same kind of restrictions on their products.

For example, under this legislation, if negotiations with the Japanese over the aftermarket for autoparts reached an impasse, the President could come to Congress and seek a reciprocal trade action that establishes a regulation that matches their strict regulations on repairing cars, which today serve to effectively keep most American replacement parts off Japanese cars. These restrictions only serve to help the Japanese producers and harm American manufacturers. In fact, along with American companies and American workers, the Japanese consumer is probably the biggest loser in the equation. It costs them about $600 for a new alternator in Tokyo—the same part in the United States costs about $120. A muffler sells for about $82 in the United States, and $200 in Japan. And a shock absorber set costs about $230 here, and over $600 in Tokyo.

The New York Times ran a story on May 2 that couldn't be more timely. Even with the dramatic rise of the yen, they reported that it still costs $5.35 for a Florida grapefruit in Japan. And a can of Campbell's chicken noodle soup cost 220 yen today, the same as in 1991—when the dollar was more than 50 percent stronger. If the price of the soup had dropped to match the rise of the yen, a can of Campbell's soup would cost about 125 yen today, not 220 yen, or $2.75, as it is now being sold in Tokyo. It is clear that the savings that should accrue from the strength of the yen never passed on to the Japanese consumer.

But let me stress, this bill does not single out Japan. I want to pry open markets wherever they're closed, wherever in the world American products are denied access. Our trade deficit with Japan was $65 billion last year; with China it was $30 billion; we had a deficit of almost $14 billion with Canada, and Germany rang in at $14 billion. Mr. President, following my statement, I would like to include a chart that lists the top 10 countries in which America has a trade deficit. While not all of these countries have barriers of the sort that this bill seeks to eliminate, a number of them clearly do. Again, this bill does not specify one country or another, it is about following up on the Uruguay round and looking beyond tariffs—it is designed to deal with market barriers; the internal rules in various countries that are practical impediments to American businesses. I am seeking to open more markets across the globe in order to bring about the increased exports and jobs that GATT promised.

And I think it's high time we question the wisdom that blames almost all of America's trade deficit problems solely on ourselves. For years, we've heard the same assertions: ''Americans spend too much and save too little . . . the budget deficit is too high . . . we are growing faster than other countries so we have more money to spend than you.'' Yes, these economic realities contribute to the problem, but under President Clinton's leadership, we have reduced the Federal fiscal deficit by over $700 billion, yet the trade deficit goes up and up.

I think it's time we reverse the premise and look at how the trade deficit fuels our savings and debt problems. The inability of American companies

to sell in places like Japan, China, Germany, and elsewhere costs our corporations profits, our workers job opportunities, and our Nation revenues—all of which weigh down our own economic growth and add to our fiscal deficit.

Whether it is a requirement for American firms to hire local agents to conduct business; cumbersome inspection and customs procedures; bans on the sale of products for dubious claims of national sovereignty or some other sort of prerogative, the simple fact is that protected sanctuary markets abroad are a major contributor to America's economic problems.

To explain this simply, I will use as an example the well-known case of how Japanese manufacturers sell things like electronics in the United States at such cheap prices, even when the yen is at a record height. I am citing Japan here, but it could be any other country that has a ''sanctuary'' market. It is well-known that many Japanese-made products are cheaper in the United States than in Japan. That is because Japan's closed market is a sanctuary that effectively insulates producers from competition, and allows them to over-charge Japanese consumers, giving them enough of a profit margin at home to sell below cost here. That means American companies lose on both ends. We can't export into these markets, and their subsidized exports harm our domestic industries and cost us jobs.

My trade policy is quite simple, in addition to preserving the effectiveness of America's trade laws, I support measures that will increase American exports, and West Virginia exports specifically. Every $1 billion in exports supports about 17,000 jobs. So it follows that if we increase American exports, we will create more jobs here in the United States. And export related jobs are, on average, better, higher paying jobs. That is why I have worked so hard to introduce West Virginia businesses to foreign market opportunities.

While this bill will expose countries with whom we have a trade deficit to extra scrutiny by the Commerce Department, the Open Markets and Fair Trade Act of 1995 is about market opportunities for American firms and especially markets for American industries with the most export potential and which promote critical technologies. Most importantly, it instructs the Commerce Department to look at markets which, if we can export there, offer the greatest employment opportunities for American workers.

America cannot afford to be a market for everyone else's products when we don't get the same kind of access in return. Our economy, and the global economy, cannot sustain that kind of imbalance. The American people will only continue to support free trade if it means we are able to sell American products abroad as easily as Asian and European and Latin American manufacturers have access to our shelves and showrooms. While past negotiations should have made these points perfectly clear, the Open markets and Fair Trade Act of 1995 will erase any doubts that may have lingered with our trading partners.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TRADE DEFICIT: TOP 10 COUNTRIES

[In billions of dollars]

Country	Trade deficit		
	1994	1993	1992
1. Japan	65.669	59.318	49.417
2. China	29.494	22.768	18.260
3. Canada	14.693	10.732	8.341
4. Germany	12.512	9.648	7.593
5. Taiwan	9.633	8.855	9.397
6. Italy	7.518	6.764	3.602
7. Malaysia	7.012	4.504	3.898
8. Thailand	5.446	4.773	3.546
9. Venezuela	4.336	3.541	2.730
10. Nigeria	3.921	4.410	4.073
Subtotal for top 10	160.234	135.313	110.857
Total for the world	151.414	115.611	84.881

By Mr. COCHRAN:

S.J. Res. 33. A bill proposing an amendment to the Constitution of the United States relative to the free exercise of religion; to the Committee on the Judiciary.

CONSTITUTIONAL AMENDMENT JOINT RESOLUTION

● Mr. COCHRAN. Mr. President, I am pleased today to introduce a joint resolution proposing an amendment to the Constitution that will restore to individuals the fundamental right to the free exercise of their religious beliefs.

Although most of us would agree that the Framers of the Constitution intended special protection for the ''free exercise of religion'' when they included it in the Bill of Rights, several judicial rulings, and other acts of governments at all levels, over the years have brought that provision into question and resulted in much confusion.

I invite Senators to support this reaffirmation of fundamental, constitutional right.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 12, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 44

At the request of Mr. REID, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 44, a bill to amend title 4 of the United States Code to limit State taxation of certain pension income.

S. 103

At the request of Mr. BAUCUS, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 103, a bill entitled the ''Lost Creek Land Exchange Act of 1995.''

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 448

At the request of Mr. PRYOR, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 448, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 476

At the request of Mr. NICKLES, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 539

At the request of Mr. COCHRAN, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 539, a bill to amend the Internal Revenue Code of 1986 to provide a tax exemption for health risk pools.

S. 602

At the request of Mr. BROWN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 602, a bill to amend the NATO Participation Act of 1994 to expedite the transition to full membership in the North Atlantic Treaty Organization of European countries emerging from Communist domination.

S. 607

At the request of Mr. WARNER, the name of the Senator from Mississippi