

Lastly, we have got to pass this fall fast track legislation to help agriculture, and I would hope the administration would finally get on board and decide to push it. I have been reading all the articles now saying they are going to sit on the sidelines, encourage the Democrats to sit on the sidelines. We have got to have negotiation authority so that we can move our agricultural products. Long term that is the solution for agriculture, is to sell the production we can have in this miracle in the U.S. called agriculture.

Again I want to support this bill, I encourage everyone to do that, but we have got to change our policies if we are in effect going to save agriculture in the long term.

Mr. MINGE. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 3½ minutes remaining.

Mr. MINGE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Speaker, I rise today to support this bill and commend the chairman and the ranking member and others for bringing this forward. But I want to bring a little bit different perspective to the situation.

I fully understand that those areas of the country where they are now experiencing a disaster, whether it be drought or other things, this will be a big help because it will move up the cash flow situation and put them in a little better shape. However, in our part of the world, in northwestern Minnesota and North Dakota, we have had a disaster for 4 or 5 or 6 years, depending on the individual farmers, where this disease problem that we had, primarily scab, has caused us to lose crops 4 or 5 or 6 years in a row, and I am not so sure for those people that are in that situation whether this is going to make a whole lot of a difference to them just because of the situation that they are in.

So I am here today supporting this. This will help people that have gotten into this situation recently. It will help farmers that are experiencing the problem with low commodity prices and the resultant cash flow problems. But we need in our part of the world, and the chairman knows this, we need in addition some help with making crop insurance, making it whole for that period of time where it was not covering people, trying to get the CRP program changed so that those people that have experienced these losses for 4 or 5 years can potentially get that land into CRP.

One of the things that people need to understand, we have got this scab disease that lives in the soil and in the residue. One of the reasons we have got this problem, in my opinion, is because we have given up mould board plowing and we have been using no-tail which allows this stuff to live even longer and better, and if we could put this land

into CRP, get it out of production, get it out of wheat production for a while, we might be able to do some good in this area.

Mr. MINGE. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 1½ minutes.

Mr. MINGE. Mr. Speaker, we have had a fair amount of talk here in the last few minutes about the administration and trade, and I would just like to set the record straight.

There is no administration that I am aware of in recent history that has been as strong an advocate of trade, liberalization of trade policies, as the Clinton administration, and I think that all of us really ought to respect the record that they have established and not try to drag it down.

I have sat on the floor in this body on several occasions when my colleagues have considered trade sanctions or restrictions on trade, if this happens or that happens, and we tend to vote with almost a herd mentality. Well, the administration is asking for us to show restraint.

The administration has been a very vocal supporter of IMF, and I think all of us have acknowledged that. We all know the administration has been a very strong supporter of fast track. The administration has indicated it would like to have the fast track vote after the first of the year.

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It feels like it is going to be a highly politicized vote, and if we are going to promote international trade, this is not the context in which to do it and this authority is not needed before the end of the year. The Secretary of Agriculture told us this at a hearing last Thursday.

So even though the majority controls the floor and we will vote on what the majority brings up, it is tragic if we turn the Fast Track debate into simply a pre-election game. I would urge that we work on a bipartisan basis on this trade issue, just like we have worked on this matter that is under consideration this afternoon.

Mr. THORBERRY. Mr. Speaker, television can take us many places, but it can't make us experience the pain and hardship people feel when they're going through difficult times.

Night after night for the past several weeks, the network news shows have been filled with images from my home state of Texas and stories of how people are dealing with the drought. By now, the stories are familiar.

Ground too dry for seed to take root in. Farmers having to plow under their crops. The livelihood of towns and communities literally blowing away in the wind. The drought is putting a real squeeze on farmers and ranchers trying to make a living. Economically, it's figuring to be even worse than the drought Texas went through in 1996.

The bill we're voting on today will clearly not solve all of the problems people are facing because of these severe weather conditions. But it is a start, and it will put money in people's

pockets quicker than any other plan being discussed in Washington. Perhaps just as important, it's a sign that we're finally getting through in convincing people that something needs to be done to help farmers in our area deal with the drought.

Over the past few weeks, some people have been trying to play politics with this crisis. That is wrong. Congress and the Administration need to work together to do what's right for farmers. The government can't make it rain. But it can help farmers cope with a major national disaster. This plan is the first step in doing that, and will likely be the first of other agriculture-related proposals coming out of Congress in the coming weeks.

Mr. LAHOOD. Mr. Speaker, I rise to join you and Chairman SMITH in support of S. 2344 and ask for its unanimous consideration by the House. As a cosponsor of its House companions S. 2344 would allow farmers the option of receiving all the Agriculture Market Transition Act (AMTA) contract payments for fiscal year 1999 immediately after the beginning of the fiscal year. Mr. Speaker, the bill would make \$5.5 billion available as much as one year early to help farmers cope with the cash shortage they are now experiencing due to low prices. For the State of Illinois, the changes will mean an extra \$500 million into the hands of farmers who choose the advance payment schedule.

The bill also increases the flexibility we gave farmers with the 1996 farm bill. It will let them, not the government, decide if receiving payments early is the best thing for their farms.

Most importantly, Mr. Speaker, because the AMTA payments occur in the same fiscal year, there is no Congressional Budget Office (CBO) scored cost to this proposal. Congress has the opportunity to address the current cash shortage on the farm without incurring any budget cost and give U.S. farmers the opportunity to solve cash shortage problems immediately.

Finally, Mr. Speaker, S. 2344 does not lessen the urgency for Congress and the Administration to use important trade tools. The Administration promised farmers that it would use the Export Enhancement Program (EEP) to its maximum to secure foreign markets for U.S. Agricultural products. The 1996 Farm Bill made over \$1.5 billion available for EEP in 1996-99. To date, the Administration's use of EEP has been anemic. Also, Congress needs to pass Fast Track and fully fund the International Monetary Fund (IMF). Without these tools, America, and American farmers will continue to lag behind in the international trade arena. Let's stop the erosion in farm exports. S. 2344 is a good start.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Oregon (Mr. SMITH) that the House suspend the rules and pass the Senate bill, S. 2344, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on S. 2344, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HEALTH PROFESSIONAL SHORTAGE AREA NURSING RELIEF ACT OF 1998

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2759) to amend the Immigration and Nationality Act with respect to the requirements for the admission of nonimmigrant nurses who will practice in health professional shortage areas, as amended.

The Clerk read as follows:

H.R. 2759

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 "Health Professional Shortage Area Nursing Relief Act of 1998".

SEC. 2. REQUIREMENTS FOR ADMISSION OF NON-IMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS DURING 4-YEAR PERIOD.

(a) ESTABLISHMENT OF A NEW NON-IMMIGRANT CLASSIFICATION FOR NON-IMMIGRANT NURSES IN HEALTH PROFESSIONAL SHORTAGE AREAS.—Section 101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) is amended by striking "; or" at the end and inserting the following: ", or (c) who is coming temporarily to the United States to perform services as a registered nurse, who meets the qualifications described in section 212(m)(1), and with respect to whom the Secretary of Labor determines and certifies to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) for the facility (as defined in section 212(m)(6)) for which the alien will perform the services; or".

(b) REQUIREMENTS.—Section 212(m) of the Immigration and Nationality Act (8 U.S.C. 1182(m)) is amended to read as follows:

"(m)(1) The qualifications referred to in section 101(a)(15)(H)(i)(c), with respect to an alien who is coming to the United States to perform nursing services for a facility, are that the alien—

"(A) has obtained a full and unrestricted license to practice professional nursing in the country where the alien obtained nursing education or has received nursing education in the United States;

"(B) has passed an appropriate examination (recognized in regulations promulgated in consultation with the Secretary of Health and Human Services) or has a full and unrestricted license under State law to practice professional nursing in the State of intended employment; and

"(C) is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to engage in the practice of professional nursing as a registered nurse immediately upon admission to the United States and is authorized under such laws to be employed by the facility.

"(2)(A) The attestation referred to in section 101(a)(15)(H)(i)(c), with respect to a facility for which an alien will perform services, is an attestation as to the following:

"(i) The facility meets all the requirements of paragraph (6).

"(ii) The employment of the alien will not adversely affect the wages and working conditions of registered nurses similarly employed.

"(iii) The alien employed by the facility will be paid the wage rate for registered nurses similarly employed by the facility.

"(iv) The facility has taken and is taking timely and significant steps designed to recruit and retain sufficient registered nurses who are United States citizens or immigrants who are authorized to perform nursing services, in order to remove as quickly as reasonably possible the dependence of the facility on nonimmigrant registered nurses.

"(v) There is not a strike or lockout in the course of a labor dispute, the facility has not laid off registered nurses within the previous year other than terminations for cause, and the employment of such an alien is not intended or designed to influence an election for a bargaining representative for registered nurses of the facility.

"(vi) At the time of the filing of the petition for registered nurses under section 101(a)(15)(H)(i)(c), notice of the filing has been provided by the facility to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to registered nurses employed at the facility through posting in conspicuous locations.

"(vii) The facility will not, at any time, employ a number of aliens issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c) that exceeds 33 percent of the total number of registered nurses employed by the facility.

"(viii) The facility will not, with respect to any alien issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(c)—

"(I) authorize the alien to perform nursing services at any worksite other than a worksite controlled by the facility; or

"(II) transfer the place of employment of the alien from one worksite to another.

Nothing in clause (iv) shall be construed as requiring a facility to have taken significant steps described in such clause before the date of the enactment of the Health Professional Shortage Area Nursing Relief Act of 1998. A copy of the attestation shall be provided, within 30 days of the date of filing, to registered nurses employed at the facility on the date of filing.

"(B) For purposes of subparagraph (A)(iv), each of the following shall be considered a significant step reasonably designed to recruit and retain registered nurses:

"(i) Operating a training program for registered nurses at the facility or financing (or providing participation in) a training program for registered nurses elsewhere.

"(ii) Providing career development programs and other methods of facilitating health care workers to become registered nurses.

"(iii) Paying registered nurses wages at a rate higher than currently being paid to registered nurses similarly employed in the geographic area.

"(iv) Providing adequate support services to free registered nurses from administrative and other non-nursing duties.

"(v) Providing reasonable opportunities for meaningful salary advancement by registered nurses.

The steps described in this subparagraph shall not be considered to be an exclusive list of the significant steps that may be taken to meet the conditions of subparagraph (A)(iv). Nothing in this subparagraph shall require a facility to take more than one step if the fa-

cility can demonstrate, and the Attorney General determines, that taking a second step is not reasonable.

"(C) Subject to subparagraph (E), an attestation under subparagraph (A)—

"(i) shall expire on the date that is the later of—

"(I) the end of the one-year period beginning on the date of its filing with the Secretary of Labor; or

"(II) the end of the period of admission under section 101(a)(15)(H)(i)(c) of the last alien with respect to whose admission it was applied (in accordance with clause (ii)); and

"(ii) shall apply to petitions filed during the one-year period beginning on the date of its filing with the Secretary of Labor if the facility states in each such petition that it continues to comply with the conditions in the attestation.

"(D) A facility may meet the requirements under this paragraph with respect to more than one registered nurse in a single petition.

"(E)(i) The Secretary of Labor shall compile and make available for public examination in a timely manner in Washington, D.C., a list identifying facilities which have filed petitions for nonimmigrants under section 101(a)(15)(H)(i)(c) and, for each such facility, a copy of the facility's attestation under subparagraph (A) (and accompanying documentation) and each such petition filed by the facility.

"(ii) The Secretary of Labor shall establish a process, including reasonable time limits, for the receipt, investigation, and disposition of complaints respecting a facility's failure to meet conditions attested to or a facility's misrepresentation of a material fact in an attestation. Complaints may be filed by any aggrieved person or organization (including bargaining representatives, associations deemed appropriate by the Secretary, and other aggrieved parties as determined under regulations of the Secretary). The Secretary shall conduct an investigation under this clause if there is reasonable cause to believe that a facility fails to meet conditions attested to. Subject to the time limits established under this clause, this subparagraph shall apply regardless of whether an attestation is expired or unexpired at the time a complaint is filed.

"(iii) Under such process, the Secretary shall provide, within 180 days after the date such a complaint is filed, for a determination as to whether or not a basis exists to make a finding described in clause (iv). If the Secretary determines that such a basis exists, the Secretary shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint within 60 days of the date of the determination.

"(iv) If the Secretary of Labor finds, after notice and opportunity for a hearing, that a facility (for which an attestation is made) has failed to meet a condition attested to or that there was a misrepresentation of material fact in the attestation, the Secretary shall notify the Attorney General of such finding and may, in addition, impose such other administrative remedies (including civil monetary penalties in an amount not to exceed \$1,000 per nurse per violation, with the total penalty not to exceed \$10,000 per violation) as the Secretary determines to be appropriate. Upon receipt of such notice, the Attorney General shall not approve petitions filed with respect to a facility during a period of at least one year for nurses to be employed by the facility.

"(v) In addition to the sanctions provided for under clause (iv), if the Secretary of Labor finds, after notice and an opportunity for a hearing, that a facility has violated the condition attested to under subparagraph