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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOSSELLA).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 10, 2005.

I hereby appoint the Honorable VITO FOSSELLA to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, guide the minds and hearts of the Members of the House of Representatives today as they sort out and prioritize the massive work before the 109th Congress. Strengthen their determination as they commit themselves to the difficult task of meetings and committee work. May mutual respect and civility prevail in all their discussions.

In every issue to be addressed or any problem to be resolved, let Members turn to You in prayer so to draw from Your holy inspiration and true creative thinking.

By Your constant guidance further their work until it is brought to completion. Then the American people will rejoice because their hopes for equal justice under the law are realized, and the security and prosperity of this Nation are really fashioned by Your hand now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PALLONE) come forward and lead the House in the Pledge of Allegiance.

Mr. PALLONE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 5 1-minute speeches on either side.

IRAQ ELECTION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, last week the people of Iraq risked life and limb to vote. They showed the world that freedom and self determination were things worth fighting and dying for.

The people of Iraq have spoken and in doing so, have undermined the terrorists who claim to be the true representatives of the Iraqi people.

No one expects the transition to representative government to be easy. After winning independence from Britain, it took our Founding Fathers years to draft and adopt a constitution that brought together the widely different factions that comprised the original 13 colonies.

There is one thing that is beyond dispute. The overwhelming majority of Iraqis want to live in a free and tolerant society. They have no use for the discarded Saddam and his henchmen.

As this editorial cartoon shows, a seed of democracy has been planted in the very heart of the Middle East. As Iraq continues to defeat the terrorists and build a flourishing society, the other oppressed peoples of this troubled region will demand and seize the same freedom for themselves. The mullahs of Iran should take note and realize that their people will throw them out sooner or later.

Again, I wish to congratulate the people of Iraq on their successful election.

VETERANS HEALTH CARE BUDGET

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, the President has sent his budget dealing a blow to veterans health care, and I would like to share with you what the veterans' organizations across the country think about it.

Paralyzed American Veterans say the release of the 2006 budget request by the administration demonstrates a callous disregard for the services of America's veterans.

The VFW says the President has delivered a disappointing funding request for the Department of Veterans Affairs. This budget will cause veterans' health care to be delayed.

The DAV, the Disabled American Veterans, says the administration has proposed one of the most tight-fisted, miserly budgets for veterans' programs in recent memory. As a result, VA facilities across the country are cutting staff and limiting services even as the number of veterans seeking care is on the rise.

The American Legion says veterans' health care is an ongoing expense of war. You do not thank veterans for serving their country and then tell them, Oh, by the way, you had better

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not get wounded or you will have to pay extra for your health care.

Shame on this terrible veterans budget.

SOUND ECONOMIC POLICY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, sound economic policy cannot be made in a vacuum. Today I am introducing a resolution to help take steel policy out of that vacuum.

My resolution calls on the Commerce Department and the International Trade Commission, the ITC, to simply consider domestic steel consumers when they decide whether to continue duties on imported steel.

Although Commerce and the ITC have the authority to consider steel consumers in sunset reviews, they traditionally have not done so, and frankly, that is simply wrong.

Steel consumers are hurting, and unnecessary distortion in the steel market is the reason why.

As decisions are made about the import duties on steel products, does it not make sense to consider the impact on steel consumers?

Some steel duties are still necessary, but some are not. The deck should not be stacked in favor of keeping unnecessary duties.

Let us look at the full impact. It is a matter of fundamental fairness.

THE PRESIDENT'S BUDGET

(Ms. KILPATRICK of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK of Michigan. Mr. Speaker, this week the President delivered a $2.5 trillion budget to Congress and the American people. What was missing was nearly a trillion dollars for his plan for Social Security.

What was missing was the $1.8 billion, the cost of making the tax cuts permanent and retiring tax cuts.

What was missing was the cost of the war in Iraq. He has already spent $280 billion. He has asked for $80 billion more, none of it in the budget.

What was in the budget was $60 billion cut for Medicaid. Over 40 million people, children and poor people, a $60 billion cut.

What was missing was a $2 billion cut that was in the budget for community development block grants, monies to cities and towns to build their infrastructure, to help in their housing and other local community programs.

What was in the budget was a cut to Upward Bound, TRIO and other education programs, cuts to our firefighters, at the same time asking for permanent tax cuts. We have got to do better and I hope we will.

THE BULGARIAN MIRACLE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today in appreciation of the strong partnership between the United States and Bulgaria.

For over 100 years the United States has enjoyed diplomatic relations with Bulgaria. With its new era of democracy, our two countries now stand together in the war on terrorism and our friendship is stronger than ever.

Bulgaria is a new democracy which recognizes the importance of furthering freedom throughout the world. By sending over 400 troops to rebuild Iraq and train security forces, the country is playing an important role in helping the Iraqi people. Also, with a contingent in Afghanistan, Bulgaria is protecting the modern world by containing terrorists at the source.

Bulgaria is also a country of great accomplishment. Last year I was honored to meet Prime Minister Simeon Saxe-Coburg Gotha and to attend the White House ceremony honoring Bulgaria's admission into NATO. Under his leadership, the Bulgarian economy is being transformed and EU admission is planned in 2 years.

During my visits to Bulgaria, I have seen firsthand the Bulgarian miracle, the establishment of a dynamic democracy and the restoration of economic freedom.

As the co-chair of the Congressional Bulgaria Caucus with the gentlewoman from California (Mrs. TAUSCHER), it is also my privilege to work with Ambassador Elena Poptodorova.

In conclusion, may God bless our troops and we will never forget September 11.

NO TO PRICE INDEXING AND PRIVATIZATION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Social Security benefits have steadily increased over the years because they have long been calculated by indexing them to wage increases which on the average go up 3.6 percent a year, so Social Security benefits increase with rising wages.

The administration wants to change all of that. They want to index Social Security benefits according to price increases, not wages. As a result, millions of future retirees will see their future Social Security benefits reduced as much as 40 percent because prices do not increase as fast as wages.

Let me give an example. If you began work in 1959, retired in 2003 at age 65, under wage indexing where benefits rise with rising wages, you get $1,158 a month. Under price indexing, your benefits would be frozen. You would get only $701 a month. So there would be a 40 percent cut in benefits with price indexing and a person would lose over $100,000 in retirement benefits over a lifetime.

Why the switch to price indexing? Because privatization is going to create an additional shortfall. The administration is going to have to borrow money to set up private accounts, and the shortfall is going to be for 45 years. They are going to have to borrow up to $15 trillion. They are going to try to get the money off the backs of America's retirees. It is wrong. No to privatization and no to price indexing.

CLOSING CRITICAL LOOPHOLES

(Mr. REICHERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REICHERT. Mr. Speaker, on September 11 terrorists struck the heart of the American people. By infiltrating our country and living among us, these enemies were able to plot and execute an attack on thousands of innocent Americans. It is imperative they do not have that opportunity again.

Driver's licenses are the primary identification document in the United States, yet 11 States, including my home State, Washington, do not require applicants to provide proof they are in the country legally to obtain IDs. The 9/11 Commission report states: ''For terrorists, travel documents are as important as weapons.''

These gaps in the system are critical loopholes. With a driver's license, the wrong person can then go on to purchase a firearm, rent a car, and board a plane.

Mr. Speaker, as a former law enforcement officer of over 33 years, I can speak firsthand to the danger of firearms in the wrong hands. We do not need to make it easier for the terrorists to get weapons. I urge my colleagues to vote for the REAL ID Act today and take another stop to a more secure Nation.

WHERE IS REPUBLICAN OUTRAGE?

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, yesterday we and the American public found out that the Bush administration once again has not been telling us the truth about the cost of the Medicare prescription drug benefit. It now appears it is going to cost over a trillion dollars. When they debated it on the floor of Congress, they said it was going to cost $300 billion, and at the same time, of course, the administration and the Republican leadership kept the people from coming forward with the real information that they thought it was going to cost $600 billion.

Now it is over a trillion dollars. Where is the Republican outrage?

Where is the Republican commitment to balance budgets and fiscal responsibility? No, they have instead chosen to lower their voices.

I wonder if it has anything to do with the fact that those Members with independent voices in the Republican Caucus lost their positions. Those who had independent voices on the Committee on Standards of Official Conduct and the Committee on Veterans' Affairs lost their chairmanship and their positions. The gentleman from New Jersey (Mr. SMITH) who spoke out independently on behalf of America's veterans lost his chairmanship and even his position on that committee.

Mr. Speaker, I wonder what has happened to those independent voices for the good of this Nation and the Republican Party.

HONORING SPECIALIST LYLE RYMER, II

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Specialist Lyle Rymer, II, who was a lifelong resident of the Fort Smith, Oklahoma, area. Lyle was recently killed in Iraq while honorably serving his country.

A member of Arkansas Army National Guard's 239th Engineering Company, Lyle was killed by an enemy sniper on January 28 while guarding members of his unit who were erecting barricades in preparation for the Iraqi elections. Lyle was a true hero who was on the ground, helping a new democracy prepare for their first free elections in over 50 years.

It seems that universally the members of Lyle's unit have the utmost respect for him. In news reports, they described him as a go-getter, someone who always strived to achieve more than was asked of him.

Mr. Speaker, Specialist Lyle Rymer, II, at the age of 24, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Lyle's family and friends in their thoughts and prayers during these difficult times.

SOCIAL SECURITY TRANSITION COSTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, President Bush says the transition cost for his Social Security plan will cost about $700 billion in the first year, but can Members believe him? Let us look at the President's record on estimating costs for his programs. Two years ago he promised his Medicare prescription drug bill would cost from 300 to 400 billion over 10 years. This week the President was forced to admit that it now will cost more than $1.2 trillion. That is four times what he said when he was lobbying my colleagues to vote for the Medicare prescription drug bill a couple of years ago.

Now the President wants the American people to believe his Social Security privatization plan will only cost $700 billion in the first year, but other estimates have it at nearly $2 trillion in the first year to transition to his privatization plan.

□ 1015

The President, Mr. Speaker, in my opinion, has proven time and time again that he simply cannot estimate the cost of his programs; and we simply cannot afford to buy into his risky Social Security privatization bill. It is going to cost a lot more. It is going to cut benefits, and it is a risky privatization plan.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 75 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 75

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The rule under consideration completes the work begun by the general debate rule passed yesterday by the House. It provides for further consideration of the rule under a structured rule and provides that no further general debate shall be in order.

This rule provides that the amendment printed in part A of the Committee on Rules report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole and that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read.

It makes in order only those amendments printed in part B of the report and provides that these amendments may be offered only in the order printed in the report and only by a Member designated in the report. These amendments shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, this rule waives all points of order against the amendments printed in part B of the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, this rule will complete the work begun yesterday on H.R. 418, the REAL ID Act of 2005. As a number of our colleagues have already made it very clear during the debate yesterday of an hour and 40 minutes, this legislation will continue the efforts of our President, George W. Bush, the 9/11 Commission, and of Congress to ensure that America never suffers another terrorist attack like the tragedy of September 11, 2001.

H.R. 418, authored by the gentleman from Wisconsin (Chairman SENSENBRENNER) will improve security by focusing on four main areas: Number one, implementing much-needed driver's license reform, closing asylum loopholes, defending our borders, and strengthening our deportation laws.

Implementing the driver's license reforms included in H.R. 418 will provide for greater security for the American people. Because of lax standards and loopholes in the various current State issuance processes, terrorists have been allowed to obtain driver's licenses, often multiple driver's licenses from different States, and abuse these false identities for illegal and harmful purposes. The September 11 hijackers had

within their possession at least 15 valid driver's licenses and numerous State-issued identification cards listing a wide variety of addresses.

These terrorists were then able to exploit many of the benefits conferred upon them by possession of these cards, such as enabling the bearer to acquire other corroborating identification documents, transfer funds to a United States bank account, obtain access to Federal buildings, purchase a firearm, rent a car, or board a plane, just to name a few.

By establishing minimum document and issuance standards for the Federal acceptance of driver's licenses, requiring applicants to prove that they are in the country legally, and requiring identity documents to expire simultaneously with the expiration of lawful entry status, this legislation will ensure that individuals harboring malicious intent or who have illegally entered or who are unlawfully present in the United States cannot have access to these valuable and sensitive documents.

Closing the asylum loopholes identified by H.R. 418 will provide greater security for the American people because, as the 9/11 Commission report noted, ''a number of terrorists . . . abused the asylum system.'' By strengthening judges' abilities to determine whether asylum seekers are truthful and credible, we will be able to prevent terrorists from gaming the system by applying for asylum as a means to avoid deportation after all other recourses for remaining in the United States have been denied to them. This will prevent abuses of the system like in the case of the ''Blind Sheik'' Abdul Rahman, who was able to stay in the United States and force an immigration judge to hold a hearing on his asylum claim only weeks before his followers bombed the World Trade Center in 1993.

Defending our physical border, as provided for in the REAL ID bill, will also provide greater security for the American people. We know from the 9/11 Commission that the hijackers had 25 contacts with consular officers and 43 contacts with immigration and customs authorities. As a result, the 9/11 Commission and Congress are recommending to take a number of appropriate actions that would make it more difficult for terrorists to enter the United States through the visa or other legal immigration process, and this bill will go even further towards attaining that goal. But closing down only the legal means by which they will try to infiltrate this country is not enough.

Because increased vigilance has made entering the country through normal, regular channels more difficult, we must also increasingly prepare for the certainty that terrorists will use illegal, clandestine methods to enter our country and do us harm, and we must take steps now to close the gaps in our border security where we feel we are most vulnerable.

Finally, strengthening our deportation laws as provided for by H.R. 418 will provide greater security for the American people. Currently, although it seems unbelievable, not all terrorist-related grounds for keeping an alien out of the United States are also grounds for deportation. This means that terrorists and their closest advocates can be denied entry to the United States for their actions in support of terrorism, but if they are able to make it to our shores, we cannot deport them legally under those same actions.

The REAL ID Act will bring some common-sense balance to this troubled oversight and make the law consistent by providing that all terrorist-related offenses that make aliens inadmissible would also be grounds for their deportation. It would also provide that any alien contributing funds to a terrorist organization could also be deportable.

This rule makes in order five amendments from Members from both sides of the aisle, including one that I have submitted to ensure that aliens and terrorists who are in the United States and ordered deported are actually deported so that they can no longer pose a threat to the security of American citizens.

By supporting this rule, the House can complete its consideration of these five important amendments and the underlying legislation.

I urge all of my colleagues to support this fair and balanced rule.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary time.

Mr. Speaker, my colleagues on the other side, for the balance of these arguments today and during yesterday, said very frequently, and it was repeated again by the gentleman from Texas, that the horrible people that were on the airplanes that did the dastardly deed here in America on September 11 had, collectively, 63 driver's licenses. That is, without any kind of misunderstanding between the two sides, they had these driver's licenses, and there is no question about it.

But one of the things that goes ignored is the fact that in the days before 9/11, including that day, airport review of driver's licenses did not occur, and, therefore, it is a total irrelevancy. They were in this country, some on expired visas, some with visas that had been approved, and probably one or two with fraudulent visas. What in the world did driver's licenses have to do with it?

Mr. Speaker, I rise today to oppose this rule and H.R. 418. And once again we see debate limited on this legislation for no reason. The bill is the only item on our legislative schedule today, yet debate on this bill has been limited to less than 2 hours. In fact, the number of proposed amendments has been sharply limited as well. Only a fourth of the amendments submitted to the Committee on Rules will be allowed on the floor today, and what possible reason can the majority give for limiting debate in this matter? Surely, given the drastic nature of the changes to our asylum laws contained in H.R. 418, it is in the best interests of the country to hold an open debate on this legislation.

Mr. Speaker, last Wednesday, the chairman of the Committee on Rules sent out an announcement notifying Members, as is his responsibility, that all their proposed amendments to this bill were due in the Committee on Rules by noon on Tuesday, February 8. All Members who submitted their amendments, Republicans and Democrats, followed this rule; all Members, that is, except the gentleman from Wisconsin (Chairman SENSENBRENNER).

Later Tuesday afternoon, after the deadline had passed, the gentleman from Wisconsin (Chairman SENSENBRENNER) submitted an extensive 18-page amendment that made significant changes to the bill's already controversial asylum sections. Members had never seen this language before, and of course, no subcommittee or committee had a chance to review it or mark it up.

In the short time we have had to review this new language, it appears to be more controversial than the bill's original provisions. It appears to make it easier for an immigration judge to reject on asylum seeker based on subjective and cultural factors that are notoriously unreliable indicators of credibility. It also allows a person to be denied asylum based on any inconsistencies or falsehoods in their testimony, whether or not these inconsistencies are relevant to the person's claim.

□ 1030

I continue to harp on the fact that it does not protect children who are here and in need of asylum consideration. It does not protect women who are in forced slavery and prostitution and are raped. It does not protect them at all with reference to any asylum claims. And it places in the hands of one judge the judging of their credibility.

The other thing ignored is the difficulty that the criteria set forth in H.R. 418 present to asylum seekers, legitimate asylum seekers, to collect information regarding their birth records. In the district that I represent, more than a quarter of the work done in the district offices involves immigration, and one of the things that we find it difficult to accomplish is to have the people in a timely manner who are seeking status and naturalization in this country collect their birth records and records of a variety of things in their communities that simply are not there and are unavailable, and therefore their claims are delayed repeatedly.

Mr. Speaker, this is a bad amendment, and Members should have more

time to study it. What is worse is that Members today will not even have the opportunity to vote up or down on it. This rule makes it a part of H.R. 418. It is called ''self-executing.'' It sounds like a cute way of circumventing the democratic process to me.

Stifling free speech is downright un-American. One cannot fail to see the irony here. Right this minute our troops are in harm's way to further democracy in a far-off country, while democracy here in the halls of Congress is being shoved out the door. When the opportunity for a free debate is squelched, America loses, democracy loses. There is nothing to be gained by limiting ideas; and that is what we have here today, the limiting of the ideas of the majority. They should not and it is wrong for them to shut the American people out.

Mr. Speaker, H.R. 418 also allows the Secretary of Homeland Security to waive all laws necessary for the construction of the San Diego border wall. None of us are of a mind to believe that the completion of the 3-mile gap in that wall should not be undertaken. But giving the Secretary the power to override all Federal laws that interfere with this project sets a horrible precedent. These laws exist for a reason, be it to ensure the safety of the environment or to safeguard important cultural artifacts.

Mr. Speaker, how many more laws will we override in the name of homeland security? None of us would argue that we should not do everything to protect the homeland, but rightly we should not argue to ignore the laws that also protect us in this homeland.

The data collection envisioned by H.R. 418 troubles me a lot. In this age of diminished personal privacy, this bill throws around terms such as ''mandatory facial image capture,'' and ''electronic storage of identity source documents,'' without fully explaining, and it is not explained; and I ask anybody to explain it on the majority side, certainly for the American public, explaining fully how all this captured data will be used and by whom.

I represent a district that, like America, is comprised of immigrants. Many of the people of the 23rd Congressional District of Florida came to America as asylum seekers themselves. They came from places where notorious persecution and violation of human rights occurred, like Haiti and Cuba; and they have worked hard, as many immigrants in this country who sought asylum, to create a new life for themselves and their families. Whether they came 5 years ago or 50 years ago, they know others like them will continue to come to our shores fleeing persecution and desperation, seeking hope, protection and the promise of a better future.

We have a moral responsibility to help them make it. It has not been lessened any more after 9/11 than it was before. The immigrants who founded this country had that moral responsibility, and throughout our history we have waxed and waned with reference to that moral responsibility.

Last night, I watched the so-called ''fair and balanced'' Fox programming, and on that programming it happened that the gentleman from Wisconsin (Chairman SENSENBRENNER) was one of the guests. He made a sterling presentation. He did not falter in any of his principles with reference to this matter, and he went forward in a dignified manner to answer the questions asked.

He did say, I believe, and he has not said that this measure is something that he does not think will help secure the homeland, as my colleague from Texas has just said. But let me quote the gentleman from Wisconsin (Chairman SENSENBRENNER) from last night. He said, ''The key to protecting our homeland is enforcing the immigration laws.'' Let me repeat the quote: ''The key to protecting our homeland is enforcing the immigration laws.''

Now, the gentleman from Wisconsin (Chairman SENSENBRENNER) knows that President Bush has proposed a budget that, rather than fulfilling what we said would protect our homeland by having 2,000 border patrol persons and an added number, 800, INS, or BICE, their new name, to their rolls so that we could enforce the immigration laws, what do we get in the proposed budget? Two hundred border patrol guards and 143 personnel for the Immigration and Naturalization Service.

What I am saying is let us put our emphasis where it ought to be, and let us not divert ourselves in this manner, and certainly let us not continue to shut all of those organizations, from the Governors Association all the way back across the board that are opposed to this law, let us not shut them out from having an opportunity to present themselves at a hearing.

Let us not shut out the people here in the House of Representatives, some 41 who are newly here who have no idea what we did with reference to this matter last year and have not had time in order to be able to review it, sufficient to be able to make arguments on behalf of their constituencies in a satisfactory manner. Let us not shut out the American public by continuing to not allow for open debate.

Mr. Speaker, I oppose this rule and H.R. 418. I urge my colleagues to vote ''no'' on the rule and this ill-conceived legislation.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do understand that not everybody is in agreement about what we are doing today, but for the Members that are paying attention, the 9/11 Terrorist Travel Report of the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, said on page 43, and I would like to quote this: ''September 11: As the hijackers boarded four flights, American Airlines Flights 11 and 77, and United Airlines Flights 93 and 175, at least six hijackers used U.S. identification documents obtained and acquired in the previous months, three of which were fraudulently obtained in Northern Virginia.''

Mr. Speaker, we would have to really not respect this 9/11 Commission if we were not going to follow up on the work that they did. That is why we are here today. We are here for the best reason, for the security of this great Nation and the wonderful people who care and entrust upon the United States Congress the ability to make sure we do all that we can to avoid attacks in the future.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the rule. I rise also in support of the Sessions amendment. But I also would like to take this time to make a few comments about why I will be voting against the bill.

With the utmost sincerity and a deep conviction, I am quite confident that this bill, if you vote for it, you will be voting for a national ID card. I know some will argue against that and they say this is voluntary, but it really cannot be voluntary. If a State opts out, nobody is going to accept their driver's license. So this is not voluntary.

As a matter of fact, even the House Republican Conference, which sent a statement around with some points about this bill, said ''the Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses.''

This is nationalization of all identification. It will be the confirmation of the notion that we will be carrying our papers.

As a matter of fact, I think it might be worse than just carrying our papers and showing our papers, because in this bill there are no limitations as to the information that may be placed on this identification card. There are minimum standards, but no maximum limitations.

The Secretary of the Department of Homeland Security can add anything it wants. So if they would like to put on our driver's license that you belong to a pro-gun group, it may well become mandatory, because there may be an administration some day that might like to have that information.

But there is no limitation as far as biometrics and there is no limitation as far as radio frequency identification. That technology is already available and being used on our passports. This means that you do not have to show your papers. All you have to do is walk by somebody that has a radio frequency ability to read your passport or read your driver's license. There is no limitation as to what they can put on these documents.

This bill also allows the definition of ''terrorism'' to be re-defined. There are no limitations.

In many ways I understand how well intentioned this is, but to me it is sort of like the gun issue. Conservatives always know that you do not register guns, that is just terrible, because the criminals will not register their guns. But what are we doing with this bill? We are registering all the American people, and your goal is to register the criminals and the thugs and the terrorists.

Well, why does a terrorist need a driver's license? They can just steal a car or steal an airplane or steal a bus or whatever they want to do. So you are registering all the American people because you are looking for a terrorist, and all the terrorist is going to do is avoid the law. But we all, the American people, will have to obey the law. If we do not, we go to prison.

So I rise in strong objection to this bill. I hope there will be a few that will oppose H.R. 418.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the REAL ID Act is a real travesty. It has little to do with homeland security, and it represents just the latest in a string of anti-immigrant proposals so unfortunately popular with certain of our Republican colleagues.

Instead of putting the safety of our families first, these are the same folks that would have turned our emergency room doctors into border patrol agents; who would have cut the funding to cities that did not conduct immigration raids; and who would interfere with the people with whom our private banking institutions could serve and encourage instead an underground, black market financial system.

This same anti-immigrant fervor continues to fuel this bad bill. The REAL ID Act is designed to make our roads real unsafe. Undocumented workers will be on our roads. That is why the Austin Police Department believes that Texans would be safer if the law allowed all drivers to obtain licenses.

□ 1045

As Assistant Police Chief Rudy Landeros testified, ''In allowing the community the opportunity to obtain driver's licenses, they will have to pass a driver's test, and that will make them not only informed drivers, but safer drivers.''

The Texas legislature, in a bill by former Representative Miguel Wise, wisely recognized that requiring all drivers to obtain licenses would make Texas families safer. Had it not been for the veto by Texas's myopic governor, this common-sense call for public safety would be the law in the President's home state.

Legal immigrants could also be denied a license. Paula Waddle, an immigration attorney in the Rio Grande Valley, explained that her clients are having delays of as much as 15 months in getting their legal permanent residency papers because of confusion at the Department of Homeland Security. If these legal immigrants do not have sufficient paperwork to prove their legal status, they will be caught up in this same web of anti-immigrant fervor and denied the opportunity to obtain insurance and drive.

Ironically, consideration of this bill coincides with the release this week by the U.S. Commission on International Religious Freedom. This proposal would worsen the plight of those whose conditions were the subject of investigation by that commission: asylum-seekers who already face deplorable conditions, who are often treated like common criminals and thrown into jail with common criminals, and who are subject to strip searches as well as solitary confinement. But since current law already bars those who presnet a secruity risk from getting asylum, the additional restrictions in this bill would not make us safer.

We must not sacrifice our democracy in a misguided attempt to save it. This bill strikes the wrong balance. Anti-immigrant hysteria cannot be permitted to drive an agenda that makes us less safe, less healthy, and erodes our civil liberties while failing to address real terrorist threats.

The REAL ID bill ought to be really rejected fast by this Congress.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

Contrary to what my very good friend from Fort Lauderdale has said, this is a very fair and balanced rule. If we look at the amendments that were submitted to the Committee on Rules and those that we have made in order, it is fascinating.

We made half of the amendments in order that were proposed by the Democrats, those were the priorities established, and 33 percent of the amendments made in order that were submitted by the Republicans. We have really turned ourselves inside out to try and accommodate the wide array of issues that were put forward before the Committee on Rules.

Yesterday, we had three committees of jurisdiction share an hour and 40 minutes of general debate, and we are going to have an opportunity for free-flowing debate on a wide range of issues today. And I am anxiously looking forward to that.

I would like to say that one of the priorities is the passage of the Sessions amendment, which is very, very fair and, I believe, an appropriate way to deal with one of the important challenges we face.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, does the gentleman really believe that 20 minutes of debate, 10 on each side, on these complicated issues, is free and flowing debate? We got out early yesterday; we are here today. Why only 10 minutes of debate on each side on these complicated issues?

Mr. DREIER. Mr. Speaker, reclaiming my time, I would say to my friend that clearly we are debating this right now, during consideration of the rule. We have had Special Orders held on this issue. We had a very lengthy hearing in the Committee on Rules which was available for all of the Members; we had that streamed online. So I think that these issues are pretty darned transparent.

We are trying to deal with border security. It is a very important part of the number one priority that we have, and that is our national security. I think in light of that, we are going to have an opportunity to consider these measures, and I want to say that I think we have some amendments that are very, very important that do need to be addressed.

We did make in order the amendment by the gentleman from California (Mr. FARR), my colleague, which calls for steps that would prevent the completion of the 3.5 mile gap in the 14-mile fence that goes along the border from the Pacific Ocean to the Otai Mesa in San Diego.

I have to say that it is amazing, Mr. Speaker, to observe that it took a shorter period of time to win the Second World War than it has to complete this fence. It is a fence wherein actually the provision for it was signed into law by President Clinton back in 1997, and that was done with strong bipartisan support.

I worked with my colleagues, the gentleman from California (Mr. HUNTER), and our colleague Mr. Ose in the last Congress, who was very involved in this; and I just 10 weeks ago flew with T.J. Bonner, the president of the National Border Patrol Council, over this gap in the fence. It is very clear that people have taken advantage of it.

Now, the argument that is going to be used on the fence issue, and we will be bringing that up in just a little while, has to do with the environment. There are people who say that we need to keep all of these environmental constraints in place which have prevented completion of the fence.

Mr. Speaker, what has happened is, we have seen the California Coastal Commission file a case to prevent completion of it because of something known as the Bell's Verio bird. This bird has chosen to nest on part of the fence, and for that reason, they cannot complete the fence, and it has allowed people to come in.

Now, what has happened is, people have illegally fled across the border.

We have seen that border in what is known as the Tijuana Estuary devastated environmentally. There is all kinds of trash in there, and the environmental vote, Mr. Speaker, is to vote against the Farr amendment in favor of completion of the fence. If we were to complete the fence, we would be able to improve the environmental standard at the border.

Now, this issue is one of the important parts of it, but there is one other issue that I want to mention before I yield back the balance of my time.

I introduced legislation, H.R. 100, to deal with something known as the Saint Cyr decision, that is included in the manager's amendment; and what that does, basically, the provision that we have in the manager's amendment will finally get to the point where the appellate courts are the courts of jurisdiction, and we will not see consistent appeals. Not many people are aware of the fact that, actually, people who are here illegally have an additional appellate step over American citizens. In the manager's amendment, we will be able to rectify that very, very important issue that does need to be addressed.

This is a fair and balanced rule. It will allow us to deal with border security, a very important part of our national security; and I hope this great day will see us, at the end, pass this very important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from Massachusetts, which I will do gladly.

I would say to the chairman that I respect very much, and I am speaking to the gentleman from California (Chairman DREIER), I respect very much what my good friend from California has said with reference to the rule, the amendments that are allowed. But I was in that same process as the chairman was in the Committee on Rules. Three-quarters of the amendments that were submitted on time pursuant to the chairman's correct direction to the body are not a part of the debate here.

The Sensenbrenner amendment, which is rather lengthy, came late to the committee. It is not being voted on up or down for the reason that it was made a self-executing part of the rule.

Now, the gentleman can call that fair and balanced, but let me just say to the chairman that there is a new section 105, and many of the Members are hearing this for the first time. It eliminates Federal court review in many conventions against torture cases, and it eliminates the power of the Federal appeals court judges to stay the removal of asylum seekers.

I do not think any irony is lost on the chairman about the Ninth Circuit's ruling.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me say, there was a lot of discussion as to whether or not we were going to make the Nadler amendment in order, as my friend knows. I know that that addresses the issue of asylum. We are going to have an opportunity for debate on that and an up-or-down vote on that issue.

We clearly had to deal with a wide range of questions as we fashioned this rule. I will tell the gentleman that I am very proud of the fact that we were able to incorporate many of the ideas that my colleagues on the other side of the aisle offered. I will tell the gentleman there were 10 amendments submitted by members of the minority, and six of those 10 amendments were, in fact, withdrawn. We made in order two of the four amendments that remained at the committee level.

We had on our side 10 amendments that were submitted, and we have only made three of our amendments in order of the original 10 that were submitted. That is why I am arguing that we have, in fact, really gone the extra mile to ensure that the rights of the minority are respected.

I appreciate the gentleman yielding.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, before the chairman leaves, just one further word in that regard. I take, from the many times when the chairman was in the minority, his statement to heart; and that is that if a rule is not open, it is closed.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, did I actually say that?

Mr. HASTINGS of Florida. Yes, the gentleman from California (Mr. DREIER) said that a lot. He said that a lot.

Mr. Speaker, I am privileged to yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK), my good friend.

Mr. FRANK of Massachusetts. Mr. Speaker, hearing the chairman of the Committee on Rules describe this restricted rule as fair and balanced reinforces the fact that when people on the right in America politically tell you something is fair and balanced, you had better ask for another deck of cards.

The rule not only limits the amendments; and it makes sense, the chairman's defense makes sense if you start from the perspective that no amendments ought to be allowed. And then when you let in two out of 10, or two out of six, somehow you have been generous.

Ought not the assumption be in favor of openness, especially since the House has not been doing very much? Then the chairman said, Well, we do not have to have long debate on these things; after all, we had a hearing in the Committee on Rules, and it was streamed on line. Anyone who thinks that a hearing in the Committee on Rules that is streamed on line is a substitute for open and free debate in the United States House of Representatives, or anyone who says that, ought to remember, I would give just one piece of advice. No matter how pressed one feels in a debate, try to avoid saying something that no one is going to believe. It really does not help your cause.

No one thinks that an online hearing in the Committee on Rules with a handful of Members in a room that has 30 seats substitutes for free and open debate in the House of Representatives, and particularly when you only give 10 minutes on a particular amendment.

I want to talk about the amendment on asylum. We heard a lot of discussion last year in the election from people complaining that religion had been driven from the public square. Well, guess who is ignoring religion this year? The majority.

The provisions on asylum have evoked overwhelming opposition from the various religious communities in America. I noted yesterday that the Commission on Interreligious Freedom set up by this Congress to protect religious freedom in the world put out earlier this week a report saying that our asylum procedures are too restrictive. And what is the response of the majority? To make what the Commission on Interreligious Freedom says is a bad situation much worse.

I noted yesterday, in Leviticus it says, and I have looked at various translations, various renderings, and in every one it sometimes says ''stranger,'' it sometimes says ''alien.'' It is clear it means people we would describe as immigrants. It says, Treat them as you would treat the native born.

Now, I do not purport to be a religious scholar. I do not purport to be an expert in religious interpretation, but I am puzzled. Can we turn Leviticus on and off that way? I mean, often I have heard Leviticus quoted as justification for measures that are critical of homosexuals. Do you not have to take it as a package? I mean, if you are going to use Leviticus to disadvantage homosexuals, do you not have to use it to be nice to immigrants? Is it not true that what is Leviticus for the goose is Leviticus for the gander?

Again, I acknowledge I am not a theological expert, so I will turn to some who are. I got a copy yesterday from the Interfaith Statement. ''The REAL ID act,'' it says, ''threatens the ability of victims of persecution to find safe haven in the United States,'' signed by a variety of Jewish and Catholic and Protestant groups, the Jesuit Religious Service, the Episcopal Migration Ministries, the Church World Service, the Jubilee Campaign, the Lutheran Immigration and Refugee Service.

Mr. Speaker, because I do not think that religion ought to be driven from the public square on an issue on which there is such an overwhelming religious consensus, I will offer a statement condemning this bill and its asylum provisions be inserted here.

REAL ID ACT THREATENS ABILITY OF VICTIMS OF PERSECUTION TO FIND SAFE HAVEN IN THE UNITED STATES

As representatives of various faith traditions, we are deeply concerned that the REAL ID Act, legislation proposed by Representative Jim Sensenbrenner (R–WI), would make asylum a more remote possibility for hundreds of persons who need protection. We understand that safeguarding our national security is an urgent issue, and we support measures that honor that concern. We also subscribe to core beliefs which require that we provide safety to victims of persecution, particularly those who have no recourse to the projection that democratic societies traditionally provide. Restricting access to asylum beyond current practice and does not serve the cause of national security and, moreover, erodes a sacred and legal responsibility to give safety to those whose only protection comes from asylum.

Each of our traditions has witnessed the suffering of persons whose beliefs often place them in jeopardy and possibly in mortal danger. As American-based faith communities, we have cherished the ability of asylum seekers to find safety in communities around our nation. We are, therefore, saddened by a further erosion of our asylum system under the pretext of national security. We urge Members of Congress to reject the notion that all asylees are prospective terrorists and that the current system needs to be made more restrictive.

The belief that we must receive persons who have been rejected and persecuted because of their ideas and religious practices is anchored in both our histories and sacred texts. We have contributed over the years to supporting and enriching practices which embrace hospitality as not only a religious but an American value. We also appreciate the need to prevent terrorism from violating both our freedom and safety. We believe that hospitality to the stranger—particularly one who has been persecuted—and security are compatible national goals. We, therefore, reject legislation that subverts hospitality in the name of security.

The current asylum system includes rigorous safeguards against terrorists abusing the asylum system. The changes proposed by the REAL ID Act raise a false issue in further victimizing legitimate asylum seekers. Requiring unreasonable levels of evidence to prove an asylum claim, placing a greater burden on asylum seekers to convince reviewers of the key motivation of their accusers, and allowing subjective considerations to guide the review process all send a chilling message to those who desperately seek the safety and protection which they have a right to expect of our great nation.

We have all seen how fear can pervert justice. We believe that the religious traditions which we embrace calls us to oppose a narrowing of the door to asylum by some of the world's most at-risk persons. We are committed to resisting a fear driven agenda which violates our faith-based principles.

Anti-Defamation League
B'nai B'rith International
Church World Service
Episcopal Migration Ministries
HIAS and Council Migration Service of Philadelphia
Hebrew Immigrant Aid Society
Institute on Religion and Public Policy
Jesuit Refugee Service
Jewish Council for Public Affairs
Jewish Labor Committee
Jubilee Campaign
Lutheran Immigration and Refugee Service
Midland Alliances
Midland Association of Churches
Midland Ministerial Alliance
National Council of Jewish Women
Project for International Religious Liberty
Religoius Freedom Coalition
Workmen's Circle/Arbeter Ring
World Relief

Mr. Speaker, the asylum provisions make it much harder for people to get asylum. We will have 20 minutes to debate this issue. It would take me half of that time to read the full list of signers.

Last week, we were visited, those of us on the Democratic side, by a representative of the Catholic bishops, who asked us specifically to oppose this bill and particularly to condemn the asylum provisions. I do not think there has been any showing that asylumees have been terrorists.

But, in any case, I do want to stress, those of you who have said we have insufficiently paid attention to religious values, Mr. Speaker, I urge them not to turn their back on the religious community now and not to give the religious communities, a broad range of them, 10 minutes in which we can make the case that this bill violates biblical injunctions about aliens and undercuts our mission to be a haven for the religiously persecuted.

□ 1100

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this rule for consideration of amendments to H.R. 418, the REAL ID Act.

The manager's amendment, which will self-execute upon adoption of this resolution, makes technical changes to the bill as well as making a number of substantive improvements. One such modification will be to remove the annual cap on the number of aliens granted asylum who can become permanent residents each year. The current cap of 10,000 has resulted in a multi-year backlog that has caused unnecessary hardship to aliens already found to have been fleeing persecution. Hardly an anti-refugee provision.

The manager's amendment also extends the bill's provisions regarding the credibility determinations of immigration judges in asylum proceedings to apply to other requests for relief from removal before immigration judges.

Lastly, it includes the text of H.R. 100, introduced by the gentleman from California (Mr. DREIER), to limit criminal aliens to one bite of the apple in contesting their removal orders. I strongly support all these changes and believe they improve the underlying legislation.

Regrettably, at the request of the Committee on Government Reform, the manager's amendment also removes two provisions that I believe address important issues with regard to temporary licenses. One provision clarified the need to clearly mark temporary driver's licenses that States remain authorized to issue people who cannot meet the identity standards as set by this bill.

The other provision provided the Secretary of DHS with the ability to intervene, but only in the interest of national security, to reduce the incredible diversity in form and appearance of driver's licenses issued by the States. Today there are over 350 valid driver's license designs issued by the 50 States. And we all know it is very difficult for security officials at airports to tell the real ID cards from the counterfeit ones.

I understand why the chairman of the Committee on Government Reform believes these two provisions should not be included at this time; however, it is my hope that as this legislation continues to move through the legislative process, we may revisit these two provisions. Both are widely supported and improve the overall bill.

I urge my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. HASTINGS) has 6½ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 11 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the distinguished chairman talks about section 102 of the bill, which gives the Secretary of Homeland Security the ability to waive all laws that might get in the way of building the fence; and he talks about environmental laws, and he talks about endangered species. Well, that is all well and good, but the radicalism and the irresponsibility of the majority is shown by how this is drafted.

This does not refer to environmental laws. This does not refer to endangered species. This says the Secretary of Homeland Security shall have the authority to waive all laws in his sole discretion that he determines necessary.

The Secretary of Homeland Security can tell the contractors, if anybody gets in your way, shoot them. Shoot them. The laws against men are waived. Laws against anything are waived. It makes him a total dictator. Then to make sure that the Secretary can be a total dictator in contravention of the Constitution, in contravention of all our laws, it then says, no court shall have jurisdiction to hear any clause or claim arising from any decision the Secretary takes or to order any compensatory declarative injunctive, equitable or any other relief for damages alleged to have been suffered.

So someone can be shot because the Secretary says shoot anybody that gets in the way by accident or deliberately and the courts cannot review whether

the Secretary had the authority, whether this is constitutional.

Last year we had certain court-stripping legislation before us to say that the court shall have no jurisdiction to hear a claim against the constitutionality of the Defense of Marriage Act.

One other thing, I got up on this floor and I said, this is going to become boiler plate language in bills, and here it is. It did not even mention it. Boiler plate language.

''No court shall review any action the Secretary may take.''

I thought the Republican Party stood for limited government. This says the Secretary is absolute dictator, as absolute as Stalin. What kind of language is this?

Regardless of the merits of this bill, regardless of the merits of this provision in general, this is disgraceful.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Texas for yielding me time.

Mr. Speaker, I rise in favor of the rule, and I rise in favor of the Sessions amendment. The amendment makes certain that before an alien is released from DHS detention on his own recognizance pending an upcoming hearing, the immigration judge first certify that the alien is not a flight risk and, more importantly, that he does not pose a security risk to the United States.

Mr. Speaker, I appreciate the different views that we hear in the well of this House. I understand full well Dr. Franklin's admonition about the challenge confronting those who seek security and yet also wish to preserve liberty.

Mr. Speaker, one of the reasons we are here on the floor visiting this issue today is, as the distinguished chairman of the Committee on Rules pointed out, while our founders believed that all men were created equal, now we have the arcanities and absurdities of certain judicial procedures that allow illegal aliens to enjoy more legal privacy in some cases than do American citizens. We need redress.

I listened with great interest to my friends who came to the floor recently discovering States rights with reference to this legislation, and I believe that to be a hopeful sign. I listened with great interest to other friends who came to offer scriptural and spiritual entreaties in this debate, and I welcome that as well. But, Mr. Speaker, here is the fundamental question we confront. In the wake of 9/11, in the wake of clear and demonstrable evidence that there are those who come to this Nation with the intent of harming and killing Americans, who are bent on the destruction of our Nation and our system of government, at long last this body should take the steps necessary to preserve our security and our liberty. Border security is national security.

There has been lament expressed from the other side that we are moving too quickly. Indeed, Mr. Speaker, I came to this well in a previous Congress lamenting the fact that at the behest of the other body we remove these important provisions from a piece of legislation passed at the end of the last session of Congress.

Incrementalism in wartime is unacceptable. There is a clear and present danger. We must respond.

Pass the rule. Pass the Sessions amendment. Pass the underlying legislation. Let us preserve and protect our Union and our way of life.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, section 101, the asylum provisions, are flawed. Existing law exempts and prohibits terrorists or threats to national security or those who the government can prove through secret evidence are threats to national security from getting asylum. That is existing law. This self-executing rule, which allows amendments which have never been considered by any committee or heard through hearing or markup, do several dangerous things.

Section 101 encourages asylum officers and immigration judges to deny an asylum claim simply because the applicant was able to recall or recount information later in the process that she did not mention when she was initially encountered by immigration officers. The amendment included in the rule would expand that to include consistency on matters that are entirely relevant to the basis of the claim for asylum.

It would mean that a woman who has been subjected to gang rape by government armed forces in her country who is too afraid or ashamed to tell the fact to the armed male immigration officer she first encounters at the airport in the United States could, if she tells the story later on in the process, be denied asylum simply because she was too afraid or too ashamed to tell the story to the first person she encountered.

Now, under the amendment, this woman could be denied asylum because she cannot recall facts that are irrelevant to establishing her need from protection, her high school graduation date, for example.

In a system where we rely on translations and statements taken from people in crisis, this is a very change in the law.

It is a fundamental challenge to the whole concept of the immigration judge considering all things coming into the record. The one thing I know is if section 101 becomes law, people with a well-founded fear of persecution, as a result of these changes, will be denied asylum, there will be no effort whatsoever to enhance our efforts to protect this country against terrorism, but we will have struck a fundamental blow against a tradition which I think is very important to maintain in this country and that is that we are a haven for refugees from persecution for political, ethnic, religious, gender reasons.

I urge a ''no'' vote on the rule and a ''no'' vote on the bill.

Even more troubling is a fact discussed in a report released this week by the U.S. Commission on International Religious Freedom. Often Immigration Judges determine that an applicant is not credible because their statement at the airport was inconsistent with later statements because later statements included more detail. The problem with that logic is that when an asylum applicant is interviewed in inspections, the interview stops at the moment that the person establishes a fear of persecution. They are not invited to provide more detail until a later credible fear interview. In other words, the applicant isn't the reason the details are not included. This bill would codify this preposterous failure of the Immigration Judges' logic in these cases.

Section 101 also would encourage asylum officers and immigration judges to deny an asylum claim because of perceived problems with an applicant's demeanor. This would mean that a woman subjected to persecution by the Taliban who has been taught that she should not make eye contact with a man could be denied asylum simply because she did not make eye contact with the male immigration officer interviewing her.

Furthermore, it is quite common for torture survivors suffering from post-traumatic stress to exhibit characteristics in their demeanor such as lack of eye contact, the inability to recall simple details that to an untrained person may appear to be symptoms of lying. For example, Fauyiza Kassindja, a young Togolese woman who fled female genital mutilation (FGM), would have been denied asylum under this standard with little chance of getting that determination reversed on appeal. Under current law, the Board of Immigration Appeals rightly reversed the Immigration Judge's credibility finding in her case, and that decision has helped protect other women fleeing FGM.

Section 101 would encourage asylum officers and immigration judges to deny an asylum claim when the applicant cannot provide corroborating evidence of their claims if the officer, in his unreviewable discretion, believes that the applicant should be able to provide such evidence.

This disproportionately harms applicants who are detained and/or lack counsel. Relatedly, H.R. 418 would constrain judicial review of a denial of asylum based on an applicant's failure to provide corroborating evidence.

Section 101 would require some asylum applicants to prove not only that they are refugees, but also prove their persecutors' central Reason.

The additional burden on asylum applicants created by this provision is impermissible under the international law, including the U.N. Convention on Refugees to which the United States is a signatory. To meet the standard set forth in the Convention, it is sufficient to show persecution is motivated in part by one of the prohibited grounds. Asking a refugee or asylum applicant to parse his persecutor's motivations so finely as to distill the ''central Reason'' or ''central reason'' is asking asylum

seekers to read the minds of their persecutors. This additional burden will lead ineluctably to denials of legitimate asylum claims, sending helpless applicants back to face more persecution and potentially death.

The proponents of section 101 assert that we must enact this section in order to prevent terrorists from gaining asylum. My friends who are the authors of this provision are in error, however, in this assertion.

I have been informed by my staff that while several persons with terrorist connections have applied for asylum over the years, the Department of Homeland Security has not found a single terrorist has ever been granted asylum in the United States. This is because, first, current law appropriately makes terrorists ineligible for asylum, and second, the standard for granting asylum is already so high that applicants are subjected to intense scrutiny before a decision on their claims is made.

While the United States has not, as far as the Department of Homeland Security knows, ever granted asylum to a terrorist, there was, indeed, a problem more than a decade ago whereby persons could apply for asylum and then be paroled into the United States while their claims were pending. That is no longer possible today. A person who applies for asylum today is held in detention until an investigation is made on the credibility of their claim and on whether they pose a security risk to the United States.

In conclusion, Mr. Speaker, the consequences for asylum seekers to enactment of section 101 could be catastrophic. The new standards could make it far more difficult for legitimate asylum seekers to prove their claims. After all, would an asylum officer in 1938 have found Jews' claims of being thrown into the death camps and ovens of Nazi Germany credible? Would the victims of the Nazi death camps have been able to present corroboration of the specific facts asserting their claims? If a Bosnian woman who has faced rape at the hands of government agents as a systematic form of persecution is ashamed or afraid to relate her rapes in her initial interviews, should that be an automatic ground to find her not credible?

It is unclear what really motivated the drafters of H.R. 418 to put section 101 into this measure. Two things are clear, however: the provision has absolutely nothing to do with terrorism, and it was not recommended by the 9/11 Commission. Let me repeat that, because yesterday a Member of the majority claimed this bill was simply enacting recommendations of the Commission. The chairman and vice chairman of the 9/11 Commission have clearly and specifically rejected that these asylum provisions are supported by their recommendations.

We should consider changes to our asylum laws in a sober and reflective manner after hearings, subcommittee consideration, and full committee consideration. Neither section 101 of H.R. 418 nor any of the other provisions of this bill had a single hearing or markup.

I urge my colleagues to stand against this rule and if the rule is not defeated, I implore you to support the amendment that will be offered later today to strike Section 101 in its entirety.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague for yielding me time.

Mr. Speaker, I rise today in favor of the rule and in support of the underlying bill, the REAL ID Act.

This is probably one of the most important bills that we will have to vote on in the 109th Congress. The bill obviously will strengthen our borders, improve the rule of law, and protect our national security. It builds upon the recommendations of the 9/11 Commission. These are things they have talked about and had recommended, and it begins to respond to the pleas of the many families who lost loved ones on that terrible day.

It implements much needed driver's license reform. Now, driver's licenses have become the primary ID in the United States. It enables individuals to go get other identity documents, to transfer funds to U.S. bank accounts, obtain access to Federal buildings and other vulnerable facilities, purchase a firearm, rent a car, board a plane, et cetera. So lax standards and loopholes in the current issue process allow terrorists to obtain driver's licenses, often multiple licenses from different States, and abuse the license for identification purposes. The REAL ID Act corrects this.

Identification documents are the last opportunity to ensure that the people are who they say they are and to check whether they are terrorists.

The REAL ID Act would require applicants to provide proof that they are in this country legally. Currently, 11 States do not have such a requirement, meaning the majority of States have already recognized the need for tighter requirements and standards, but unnecessary and dangerous gaps still exist in this system. So that is why we need this. I urge my colleagues to support the rule and the bill.

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

Mr. Speaker, the gentleman from Texas (Mr. SESSIONS) has cited the 9/11 Commission. After 9/11, shortly thereafter, I wrote to President Bush and introduced legislation that would set the precursor to what ultimately became the Department of Homeland Security of this House of Representatives.

During that period of time, I did not have the courtesy of a response from the White House, and the White House opposed setting up inside the administration a Cabinet-level homeland security official. Ultimately, they came around. Tim Roemer, a former colleague of ours who did serve on the 9/11 Commission, and myself and others filed the original legislation leading to the development of the 9/11 independent commission.

□ 1115

And my colleague has cited that commission frequently, but I defy him on the subject of border security, page 186, to tell me anywhere where it says anything about driver's licenses.

They talk about creating an interagency center to target illegal entry and human traffickers; imposing tighter controls on student visas; taking legal action to prevent terrorists from coming into the United States and to remove those already here; further increasing the number of immigration agents to FBI joint terrorism task forces; activating a special court to enable the use of classified evidence. And I could go on and on and on in the Clark working group and the 9/11 report, and not one word, not one word regarding any driver's licenses.

People that are going to do harm in this Nation are not going to do anything other than everything that is fraudulent. But what we need to know is that there are a variety of people who are significantly opposed to this legislation. The AFLCIO, the American Jewish Committee, the Asian American Legal Defense and Education Fund, Catholic Charities USA, the Hebrew Immigrant Aid Society, Irish American Unity conference, Gun Owners of America, the American Conservative Union, the Republican Liberty Caucus, the National Association of Latino Elected Officials, the National Conference of State Legislatures, the Council of La Raza, the Federation of Filipino American Association, the Service Employees Union; and there is a list that goes up to 121 organizations that have been shut out because there were no hearings and no opportunity for them to have been heard, other than through the limited debate.

We should stop this business of closing our opportunities and open up the rules. I oppose this rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to address a number of numbers here. This is a little bit about numbers, and one of them is that 121 organizations that we heard about, as if they were the ones that should obstruct the safety of 282 million Americans whose lives are at risk.

Another number, 19 terrorist hijackers, 19. Nineteen of them with 63, another number, 63 valid driver's licenses in their possession. Any one of those driver's licenses got them anything they needed to do in America, full rights of citizenship for that matter, and get on board any airplane.

And another number, 3,000 dead Americans. And what have we done to close the door? Anything?

Have we even said ''no'' to the 121 organizations that say, Leave the door wide open, keep us at risk because somehow or another there is some kind of tone here that we object to?

We think something is in your heart. We need to close this door.

And what have we done? We have made it harder for terrorists to get on

airplanes with razor blades. We spent millions of dollars on metal detectors and millions of dollars expanding TSA and putting Federal employees in place, and we put millions of people in long lines waiting to get through.

So it is a little harder for them; they have to stand in line with the rest of us. Stand in line with the rest of us where I stand, where I see a 75-year-old lady going through a spread-eagle search while the young Middle Eastern male waltzes through with a smirk on his face, and we cannot close that door.

This bill does some of that, not all of that, but it will be the first thing that will keep the 19-type terrorist hijackers off our airplanes, keep them out of our airplanes, out of our automobiles and provide a measure of safety and security for the American people.

It is not enough, but it is the barest of common sense, and it must move through this Congress, and it must move through this Congress right now, today.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Florida (Mr. HASTINGS) that at this time I do not have additional speakers.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida's time has expired. The gentleman from Texas (Mr. SESSIONS) has 4 minutes remaining.

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

This rule makes in order five amendments for Members of both sides of the aisle, including one that I have submitted to ensure that aliens and terrorists are not in the United States illegally, and if they are, we are going to deport them.

I think that this is a good bill, a good rule; and I support H.R. 418. We need to implement much-needed driver's license reform. We need to close asylum loopholes. We need to defend our borders, and we are going to strengthen our deportation laws. And I encourage all of my colleagues to support the underlying legislation in this rule.

Mr. GINGREY. Mr. Speaker, I wanted to come to the floor today to speak in favor of reforming our system for asylum and against the move to strike the necessary reforms incorporated in H.R. 418. It has been suggested throughout out this debate yesterday and today that because there is no specific recommendation made by the 9–11 commission to reform our asylum system that we in Congress should do nothing to fix it.

That in my opinion is insane. My colleagues and friends on the other side of the isle suggest we stick our heads in the sand and ignore one of the tools used by terrorists to gain access to and remain in our country.

Make no mistake, the 9–11 commission report does specifically state that our asylum system was and is used by terrorists to carry out their schemes to kill Americans.

Let me quote from the report and its accompanying statements:

The report states, speaking of the first Trade Center bombing, ". . .Ramazi Yousef, who had also entered with fraudulent documents but claimed political asylum and was admitted. It quickly became clear that Yousef had been a central player in the attack. He had fled to Pakistan immediately after the bombing and would remain at large for nearly two years."

Later in the report it talks about the outdated immigration benefits system, ". . .when Doris Meissner became INS Commissioner in 1993, she found . . . the asylum and other benefits systems did not effectively deter fraudulent applicants.

Finally, "Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the United States if their operational plans were to come to fruition." "this could be accomplished . . . by applying for asylum after entering. In many cases, the act of filing for an immigration benefit (such as claiming asylum) sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the United States, acquire necessary materials, and execute an attack."

So, if I am to understand my friends on the other side, we are to ignore the problem of asylum abuse and do nothing.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 7, as follows:

[Roll No. 27]

YEAS—228

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall

Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Carter
Eshoo
Feeney
Hinchey
Hinojosa
Radanovich
Stupak

□ 1146

Messrs. BLUMENAUER, KANJORSKI, OBEY, RANGEL, and TIERNEY changed their vote from ''yea'' to ''nay.''

Mr. TANCREDO changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER MODIFICATION TO NADLER AMENDMENT TO REAL ID ACT OF 2005

(Mr. NADLER asked and was given permission to address the House for 1 minute.)

Mr. NADLER. Mr. Speaker, I would like to take this time to explain a unanimous consent request I am about to make.

Mr. Speaker, I regret I must request unanimous consent to amend my amendment, which I am going to offer later, but the process the majority has chosen to use is, to say the least, unfair. The rule makes in order virtually a new bill, which we did not get to see until after the deadline for submitting amendments to the Committee on Rules.

There was no opportunity to draft our amendments to reflect the bill that we are now considering. My amendment would strike section 101 from the bill as amended by the manager's amendment. But the manager's amendment adds a provision to which we do not object, namely, raising the cap on asylum adjustments. This unanimous consent request would change my amendment so as not to change this good provision added at the last minute by the chairman. If we had seen the manager's amendment before the Committee on Rules deadline, this request would not be necessary.

□ 1145

If the majority is sincere in wanting a fair process, there should be no reason to object to this unanimous consent request. This unanimous consent request would not have been necessary if we had seen the manager's amendment before the rules deadline.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 4 TO REAL ID ACT OF 2005

Mr. NADLER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 418 pursuant to House Resolution 75, it may be in order to consider amendment No. 4 in House Report 109–4 in the modified form I have placed at the desk.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT TO H.R. 418 OFFERED BY MR. NADLER OF NEW YORK

Strike section 101 of the bill (and redesignate the succeeding sections of title I accordingly).

Insert, Section 101:

(a) REMOVAL OF CAPS.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Service'' and inserting ''Department of Homeland Security''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security or the Attorney General'';

(2) in subsection (b)—

(A) by striking ''Not more'' and all that follows through ''asylum who—'' inserting ''The Secretary of Homeland Security or the Attorney general, in the Secretary's or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—''; and

(B) in the matter following paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''; and

(3) in subsection (c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General.''

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

REAL ID ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 75 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 418.

□ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, with Mr. UPTON (the Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 9, 2005, all time for general debate pursuant to House Resolution 71 had expired. Pursuant to House Resolution 75, no further general debate shall be in order.

Pursuant to House Resolution 75, the amendment printed in part A of House Report 109–4 is adopted and the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered read.

The text of H.R. 418, as amended, is as follows:

H.R. 418

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 ''REAL ID Act of 2005''.

TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY

SECTION 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking ''The Attorney General'' the first place such term appears and inserting the following:

''(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General'';

(2) by striking ''the Attorney General'' the second and third places such term appears and inserting ''the Secretary of Homeland Security or the Attorney General''; and

(3) by adding at the end the following:

''(B) BURDEN OF PROOF.—

''(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for persecuting the applicant.

''(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse

the applicant from meeting the applicant's burden of proof.

''(iii) CREDIBILITY DETERMINATION.—The trier of fact should consider all relevant factors and may, in the trier of fact's discretion, base the trier of fact's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.

(b) WITHHOLDING OF REMOVAL.—Section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)) is amended by adding at the end the following:

''(C) SUSTAINING BURDEN OF PROOF; CREDIBILITY DETERMINATIONS.—In determining whether an alien has demonstrated that the alien's life or freedom would be threatened for a reason described in subparagraph (A), the trier of fact shall determine whether the alien has sustained the alien's burden of proof, and shall make credibility determinations, in the manner described in clauses (ii) and (iii) of section 208(b)(1)(B).''.

(c) OTHER REQUESTS FOR RELIEF FROM REMOVAL.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1230(c)) is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) APPLICATIONS FOR RELIEF FROM REMOVAL.—

''(A) IN GENERAL.—An alien applying for relief or protection from removal has the burden of proof to establish that the alien—

''(i) satisfies the applicable eligibility requirements; and

''(ii) with respect to any form of relief that is granted in the exercise of discretion, that the alien merits a favorable exercise of discretion.

''(B) SUSTAINING BURDEN.—The applicant must comply with the applicable requirements to submit information or documentation in support of the applicant's application for relief or protection as provided by law or by regulation or in the instructions for the application form. In evaluating the testimony of the applicant or other witness in support of the application, the immigration judge will determine whether or not the testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant has satisfied the applicant's burden of proof. In determining whether the applicant has met such burden, the immigration judge shall weigh the credible testimony along with other evidence of record. Where the immigration judge determines in the judge's discretion that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant demonstrates that the applicant does not have the evidence and cannot reasonably obtain the evidence without departing from the United States. The inability to obtain corroborating evidence does not excuse the applicant from meeting the burden of proof.

''(C) CREDIBILITY DETERMINATION.—The immigration judge should consider all relevant factors and may, in the judge's discretion, base the judge's credibility determination on any such factor, including the demeanor, candor, or responsiveness of the applicant or witness, the inherent plausibility of the applicant's or witness's account, the consistency between the applicant's or witness's written and oral statements (whenever made and whether or not made under oath), the internal consistency of each such statement, the consistency of such statements with other evidence of record (including the reports of the Department of State on country conditions), and any inaccuracies or falsehoods in such statements, without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim. There is no presumption of credibility.''.

(d) STANDARD OF REVIEW FOR ORDERS OF REMOVAL.—Section 242(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1252(b)(4)) is amended by adding at the end, after subparagraph (D), the following: ''No court shall reverse a determination made by a trier of fact with respect to the availability of corroborating evidence, as described in section 208(b)(1)(B), 240(c)(4)(B), or 241(b)(3)(C), unless the court finds that a reasonable trier of fact is compelled to conclude that such corroborating evidence is unavailable.''.

(e) CLARIFICATION OF DISCRETION.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting ''or the Secretary of Homeland Security'' after ''Attorney General'' each place such term appears; and

(2) in the matter preceding clause (i), by inserting ''and regardless of whether the judgment, decision, or action is made in removal proceedings,'' after ''other provision of law,''.

(f) REMOVAL OF CAPS.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Service'' and inserting ''Department of Homeland Security''; and

(B) by striking ''Attorney General'' each place such term appears and inserting ''Secretary of Homeland Security or the Attorney General'';

(2) in subsection (b)—

(A) by striking ''Not more'' and all that follows through ''asylum who—'' and inserting ''The Secretary of Homeland Security or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—''; and

(B) in the matter following paragraph (5), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''; and

(3) in subsection (c), by striking ''Attorney General'' and inserting ''Secretary of Homeland Security or the Attorney General''.

(g) EFFECTIVE DATES.—

(1) The amendments made by paragraphs (1) and (2) of subsection (a) shall take effect as if enacted on March 1, 2003.

(2) The amendments made by subsections (a)(3), (b), and (c) shall take effect on the date of the enactment of this Act and shall apply to applications for asylum, withholding, or other removal made on or after such date.

(3) The amendment made by subsection (d) shall take effect on the date of the enactment of this Act and shall apply to all cases in which the final administrative removal order is or was issued before, on, or after such date.

(4) The amendments made by subsection (e) shall take effect on the date of the enactment of this Act and shall apply to all cases pending before any court on or after such date.

(5) The amendments made by subsection (f) shall take effect on the date of the enactment of this Act.

(h) REPEAL.—Section 5403 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 102. WAIVER OF LAWS NECESSARY FOR IMPROVEMENT OF BARRIERS AT BORDERS.

Section 102(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended to read as follows:

''(c) WAIVER.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section.

''(2) NO JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), no court, administrative agency, or other entity shall have jurisdiction—

''(A) to hear any cause or claim arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1); or

''(B) to order compensatory, declaratory, injunctive, equitable, or any other relief for damage alleged to arise from any such action or decision.''.

SEC. 103. INADMISSIBILITY DUE TO TERRORIST AND TERRORIST-RELATED ACTIVITIES.

(a) IN GENERAL.—So much of section 212(a)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)) as precedes the final sentence is amended to read as follows:

''(i) IN GENERAL.—Any alien who—

''(I) has engaged in a terrorist activity;

''(II) a consular officer, the Attorney General, or the Secretary of Homeland Security knows, or has reasonable ground to believe, is engaged in or is likely to engage after entry in any terrorist activity (as defined in clause (iv));

''(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorist activity;

''(IV) is a representative (as defined in clause (v)) of—

''(aa) a terrorist organization (as defined in clause (vi)); or

''(bb) a political, social, or other group that endorses or espouses terrorist activity;

''(V) is a member of a terrorist organization described in subclause (I) or (II) of clause (vi);

''(VI) is a member of a terrorist organization described in clause (vi)(III), unless the alien can demonstrate by clear and convincing evidence that the alien did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(VII) endorses or espouses terrorist activity or persuades others to endorse or espouse terrorist activity or support a terrorist organization;

''(VIII) has received military-type training (as defined in section 2339D(c)(1) of title 18, United States Code) from or on behalf of any organization that, at the time the training was received, was a terrorist organization (as defined in clause (vi)); or

''(IX) is the spouse or child of an alien who is inadmissible under this subparagraph, if the activity causing the alien to be found inadmissible occurred within the last 5 years,

is inadmissible.''

(b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—Section 212(a)(3)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read as follows:

''(iv) ENGAGE IN TERRORIST ACTIVITY DEFINED.—As used in this Act, the term 'engage in terrorist activity' means, in an individual capacity or as a member of an organization—

''(I) to commit or to incite to commit, under circumstances indicating an intention to cause death or serious bodily injury, a terrorist activity;

''(II) to prepare or plan a terrorist activity;

''(III) to gather information on potential targets for terrorist activity;

''(IV) to solicit funds or other things of value for—

''(aa) a terrorist activity;

''(bb) a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) a terrorist organization described in clause (vi)(III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization;

''(V) to solicit any individual—

''(aa) to engage in conduct otherwise described in this subsection;

''(bb) for membership in a terrorist organization described in clause (vi)(I) or (vi)(II); or

''(cc) for membership in a terrorist organization or to any member of such an organization, described in clause (vi) or to any member of such an organization,'' (III), unless the solicitor can demonstrate by clear and convincing evidence that he did not know, and should not reasonably have known, that the organization was a terrorist organization; or

''(VI) to commit an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, funds, transfer of funds or other material financial benefit, false documentation or identification, weapons (including chemical, biological, or radiological weapons), explosives, or training—

''(aa) for the commission of a terrorist activity;

''(bb) to any individual who the actor knows, or reasonably should know, has committed or plans to commit a terrorist activity;

''(cc) to a terrorist organization described in subclause (I) or (II) of clause (vi); or

''(dd) to a terrorist organization described in clause (vi)(III), or to any member of such an organization, unless the actor can demonstrate by clear and convincing evidence that the actor did not know, and should not reasonably have known, that the organization was a terrorist organization. This clause shall not apply to any material support the alien afforded to an organization or individual that has committed terrorist activity, if the Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Attorney General, after consultation with the Secretary of State and the Secretary of Homeland Security, concludes in his sole unreviewable disrection, that this clause should not apply.''.

(c) TERRORIST ORGANIZATION DEFINED.—Section 212(a)(3)(B)(vi) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as follows:

''(vi) TERRORIST ORGANIZATION DEFINED.—As used in this section, the term 'terrorist organization' means an organization—

''(I) designated under section 219;

''(II) otherwise designated, upon publication in the Federal Register, by the Secretary of State in consultation with or upon the request of the Attorney General or the Secretary of Homeland Security, as a terrorist organization, after finding that the organization engages in the activities described in subclauses (I) through (VI) of clause (iv); or

''(III) that is a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, the activities described in subclauses (I) through (VI) of clause (iv).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and these amendments, and section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), as amended by this section, shall apply to—

(1) removal proceedings instituted before, on, or after the date of the enactment of this Act; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SEC. 104. REMOVAL OF TERRORISTS.

(a) IN GENERAL.—

(1) IN GENERAL.—Section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)) is amended to read as follows:

''(B) TERRORIST ACTIVITIES.—Any alien who is described in subparagraph (B) or (F) of section 212(a)(3) is deportable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and the amendment, and section 237(a)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(B)), as amended by such paragraph, shall apply to—

(A) removal proceedings instituted before, on, or after the date of the enactment of this Act; and

(B) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SEC. 105. JUDICIAL REVIEW OF ORDERS OF REMOVAL.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''Notwithstanding any other provision of law'';

(ii) in each of subparagraphs (B) and (C), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in subparagraph (D)'' after ''Notwithstanding any other provision of law''; and

(iii) by adding at the end the following:

''(D) JUDICIAL REVIEW OF CERTAIN LEGAL CLAIMS.—Nothing in subparagraph (B) or (C), or in any other provision of this Act which limits or eliminates judicial review, shall be construed as precluding review of constitutional claims or pure questions of law raised upon a petition for review filed with an appropriate court of appeals in accordance with this section.''; and

(B) by adding at the end the following:

''(4) CLAIMS UNDER THE UNITED NATIONS CONVENTION.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of any cause or claim under the United Nations Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment, except as provided in subsection (e).

''(5) EXCLUSIVE MEANS OF REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a petition for review filed with an appropriate court of appeals in accordance with this section shall be the sole and exclusive means for judicial review of an order of removal entered or issued under any provision of this Act, except as provided in subsection (e). For purposes of this Act, in every provision that limits or eliminates judicial review or jurisdiction to review, the terms 'judicial review' and 'jurisdiction to review' include habeas corpus review pursuant to section 2241 of title 28, United States Code, or any other habeas corpus provision, sections 1361 and 1651 of such title, and review pursuant to any other provision of law (statutory or nonstatutory).'';

(2) in subsection (b)—

(A) in paragraph (3)(B), by inserting ''pursuant to subsection (f)'' after ''unless''; and

(B) in paragraph (9), by adding at the end the following: ''Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of title 28, United States Code, or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.''; and

(3) in subsection (g), by inserting ''(statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title'' after ''notwithstanding any other provision of law''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the date of the enactment of this Act and shall apply to cases in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this Act.

(c) TRANSFER OF CASES.—If an alien's case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this Act, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation, or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed under section 242(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section, or under section 309(c)(4)(D) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note). The court of appeals shall treat the transferred case as if it had been filed pursuant to a petition for review under such section 242, except that subsection (b)(1) of such section shall not apply.

(d) TRANSITIONAL RULE CASES.—A petition for review filed under former section 106(a) of the Immigration and Nationality Act (as in effect before its repeal by section 306(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1252 note)) shall be treated as if it had been filed as a petition for review under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252), as amended by this section. Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, such petition

for review shall be the sole and exclusive means for judicial review of an order of deportation or exclusion.

TITLE II—IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

(1) DRIVER'S LICENSE.—The term ''driver's license'' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.

(2) IDENTIFICATION CARD.—The term ''identification card'' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(4) STATE.—The term ''State'' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

(a) MINIMUM STANDARDS FOR FEDERAL USE.—

(1) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS.—The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary of Transportation. Such certifications shall be made at such times and in such manner as the Secretary of Transportation, in consultation with the Secretary of Homeland Security, may prescribe by regulation.

(b) MINIMUM DOCUMENT REQUIREMENTS.—To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

(1) The person's full legal name.

(2) The person's date of birth.

(3) The person's gender.

(4) The person's driver's license or identification card number.

(5) A digital photograph of the person.

(6) The person's address of principle residence.

(7) The person's signature.

(8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.

(9) A common machine-readable technology, with defined minimum data elements.

(c) MINIMUM ISSUANCE STANDARDS.—

(1) IN GENERAL.—To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS.—

(A) IN GENERAL.—To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS.—A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person—

(i) is a citizen of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS.—

(i) IN GENERAL.—If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) DISPLAY OF EXPIRATION DATE.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) RENEWAL.—A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS.—To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009–664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) OTHER REQUIREMENTS.—To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

SEC. 203. LINKING OF DATABASES.

(a) IN GENERAL.—To be eligible to receive any grant or other type of financial assistance made available under this title, a State shall participate in the interstate compact regarding sharing of driver license data, known as the ''Driver License Agreement'', in order to provide electronic access by a State to information contained in the motor vehicle databases of all other States.

(b) REQUIREMENTS FOR INFORMATION.—A State motor vehicle database shall contain, at a minimum, the following information:

(1) All data fields printed on drivers' licenses and identification cards issued by the State.

(2) Motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 204. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

Section 1028(a)(8) of title 18, United States Code, is amended by striking ''false authentication features'' and inserting ''false or actual authentication features''.

SEC. 205. GRANTS TO STATES.

(a) IN GENERAL.—The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

SEC. 206. AUTHORITY.

(a) PARTICIPATION OF SECRETARY OF TRANSPORTATION AND STATES.—All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) COMPLIANCE WITH STANDARDS.—All authority to certify compliance with standards under this title shall be carried out by the Secretary of Transportation, in consultation with the Secretary of Homeland Security and the States.

(c) EXTENSIONS OF DEADLINES.—The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

SEC. 207. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is repealed.

SEC. 208. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

The Acting CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider amendment No. 1 printed in part B of House Report 109–4.

AMENDMENT NO. 1 OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. SESSIONS:

At the end of title I, add the following:

SEC. 105. DELIVERY BONDS.

(a) DEFINITIONS.—For purposes of this section:

(1) DELIVERY BOND.—The term ''delivery bond'' means a written suretyship undertaking for the surrender of an individual against whom the Department of Homeland Security has issued an order to show cause or a notice to appear, the performance of which is guaranteed by an acceptable surety on Federal bonds.

(2) PRINCIPAL.—The term ''principal'' means an individual who is the subject of a bond.

(3) SURETYSHIP UNDERTAKING.—The term ''suretyship undertaking'' means a written agreement, executed by a bonding agent on behalf of a surety, which binds all parties to its certain terms and conditions and which provides obligations for the principal and the surety while under the bond and penalties for forfeiture to ensure the obligations of the principal and the surety under the agreement.

(4) BONDING AGENT.—The term ''bonding agent'' means any individual properly licensed, approved, and appointed by power of attorney to execute or countersign surety bonds in connection with any matter governed by the Immigration and Nationality Act as amended (8 U.S.C. 1101, et seq.), and who receives a premium for executing or countersigning such surety bonds.

(5) SURETY.—The term ''surety'' means an entity, as defined by, and that is in compliance with, sections 9304 through 9308 of title 31, United States Code, that agrees—

(A) to guarantee the performance, where appropriate, of the principal under a bond;

(B) to perform the bond as required; and

(C) to pay the face amount of the bond as a penalty for failure to perform.

(b) VALIDITY, AGENT NOT CO-OBLIGOR, EXPIRATION, RENEWAL, AND CANCELLATION OF BONDS.—

(1) VALIDITY.—Delivery bond undertakings are valid if such bonds—

(A) state the full, correct, and proper name of the alien principal;

(B) state the amount of the bond;

(C) are guaranteed by a surety and countersigned by an agent who is properly appointed;

(D) bond documents are properly executed; and

(E) relevant bond documents are properly filed with the Secretary of Homeland Security.

(2) BONDING AGENT NOT CO-OBLIGOR, PARTY, OR GUARANTOR IN INDIVIDUAL CAPACITY, AND NO REFUSAL IF ACCEPTABLE SURETY.—Section 9304(b) of title 31, United States Code, is amended by adding at the end the following: ''Notwithstanding any other provision of law, no bonding agent of a corporate surety shall be required to execute bonds as a co-obligor, party, or guarantor in an individual capacity on bonds provided by the corporate surety, nor shall a corporate surety bond be refused if the corporate surety appears on the current Treasury Department Circular 570 as a company holding a certificate of authority as an acceptable surety on Federal bonds and attached to the bond is a currently valid instrument showing the authority of the bonding agent of the surety company to execute the bond.''.

(3) EXPIRATION.—A delivery bond undertaking shall expire at the earliest of—

(A) 1 year from the date of issue;

(B) at the cancellation of the bond or surrender of the principal; or

(C) immediately upon nonpayment of the renewal premium.

(4) RENEWAL.—Delivery bonds may be renewed annually, with payment of proper premium to the surety, if there has been no breach of conditions, default, claim, or forfeiture of the bond. Notwithstanding any renewal, when the alien is surrendered to the Secretary of Homeland Security for removal, the Secretary shall cause the bond to be canceled.

(5) CANCELLATION.—Delivery bonds shall be canceled and the surety exonerated—

(A) for nonrenewal after the alien has been surrendered to the Department of Homeland Security for removal;

(B) if the surety or bonding agent provides reasonable evidence that there was misrepresentation or fraud in the application for the bond;

(C) upon the death or incarceration of the principal, or the inability of the surety to produce the principal for medical reasons;

(D) if the principal is detained by any law enforcement agency of any State, county, city, or any politial subdivision thereof;

(E) if it can be established that the alien departed the United States of America for any reason without permission of the Secretary of Homeland Security, the surety, or the bonding agent;

(F) if the foreign state of which the principal is a national is designated pursuant to section 244 of the Act (8 U.S.C. 1254a) after the bond is posted; or

(G) if the principal is surrendered to the Department of Homeland Security, removal by the surety or the bonding agent.

(6) SURRENDER OF PRINCIPAL; FORFEITURE OF BOND PREMIUM.—

(A) SURRENDER.—At any time, before a breach of any of the bond conditions, if in the opinion of the surety or bonding agent, the principal becomes a flight risk, the principal may be surrendered to the Department of Homeland Security for removal.

(B) FORFEITURE OF BOND PREMIUM.—A principal may be surrendered without the return of any bond premium if the principal—

(i) changes address without notifying the surety, the bonding agent, and the Secretary of Homeland Security in writing prior to such change;

(ii) hides or is concealed from a surety, a bonding agent, or the Secretary;

(iii) fails to report to the Secretary as required at least annually; or

(iv) violates the contract with the bonding agent or surety, commits any act that may lead to a breach of the bond, or otherwise violates any other obligation or condition of the bond established by the Secretary.

(7) CERTIFIED COPY OF BOND AND ARREST WARRANT TO ACCOMPANY SURRENDER.—

(A) IN GENERAL.—A bonding agent or surety desiring to surrender the principal—

(i) shall have the right to petition the Secretary of Homeland Security or any Federal court, without having to pay any fees or court costs, for an arrest warrant for the arrest of the principal;

(ii) shall forthwith be provided 2 certified copies each of the arrest warrant and the bond undertaking, without having to pay any fees or courts costs; and

(iii) shall have the right to pursue, apprehend, detain, and surrender the principal, together with certified copies of the arrest warrant and the bond undertaking, to any Department of Homeland Security detention official or Department detention facility or any detention facility authorized to hold Federal detainees.

(B) EFFECTS OF DELIVERY.—Upon surrender of a principal under subparagraph (A)(iii)—

(i) the official to whom the principal is surrendered shall detain the principal in custody and issue a written certificate of surrender; and

(ii) the Secretary of Homeland Security shall immediately exonerate the surety from any further liability on the bond.

(8) FORM OF BOND.—Delivery bonds shall in all cases state the following and be secured by a corporate surety that is certified as an acceptable surety on Federal bonds and whose name appears on the current Treasury Department Circular 570:

''(A) BREACH OF BOND; PROCEDURE, FORFEITURE, NOTICE.—

''(i) If a principal violates any conditions of the delivery bond, or the principal is or becomes subject to a final administrative order of deportation or removal, the Secretary of Homeland Security shall—

''(I) immediately issue a warrant for the principal's arrest and enter that arrest warrant into the National Crime Information Center (NCIC) computerized information database;

''(II) order the bonding agent and surety to take the principal into custody and surrender the principal to any one of 10 designated Department of Homeland Security 'turn-in' centers located nationwide in the areas of greatest need, at any time of day during 15 months after mailing the arrest warrant and the order to the bonding agent and the surety as required by subclause (III), and immediately enter that order into the

National Crime Information Center (NCIC) computerized information database; and

''(III) mail 2 certified copies each of the arrest warrant issued pursuant to subclause (I) and 2 certified copies each of the order issued pursuant to subclause (II) to only the bonding agent and surety via certified mail return receipt to their last known addresses.

''(ii) Bonding agents and sureties shall immediately notify the Secretary of Homeland Security of their changes of address and/or telephone numbers.

''(iii) The Secretary of Homeland Security shall establish, disseminate to bonding agents and sureties, and maintain on a current basis a secure nationwide toll-free list of telephone numbers of Department of Homeland Security officials, including the names of such officials, that bonding agents, sureties, and their employees may immediately contact at any time to discuss and resolve any issue regarding any principal or bond, to be known as 'Points of Contact'.

''(iv) A bonding agent or surety shall have full and complete access, free of charge, to any and all information, electronic or otherwise, in the care, custody, and control of the United States Government or any State or local government or any subsidiary or police agency thereof regarding the principal that may be helpful in complying with section 105 of the REAL ID Act of 2005 that the Secretary of Homeland Security, by regulations subject to approval by Congress, determines may be helpful in locating or surrendering the principal. Beyond the principal, a bonding agent or surety shall not be required to disclose any information, including but not limited to the arrest warrant and order, received from any governmental source, any person, firm, corporation, or other entity.

''(v) If the principal is later arrested, detained, or otherwise located outside the United States and the outlying possessions of the United States (as defined in section 101(a) of the Immigration and Nationality Act), the Secretary of Homeland Security shall—

''(I) immediately order that the surety is completely exonerated, and the bond canceled; and

''(II) if the Secretary of Homeland Security has issued an order under clause (i), the surety may request, by written, properly filed motion, reinstatement of the bond. This subclause may not be construed to prevent the Secretary of Homeland Security from revoking or resetting a bond at a higher amount.

''(vi) The bonding agent or surety must—

''(I) during the 15 months after the date the arrest warrant and order were mailed pursuant to clause (i)(III) surrender the principal one time; or

''(II)(aa) provide reasonable evidence that producing the principal was prevented—

''(aaa) by the principal's illness or death;

''(bbb) because the principal is detained in custody in any city, State, country, or any political subdivision thereof;

''(ccc) because the principal has left the United States or its outlying possessions (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)); or

''(ddd) because required notice was not given to the bonding agent or surety; and

''(bb) establish by affidavit that the inability to produce the principal was not with the consent or connivance of the bonding agent or surety.

''(vii) If compliance occurs more than 15 months but no more than 18 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 25 percent of the face amount of the bond shall be assessed as a penalty against the surety.

''(viii) If compliance occurs more than 18 months but no more than 21 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 50 percent of the face amount of the bond shall be assessed as a penalty against the surety.

''(ix) If compliance occurs more than 21 months but no more than 24 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 75 percent of the face amount of the bond shall be assessed as a penalty against the surety.

''(x) If compliance occurs 24 months or more after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III), an amount equal to 100 percent of the face amount of the bond shall be assessed as a penalty against the surety.

''(xi) If any surety surrenders any principal to the Secretary of Homeland Security at any time and place after the period for compliance has passed, the Secretary of Homeland Security shall cause to be issued to that surety an amount equal to 50 percent of the face amount of the bond: *Provided, however,* That if that surety owes any penalties on bonds to the United States, the amount that surety would otherwise receive shall be offset by and applied as a credit against the amount of penalties on bonds it owes the United States, and then that surety shall receive the remainder of the amount to which it is entitled under this subparagraph, if any.

''(xii) All penalties assessed against a surety on a bond, if any, shall be paid by the surety no more than 27 months after the mailing of the arrest warrant and order to the bonding agent and the surety required under clause (i)(III).

''(B) The Secretary of Homeland Security may waive penalties or extend the period for payment or both, if—

''(i) a written request is filed with the Secretary of Homeland Security; and

''(ii) the bonding agent or surety provides an affidavit that diligent efforts were made to effect compliance of the principal.

''(C) COMPLIANCE; EXONERATION; LIMITATION OF LIABILITY.—

''(i) COMPLIANCE.—A bonding agent or surety shall have the absolute right to locate, apprehend, arrest, detain, and surrender any principal, wherever he or she may be found, who violates any of the terms and conditions of his or her bond.

''(ii) EXONERATION.—Upon satisfying any of the requirements of the bond, the surety shall be completely exonerated.

''(iii) LIMITATION OF LIABILITY.—Notwithstanding any other provision of law, the total liability on any surety undertaking shall not exceed the face amount of the bond.''.

(c) EFFECTIVE DATE.—The provisions of this section shall take effect on the date of the enactment of this Act and shall apply to bonds and surety undertakings executed before, on, or after the date of the enactment of this Act.

SEC. 106. RELEASE OF ALIENS IN REMOVAL PROCEEDINGS.

(a) IN GENERAL.—Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended to read as follows:

''(2) subject to such reasonable regulations as the Secretary of Homeland Security may prescribe, shall permit agents, servants, and employees of corporate sureties to visit in person with individuals detained by the Secretary of and, subject to section 241(a)(8), may release the alien on a delivery bond of at least $10,000, with security approved by the Secretary, and containing conditions and procedures prescribed by section 105 of the REAL ID Act of 2005 and by the Secretary, but the Secretary shall not release the alien on or to his own recognizance unless an order of an immigration judge expressly finds and states in a signed order to release the alien to his own recognizance that the alien is not a flight risk and is not a threat to the United States''.

(b) REPEAL.—Section 286(r) of the Immigration and Nationality Act (8 U.S.C. 1356(r)) is repealed.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 107. DETENTION OF ALIENS DELIVERED BY BONDSMEN.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended by adding at the end the following:

''(8) EFFECT OF PRODUCTION OF ALIEN BY BONDSMAN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall take into custody any alien subject to a final order of removal, and cancel any bond previously posted for the alien, if the alien is produced within the prescribed time limit by the obligor on the bond whether or not the Department of Homeland Security accepts custody of the alien. The obligor on the bond shall be deemed to have substantially performed all conditions imposed by the terms of the bond, and shall be released from liability on the bond, if the alien is produced within such time limit.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to all immigration bonds posted before, on, or after such date.

The Acting CHAIRMAN. Pursuant to House Resolution 75, the gentleman from Texas (Mr. SESSIONS) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SESSIONS).

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

Mr. Chairman, in August 2004, the bipartisan chairman of the 9/11 Commission testified at the Select Committee on Homeland Security that border security combined with the routine and effective enforcement of immigration laws must be a top priority for Congress and the administration if our country can expect to secure the homeland and prevent another tragedy like what happened on 9/11 from happening again here in America.

The 9/11 Commission report states on page 384 that ''looking back, we can also see that the routine operations of our immigration laws, that is, aspects of the laws not specifically aimed at protecting against terrorism inevitably shaped al Qaeda's planning and opportunities.''

There is no more basic homeland security function of our legal system than deporting aliens who have been afforded due process and who have subsequently been ordered deported by a Federal judge. Sadly, according to our government's best statistics, only 13 percent of the aliens arrested entering the country illegally and ordered deported are actually removed.

As a result, people entering the country illegally with criminal or terrorist intent have quickly learned that, if arrested, they can be quickly released on their own word, and that they can be

confident in the knowledge that they do not have to show up for their hearing, knowing they will likely never be deported.

My amendment seeks to remedy this threat to our safety by clarifying the use of delivery bonds by the Department of Homeland Security. This concept is nothing new. The authority to leverage delivery bonds to compel attendance at Federal deportation proceedings already exists in Federal law. The Department simply needs guidance from Congress on how to best use its existing bond authority to reach the goal of 100 percent repatriation of all aliens ordered deported, and that is exactly what my amendment will provide.

Quite simply, the amendment makes certain before an alien is released from Department of Homeland Security detention pending an upcoming hearing, the Federal judge must first certify that the alien is not a flight risk, and more important, that he does not pose a security risk to the United States.

By improving this routine and fundamental operation of our laws, my amendment will limit terrorists' planning and opportunities to attack Americans here at home, and to begin fulfilling what the 9/11 Commission identified last summer as a top priority for Congress. I ask that all Members of this House support my amendment and build upon the strong deportation reform initiatives already included in H.R. 418.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first of all say and repeat what I have said many times, that immigration does not equate to terrorism. Also I have said just recently, this morning, that the immigration reform question is a bipartisan question. I also took note of the fact that if one were to take polling numbers, there obviously is an overwhelming impression that what we are addressing today is an immigration bill.

Certainly the Sessions amendment deals more with immigration than it does with straight issues of terrorism, because there is no divide amongst the American people regarding securing the homeland.

My concern with this legislation is procedural, but it is also a question of fairness. This is a serious departure from the normal trends that we have now expressed by the body of this Congress and that is the establishment of the Department of Homeland Security. This in fact takes homeland security responsibilities and actually outsources them. The reason this is so challenging is that the Committee on Homeland Security, the gentleman from California (Chairman COX) and the gentleman from Mississippi (Mr. THOMPSON), the ranking member, have not had a chance to review this amendment.

This amendment has had no hearings, and here we are talking about giving extraordinary powers to bondsmen. This means if you are an immigrant undocumented in removal proceedings working with a lawyer, working with family members, you are then dispatching bondspersons with no direct immigration training to round you up and immediately bring you to a point of deportation where you are in the middle of a legal process.

If that is considered to be, one, a recommendation of the 9/11 Commission, I would severely and strongly disagree. Yes, individuals who are in line to be deported is an issue. We need more detention beds and more security at our borders, but we do not need to outsource to bondspersons, however financially opportunistic it may be, and as a former judge and someone who deals with these issues in my private practice before coming to Congress, I realize bondspersons have their role, but not to contract out to deal with this issue.

I know the gentleman from Texas (Mr. SESSIONS) has good intentions, but may I give a historical perspective, and that is of the 1850 Fugitive Slave Act. The truly frightening part of this legislation is it smacks of that kind of effort. The Fugitive Slave Act gave broad, virtually unfettered power to agents or slave owners to seize slaves in the free States and return or send them to slavery in the slave States, obviously with little regard for their legal status in free States with no due process and opportunity to defend themselves. That was 1850.

If we randomly give the opportunity to bondsmen who have no understanding of immigration laws, we can be assured that in a discriminatory fashion they will be rounding up people who look different and speak different languages, and we will be impacted in a very negative way.

I close by saying all of us in our congressional districts hear the hardship cases of immigrants who are seeking legal status who have been in line for long times who have had terrible things happen to them because of the complexity of the immigration system. That speaks for comprehensive immigration reform, but those are the very victims, those sad cases, that are going to be impacted by this amendment.

I rise in opposition to the amendment that my colleague Congressman SESSIONS has offered. This amendment would empower bail bondsman to enforce immigration laws by summarily rounding up and deporting people. It would outsource an important government immigration enforcement responsibility to the bail bonds industry, eliminating the few procedural due process rights immigrants have when challenging deportation. This would be a dramatic change in how we arrest and detain people in removal proceedings. Many people rounded up in this manner would turn out not to be deportable after all. They may be U.S. citizens; they may not be removable under the grounds charged; or they may be eligible for some form of relief. Yet this policy would treat them all as criminals.

I am particularly disturbed by the fact that these dramatic policy changes have never been reviewed or examined by a Congressional committee. There were no hearings. No debate occurred. No scrutiny at all. In fact, the language of this amendment was only recently made available.

Without Committee scrutiny, we would be giving bonding agents vast, unfettered authority to pursue, apprehend, detain and surrender immigrants—even when the bond is not breached. This is a certain recipe for misconduct, mistakes and the trampling of civil, due process and human rights.

Without Committee scrutiny, we would be allowing bonding agents to decide when people are flight risks and to round them up and hand them over to DHS for deportation.

Without Committee scrutiny we would be permitting bonds to be forfeited and people deported for not notifying DHS of changes of address prior to a move—even though DHS regulations give immigrants 10 days after a move to notify the agency of the change.

Without Committee scrutiny, we would be allowing bonding agents to have open access to all information held by the U.S. Government or any State or local government that may be helpful in locating or surrendering the person who is the subject of the bond.

Without Committee scrutiny, we would be compelling the disclosure of sensitive or confidential information to a bonding agent, such as: medical history; criminal investigation notes, location of witnesses, and information on victims of domestic violence.

I urge you to vote against this amendment.

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

Mr. SESSIONS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), a former subcommittee chairman for the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, I strongly support the Sessions amendment. This amendment helps ensure that deportable aliens are actually removed from the United States. Incredibly, only 13 percent of the illegal aliens arrested and ordered deported are actually removed from the country. Illegal aliens trying to sneak across the borders realize that, even if they get caught, they likely will never be required to leave. Of course, this only encourages illegal immigration.

The Sessions amendment helps correct this problem by giving the Department of Homeland Security guidance on the use of delivery bonds. Delivery bonds are already authorized under current law. This is nothing new. They require aliens to post a cash deposit and provide a written commitment they will appear in court. If the alien who posts bond violates any conditions of the bond, the bonding agent can take the alien into custody and surrender him to the Department of Homeland Security.

The Sessions amendment improves the use of delivery bonds by setting up 10 turn-in centers around the country to help bonding agents turn over deportable aliens to the Department of Homeland Security. It also sets up a system to encourage bonding agents to

keep looking for deportable aliens and turn them into DHS when they are found.

Illegal aliens, who comprise over 20 percent of all Federal prisoners today, are a serious problem in the United States and pose, obviously, a homeland security threat. We need to make sure that aliens who are deported by a court of law are in fact removed from the country. The Sessions amendment helps make sure that happens.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. THOMPSON), the newly appointed ranking member of the Committee on Homeland Security.

Mr. THOMPSON of Mississippi. Mr. Chairman, a better amendment title for this amendment would be The Bounty Hunter Act of 2005.

The amendment gives bail bondsmen authority to round up illegal immigrants and to have them deported without any sort of hearing or due process rights. This amendment would not make our homeland any safer or keep terrorists out. Instead, it would endanger civil rights and create fear in the immigrant community. We should not outsource the Department of Homeland Security's job to a bunch of bounty hunters.

As already has been said, the Fugitive Slave Act of 1850 has very similar language to this amendment. And for those Members who have not suffered from the ills of slavery and what people went through, I want to share and encourage you to look at this amendment very clearly before it comes to a vote.

□ 1200

Let us give the Department of Homeland Security the 2,000 employees that we authorized for border security, not 2,000 bounty hunters. This is not a reality program. People will not be watching it on TV. We are turning over the Department of Homeland Security's enforcement responsibility to bounty hunters, people who have no training whatsoever, who absolutely can and possibly will infringe on civil rights of the people of this country.

Mr. Chairman, I encourage absolute opposition to this amendment.

Mr. SESSIONS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today in very strong support of the bill, H.R. 418, and also the very fine amendment of the gentleman from Texas (Mr. SESSIONS).

I spoke on the floor last December in opposition to the conference report on the intelligence bill because it lacked the provisions that we are actually debating here today. I commend the leadership of, certainly, the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Texas (Mr. SESSIONS), for bringing this amendment to our attention and adding it to the bill. I am very pleased that they made good on their promise that we would be here today providing for the provisions that the gentleman from Wisconsin (Mr. SENSENBRENNER) had.

No issue is more important to this Congress than securing our borders and protecting our homeland, and I guarantee it is very important to our constituents.

When I was in the Florida senate, I headed up the Homeland Security Committee shortly after 9/11, and many of the provisions that are in this bill we actually included when we took on the driver's license issue, making the driver's licenses only last as long as the person was legally in the country. I applaud the gentleman from Wisconsin (Chairman SENSENBRENNER) and the House leadership for making good on their promise and enacting the recommendations made by the 9/11 Commission.

I urge my colleagues to vote for the bill and certainly for the amendment of the gentleman from Texas (Mr. SESSIONS), which just quite honestly makes common sense in that Members' constituents back home will very easily understand and say, Why was this not done a long time ago?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Let me make a point that I think should be very clear. This legislation will not just impact those who are undocumented. This legislation will impact those immigrants who have legal status. In the process of reviewing or revising that status, they too become part of the large webbed fishnet of hauling people in by people who are inexperienced in this area.

So I would offer to my colleagues that this is random, it is reckless, and it needs a bipartisan look and oversight committee assessment.

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

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

This amendment that I have comes as a result of my paying attention to not only the 9/11 Commission, but also my service to the Select Committee on Homeland Security in the prior Congress. It was very obvious to members of the committee, as we heard testimony, including from the Immigration and Naturalization Service's Inspector General report from the Department of Justice where they recognized the deficiencies that they had, where a person who had gone through an entire process in front of a Federal judge was ordered removed and yet only 13 percent of those were removed from the country.

We have a problem. We have a problem that was enumerated in the 9/11 Commission report. We are utilizing the techniques that are not only available in the law, but also that many courts utilize today, Federal courts as well as city and State courts across the United States. We need to make sure that people who have gone through a hearing have been given the opportunity to make sure that they can present their case, but then have been ordered deported do so.

The United States and, I think, Members of this Congress need to make sure that the things which we do, we give the tools to implement those necessary ways to enforce the laws of the United States to be done; for those who have been ordered to be deported and have not done so, we are giving them a better tool kit. That is why the Sessions amendment is being offered.

I support this, and I hope the members will vote ''aye'' on the amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me also refer my colleagues to the 9/11 Commission report. What it said is that there were certain systems that needed improving or were broken. They suggested no such solution that the gentleman from Texas (Mr. SESSIONS) has offered.

We need to strengthen the Department of Homeland Security to be able to do its job, but more importantly, we need to be able to build those detention beds, thousands, if we will, to be able to have those that might be dangerous placed in detention locations.

This amendment does not solve that problem at all. The arresting and gathering up of those who might be deported, clearly with no place to go, makes a bigger and worse problem than we might have.

I would ask my colleagues to consider this not well directed and ask them to vote ''no.''

Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the manager on the Democratic side for yielding me this time.

Mr. Chairman, this amendment was brought to our attention yesterday evening, and at first blush, this is a shocking correlative point to be made and a comparison to the Fugitive Slave Act of 1850, in which agents were given the broad powers to return freed slaves in free States and return them back to slavery.

What we are doing here with bail bondsmen is giving them the ability to enforce immigration laws by summarily rounding up and deporting people and also gaining access to incredible private and secret material in data files.

And I just wanted to briefly ask the gentleman from Texas (Mr. SESSIONS) what inspired him to add this to a bill that we already had a considerable number of problems about and have never had any hearings on a provision such as this.

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

Mr. CONYERS. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for asking.

The impetus behind this is, these are aliens who have been ordered deported by a Federal judge as a result of a hearing, who do not show up. They have had their day in court. The process is through. They have been ordered deported, and only 13 percent actually are deported.

Mr. CONYERS. Mr. Chairman, I need my friend to know that they are in the process of having the claim heard. It has not been terminated or it is not all over. But we are arguing the substance.

What I was trying to figure out is, what inspired the gentleman at this late point in the proceedings, since we had hearings last year, we had no hearings this year, and we just found out about this yesterday.

The Acting CHAIRMAN (Mr. UPTON). All time has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 109–4.

AMENDMENT NO. 2 OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 2 offered by Mr. CASTLE:

In section 204 of the bill, before ''Section'' insert ''(a) CRIMINAL PENALTY.—''.

At the end of section 204 of the bill, insert the following:

(b) USE OF FALSE DRIVER'S LICENSE AT AIRPORTS.—

(1) IN GENERAL.—The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED.—In this subsection, the term ''false'' has the same meaning such term has under section 1028(d) of title 18, United States Code.

The Acting CHAIRMAN. Pursuant to House Resolution 75, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 10 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

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

Mr. Chairman, I rise to offer a simple amendment to the very thorough legislation before us today. The gentleman from Wisconsin's (Chairman SENSENBRENNER) dedication to fixing gaps in our security is commendable, and I am proud to join him in strengthening Federal identity requirements, protecting those who need political asylum, and improving our border security.

The 9/11 Commission identified gates for boarding airplanes is the last opportunity for our screeners to use sources of identification to ensure that people are who they say they are, and frankly, obviously, to check whether they are terrorists. To improve this process, Congress tasked the Department of Homeland Security with the goal of developing and building upon the aviation watch lists that our screeners commonly rely upon today.

My amendment is intended to enhance the information contained in Homeland Security's aviation security screening databases and to ensure that our security is not compromised through the use of falsified driver's licenses.

Specifically, the amendment would require Homeland Security to enter into the appropriate database any person convicted of using a false driver's license in attempting to board an airplane. Currently, aviation screeners at the Transportation Security Administration immediately detain individuals suspected of presenting false driver's licenses and then turn them over to the custody of either the Department of Justice or local authorities. The criminal justice system is then responsible for determining whether the suspect is guilty or innocent.

Under the present system, if convicted, this person is sentenced to federally mandated punishment, but the Department of Homeland Security is not required to put their name on a watch list.

My amendment would go a step further in protecting our Nation by also requiring the Department to enter a violator into one of its national aviation screening databases. Improving the quantity and quality of information contained in these passenger-screening databases is essential to enhancing our ability to identify potential threats and prevent terrorists from gaining access to our airliners.

When a person is convicted of trying to deceive security to get on an airplane, there is serious cause for alarm. My amendment would ensure that those convicted of using a false driver's license in attempting to board an airplane would be red-flagged for airport screeners.

The amendment does not impact persons who use false driver's licenses for other purposes. It allows the criminal justice system to run its course, and it is focused solely on the last line of defense before terrorists board an airplane. It is a simple, cost-effective way to enhance the Department of Homeland Security's ability to track potential high-risk passengers.

Again, I appreciate the opportunity to offer a small but important step in improving our security databases. My amendment would ensure that those convicted of using a false driver's license in attempting to board an airplane are red-flagged for airport screeners.

The people screening passengers at the gates do their best to make sure terrorists are not getting on these planes. Congress should do everything in our power to make their job easier.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, clearly this amendment has good intentions, and I think it is important to note that the amendment would require the Secretary of Homeland Security to enter into an aviation security database the name and other information about people who have been convicted of using a false driver's license for the purpose of boarding an airplane. The objective of this amendment is to enhance our ability to track and detect potential security threats, and as I indicated, I support the objective. I think it is a good idea to require the Secretary of the Department of Homeland Security to have information in his database about people who have been convicted of using a false driver's license.

But as they all say, the devil is in the details. Again, the same predicament or affliction that impacted the amendment of the gentleman from Texas (Mr. SESSIONS) impacts this. Where is the hearing? Where is the oversight? Where is the impact that will occur? Do these also include individuals who mistakenly have such a driver's license, if that may be the case, and where is the basis for it?

I was just looking at a letter from Commissioner Hamilton, who talked about controversial provisions that everyone suggests came out of the 9/11 Commission, and what he said very carefully was that these are, in fact, recommendations. As the intelligence bill did in the last session with enormous vetting, hearings, oversight, conference committees at the later stage, it almost became a hearing, none of these amendments have been given the kind of vetting that one would know that these are valuable and that the details have been worked out as to how we utilize the database or who gets into the database if, by chance, the utilization was a mistake even though they violated the law.

□ 1215

So you create this enormous database that has those who potentially would do us harm, but others, unfortunately, that got themselves into the criminal justice system. We hope, however, that this amendment will send notice to those who might try to use any false document in trying to get on an airplane for the potential damage it may do.

Mr. Chairman, I rise in opposition to the amendment that my colleague Congressman CASTLE has offered. This amendment would require the Secretary of Homeland Security to enter into an aviation security database the

name and other information about people who have been convicted of using a false driver's license for the purpose of boarding an airplane.

The objective of this amendment is to enhance our ability to track and detect potential security threats. I support this objective, and I think it is a good idea to require the Secretary of Homeland Security to have information in his data bases about people who have been convicted of using a false driver's license. As they say, however, "the devil is in the details." I would like a hearing and a markup on this amendment before deciding whether it should be enacted. I urge you to vote against the Castle amendment.

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

Mr. CASTLE. Mr. Chairman, I yield myself 1 minute, because I think the gentlewoman from Texas has made some very valid points that need to be discussed.

One thing that is important and what we have done here is to understand that there has to be a conviction in this situation by a court of law before it can be entered into a database of the Transportation Security Administration. That is very important. It gives all the protection of what could happen there. We thought a lot about that because it was a matter of some concern. So a mere allegation or something that proves not to be true would never be entered into the database. I wanted to make that point.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. SHAYS).

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

Mr. Chairman, the Castle amendment is a sensible amendment to the base bill, and I thank the gentleman from Delaware for offering it. People who present a false driver's license to the Transportation Security Administration are turned over to the proper authorities, but for some reason that is beyond me we do not add these people to our flight watch list. It blows me away that we do not already utilize this commonsense practice.

Improving the information contained in passenger screening databases will enhance our ability to identify potential terrorists from gaining access to airlines. We have taken some important steps to improve our security at airports, but we need to do more.

This amendment enhances our last line of defense by tracking potential high-risk passengers without interfering with the rights of everyday travelers. It just makes so much good sense, and I hope that we adopt it quickly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the clarification offered by the gentleman from Delaware (Mr. CASTLE). I would inquire of the author of the amendment, one question: In your research, did we determine that DHS, new as it is, is not doing that? That is the first question.

On the second, let me have the gentleman restate it again. Because one of the concerns I have on the Select Committee on Homeland Security and watching, for example, TSA formulate itself and work to train certainly very professional employees, but the training does not necessarily lend itself to maybe the keenness of eye to see that false document. We obviously have to improve.

I was concerned as to whether or not it is the spotting of someone, saying you have a false driver's license, or can you restate that it is actually going through a judicial system with a conviction, determining that is what you ultimately did?

Mr. CASTLE. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I thank the gentlewoman for her good questions and for yielding.

We are not sure at this point whether they include that information or not at TSA, because simply they have databases and we do not know necessarily what is in their databases, and I do not blame them at all. They are not prone to reveal all of that. It is our judgment they should be doing this. We hope that they would be doing it. We do not know if they are for sure or not. I cannot confirm or deny that, because we simply do not know the answer to that particular question.

I would imagine, and I am putting myself in their position and I am not an expert on this, but if you are there and are in the security forces there, you are obviously trained in document recognition to some great degree. Some are better probably than others at this.

Obviously, if one has a database, it is obviously much more of a clear signal that this person needs to be looked at because they tried to do this before. That is the reason we feel it should be added into the database as it goes on.

I do not think this is going to change actually the way they look at licenses presently in the first instance or even in second instance. It is just a trigger mark as other things might be in terms of potential risks.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, let me pointedly ask the gentleman, you speak specifically to a judicial conviction going through, as opposed to being tapped and saying, you are carrying a false driver's license.

Mr. CASTLE. Yes.

Ms. JACKSON-LEE of Texas. The gentleman is talking about actually trial and conviction?

Mr. CASTLE. If the gentlewoman will yield further, it speaks very specifically to trial and conviction.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time and I would simply say the comment on this is that I appreciate the distinguished gentleman from Delaware being open with his response.

One of the concerns I have is that we do not know whether DHS is doing this or what TSA is doing and hearings would have been appropriate. This is a valid issue, let us not doubt that; and, of course, I would hope that we would want a database to be secured.

I do have to raise red flags on making sure it is not random, making sure there is a conviction, and in knowing what happens with DHS. I would have wanted to have hearings, but I thank the gentleman for his answers.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to ask the author of the amendment, would he have objected to having hearings on his amendment?

Mr. CASTLE. Mr. Chairman, if the gentlewoman would yield further, no, I would not have objected to having hearings. It is relatively simple. I do not mean to suggest it needs panels of hearings, but I never object to having a hearing.

Mr. Chairman, I believe the gentlewoman from Texas (Ms. JACKSON-LEE) has the right to close?

The Acting CHAIRMAN (Mr. UPTON). The gentlewoman from Texas (Ms. JACKSON-LEE) has the right to close.

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

Mr. Chairman, I really do not have anything new to add to this, except that I think it is very important that this be done. We tried to make it as simple as possible with all the judicial support behind it which would make it clearly fair to everybody who might be involved in this.

My sense is that if I were running TSA, which I am not and do not want to, but if I were doing so, this is certainly something that I would want to do; and I would hope that by passing this legislation we will make sure it happens now and into the future.

Part of my motivation for this, by the way, and some other amendments I introduced which were not allowed on this, is I am still convinced that a lot of 9/11, if not the entire procedure, could have been avoided if we had better security measures in place on some of these things.

So I think this is a very important area. While everything else in the 9/11 report is of huge importance, I have always felt that this particular area of making sure who is in this country and who is boarding planes or other transportation systems is vitally important. So I would hope we would be able to join together and pass an amendment like this and hopefully later the legislation.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just close by raising these points. It looks like we are moving quite quickly. It is the

question of having the answers. This has good intentions, but the answers of what DHS is doing, the training of TSA, what kind of standards are used in different airports. Some TSA person might say it is a mistake, go back. Others might make it in essence a Federal crime and that person is prosecuted. So some you get in the database, others you do not. It is just a question of concern as to how this will work.

Again, it is a good idea. Before I yield back my time, I would simply say that I would suggest that this amendment be addressed again in our hearings, to be able to detail out what would ultimately happen.

Mr. POE. Mr. Chairman, I rise in support of the amendment by my colleague from Delaware. This amendment takes a common sense approach in saying that those who want to board our Nation's airplanes must show documentation showing their full legal identity. The REAL ID Act, which I strongly support, requires that these driver's licenses must meet tough federal standards, chief among them are the requirements that applicants must demonstrate their legal presence. As a member of the Aviation Subcommittee and as a Member from the great state of Texas, I strongly feel we need to put just as much of an emphasis on protecting the skies as we do our land borders. This amendment would simply require the Homeland Security Department to better track those attempting to conceal their identities before boarding airplanes and allow those officials greater authority to screen these passengers and detect threats before they may occur. I urge my colleagues to support this amendment and the underlying bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 109–4.

AMENDMENT NO. 3 OFFERED BY MR. KOLBE

Mr. KOLBE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 3 offered by Mr. KOLBE:

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

TITLE III—BORDER INFRASTRUCTURE AND TECHNOLOGY INTEGRATION

SEC. 301. VULNERABILITY AND THREAT ASSESSMENT.

(a) STUDY.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology and the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, shall study the technology, equipment, and personnel needed to address security vulnerabilities within the United States for each field office of the Bureau of Customs and Border Protection that has responsibility for any portion of the United States borders with Canada and Mexico. The Under Secretary shall conduct follow-up studies at least once every 5 years.

(b) REPORT TO CONGRESS.—The Under Secretary shall submit a report to Congress on the Under Secretary's findings and conclusions from each study conducted under subsection (a) together with legislative recommendations, as appropriate, for addressing any security vulnerabilities found by the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Homeland Security Directorate of Border and Transportation Security such sums as may be necessary for fiscal years 2006 through 2011 to carry out any such recommendations from the first study conducted under subsection (a).

SEC. 302. USE OF GROUND SURVEILLANCE TECHNOLOGIES FOR BORDER SECURITY.

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Science and Technology, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, and the Secretary of Defense, shall develop a pilot program to utilize, or increase the utilization of, ground surveillance technologies to enhance the border security of the United States. In developing the program, the Under Secretary shall—

(1) consider various current and proposed ground surveillance technologies that could be utilized to enhance the border security of the United States;

(2) assess the threats to the border security of the United States that could be addressed by the utilization of such technologies; and

(3) assess the feasibility and advisability of utilizing such technologies to address such threats, including an assessment of the technologies considered best suited to address such threats.

(b) ADDITIONAL REQUIREMENTS.—

(1) IN GENERAL.—The pilot program shall include the utilization of a variety of ground surveillance technologies in a variety of topographies and areas (including both populated and unpopulated areas) on both the northern and southern borders of the United States in order to evaluate, for a range of circumstances—

(A) the significance of previous experiences with such technologies in homeland security or critical infrastructure protection for the utilization of such technologies for border security;

(B) the cost, utility, and effectiveness of such technologies for border security; and

(C) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(2) TECHNOLOGIES.—The ground surveillance technologies utilized in the pilot program shall include the following:

(A) Video camera technology.

(B) Sensor technology.

(C) Motion detection technology.

(c) IMPLEMENTATION.—The Under Secretary of Homeland Security for Border and Transportation Security shall implement the pilot program developed under this section.

(d) REPORT.—Not later than 1 year after implementing the pilot program under subsection (a), the Under Secretary shall submit a report on the program to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary. The Under Secretary shall include in the report a description of the program together with such recommendations as the Under Secretary finds appropriate, including recommendations for terminating the program, making the program permanent, or enhancing the program.

SEC. 303. ENHANCEMENT OF COMMUNICATIONS INTEGRATION AND INFORMATION SHARING ON BORDER SECURITY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Under Secretary of Homeland Security for Science and Technology, the Under Secretary of Homeland Security for Information Analysis and Infrastructure Protection, the Assistant Secretary of Commerce for Communications and Information, and other appropriate Federal, State, local, and tribal agencies, shall develop and implement a plan—

(1) to improve the communications systems of the departments and agencies of the Federal Government in order to facilitate the integration of communications among the departments and agencies of the Federal Government and State, local government agencies, and Indian tribal agencies on matters relating to border security; and

(2) to enhance information sharing among the departments and agencies of the Federal Government, State and local government agencies, and Indian tribal agencies on such matters.

(b) REPORT.—Not later than 1 year after implementing the plan under subsection (a), the Secretary shall submit a copy of the plan and a report on the plan, including any recommendations the Secretary finds appropriate, to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on the Judiciary.

The Acting CHAIRMAN. Pursuant to House Resolution 75, the gentleman from Arizona (Mr. KOLBE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

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

Mr. Chairman, I thank the chairman of the full committee for indulging me with this amendment. This amendment was legislation which was introduced by several of us that represent border districts last year as a freestanding bill. It is now incorporated here in this bill, or parts of it at least are incorporated in this bill.

I think it is entirely consistent with the goals of H.R. 418, because a key component of securing our borders is increasing technology and communication along the border regions. H.R. 418 is a bill about securing our homeland, and this amendment is a perfect complement to the vision of this very important legislation offered by the gentleman from Wisconsin.

Arizona has become a doormat for illegal immigrants. They pour across our porous border every day. In fact, there are more apprehensions of illegal immigrants in Arizona than the entire rest of the border combined. Many portions of the Arizona border are large

and unpopulated desolate desert areas. They are hard to patrol and difficult to monitor. In these areas and all along the border it is essential to advance ground technologies in order to officially understand and stop those who come through this back door to our Nation.

My amendment to H.R. 418 requires the Department of Homeland Security, working through the field offices of the Bureau of Customs and Border Protection, to get the technology, the equipment and the personnel needed to address security of our borders. Furthermore, the amendment requires that the Department of Homeland Security carry out ground surveillance programs that will improve border security.

While the National Intelligence Reform Act of 2004 designed a plan to enhance ground surveillance on the northern border, a similar program was not designed for the southern border. Improvements to ground technologies are absolutely essential in the large expanses of desert and unpopulated lands along the southern border.

Finally, this amendment requires the Department of Homeland Security to improve communications and information sharing with Federal, State and Tribal government agencies. The various agencies with jurisdiction over the southern border must be able to communicate.

This is particularly a problem in Arizona, because more than half of the entire border is covered by Tribal organizations, Tribal units, sovereign Tribal nations who are not generally covered by most of the Federal legislation we have on telecommunication sharing.

Having customs agents unable to communicate with border patrol agents or with the policemen from the Tohono O'Odham Nation around the same port of entry is really quite ridiculous. This portion of the amendment addresses problems with the use of incompatible communications technologies and requires that the Department of Homeland Security rectify this situation.

The amendment builds on the sentiment, it builds on the intention of H.R. 418, and through its enhancement of homeland security helps to ensure the safety and defense of our Nation. I think it will be a step, perhaps a small step, but one of the very important steps along our southern border to helping improve the technology and our ability to secure that southern border.

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

The Acting CHAIRMAN. Is there a Member that is opposed to the amendment seeking time in opposition to the amendment?

Mrs. DAVIS of California. Mr. Chairman, although I support the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from California (Mrs. DAVIS) will control the 10 minutes in opposition.

There was no objection.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Kolbe amendment. I am very glad to see my friend and colleague finding a good and realistic way to get 21st-century technology to complement the way we police and protect our borders.

Like many other Democrats, I have long supported monitoring our borders 24 hours a day, 7 days a week. I feel strongly that any plan for border security should include a comprehensive technology assessment, an analysis of high-altitude monitoring technologies for use with land-based systems and, importantly, full funding of the plan.

Even with the border fence, like we have in San Diego, technology is still needed to assist with monitoring and the effective placement of human resources. There are many companies in the private sector which offer all kinds of ways to enhance our ability to secure the border. Congress has passed laws increasing personnel and technology. So what we need most now is an evaluation of what it will take to secure our borders. An assessment of technology equipment and personnel would be extremely helpful to all of us in making future decisions about additional increases.

As we know, sensors and cameras are being used in many locations, including San Diego. But the Kolbe amendment represents a thoughtful approach: let us not just deploy equipment; let us ensure that the equipment works to address the gaps at our land borders.

□ 1230

Simply deploying equipment is not the answer. The solution must match the need. A ground surveillance program, in partnership with the remote aerial surveillance program, would go a long way towards achieving real border security.

Unfortunately, technologies have been employed on an ad hoc basis in the past and are not part of an overall technology deployment plan. The Kolbe amendment gives us realistic hope for an overall plan for smarter border security.

Technology and information-sharing is critical if our frontline personnel are to effectively secure our Nation's borders.

Importantly, I remind my colleagues that these surveillance systems still require Border Patrol agents to apprehend illegal border crossers and contraband. Border Patrol agents repeatedly tell me that they are inadequately staffed to do their job. Funding the 9/11 bill to authorize levels is a critical component of securing America's borders. If the President will not do it, Mr. Chairman, let us make sure that Congress does.

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

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

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

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

Mr. ORTIZ. Mr. Chairman, let me thank the gentleman from Arizona (Mr. KOLBE), my good friend, for introducing this amendment, but I would like to touch on another area that is also very, very important.

Let me say that the Border Patrol need all the help that they can get. We have another serious problem that I hope that we can touch on, and that is what is known as the OTMs, or Other Than Mexicans.

My district includes a portion of the McAllen Border Patrol sector. Last year, in the fiscal year, almost 17,000 OTMs came across through that Border Patrol sector, representing at least anywhere from 76 to 80 countries coming across into the United States. This worries me about the security of this country.

As I talk to the Border Patrol officials, they know one thing, that we do not have sufficient detention facilities. So what happens to them? They come across. They do not have to be picked up by the Border Patrol. They surrender themselves to the Border Patrol and say, I am from Colombia, I am from Egypt, I am from any other country; and they know that they do not have sufficient facilities.

So what happens? They go and process these individuals, and they come in clusters from Mexico. When they come across, it takes 10, 12, 15 Border Patrol people to come and bring them to the facilities to process them. It takes 2½ hours to do that. When this happens, in the meantime, the border is completely open, because those Border Patrol people were removed to process these individuals.

What happens next? After the 2½ hours, they go and take them to the bus station, and they give them a little piece of paper that says, you are supposed to appear on the 15th of whatever month, 60 to 90 days from now. One of these guys just finished paying $900 to be brought across. Do my colleagues think he is going to come in?

This is another issue that we need to study about.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank my colleague for yielding me this time. And I appreciate his bringing this amendment to the floor, and I support it.

It is absolutely critical that we secure our borders. Those of us who live in Arizona know that our borders are simply not secure. Arizona has become a doormat for illegal aliens. There are thousands and thousands that are apprehended every week and thousands more who are not apprehended. They slip through. The cost to Arizona is considerable.

Now, I happen to believe, along with my colleague, that we need comprehensive immigration reform that has to be part of our long-term plan. But in the interim, we certainly need to do some things, and this amendment goes a long way toward doing them. We need vulnerability and threat assessments. DHS needs to see what kind of technology, what kind of personnel and equipment is going to be needed.

All of us have viewed over the past couple of years the new technologies in land surveillance, surface surveillance, and they are promising. They are things that can be done that are not being done. We need a good assessment and recommendations made for us to follow through on.

We have aerial work that is being done; not enough, more surveillance is needed there. Also, this amendment calls for increased communications, better communications between those on the ground and those of us here as policymakers and those who implement the policy. We simply need better information to be able to have recommendations that we can follow up on.

We have, obviously, limited resources at our disposal. We need to make sure that they are employed in the best way possible, and this amendment will go a long way toward ensuring that.

Again, I commend the gentleman from Arizona for bringing this forward, and the chairman for insisting that this bill be brought forward.

Mrs. DAVIS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of the Kolbe amendment. I also thank my colleague, the distinguished gentlewoman from California, for yielding me this time and, as well, my colleague and friend, the gentleman from Texas (Mr. ORTIZ). Let me express my appreciation for his leadership, because we have spent a good amount of time together at the southern border.

I have also spent a good deal of time at the northern border, both sides of the coast.

Clearly, this legislation is needed with respect to improved and increased technology, but I would also argue that the Secure Our Border Act, that was offered by the Select Committee on Homeland Security Democrats in the last Congress, really speaks to the broader question. And, frankly, I wish this amendment had gone a step further; that is that what we do not have are the necessary Border Patrol agents and their training equal to the enormous responsibility that comes with people coming across the border and, as well, adding that to the technology that is part of this particular amendment. And then, of course, detention beds.

The gentleman from Texas (Mr. ORTIZ) is absolutely right. The southern border now lends itself to the doorway of terrorism because of this concept of OTMs, and the idea that they are given just a piece of paper, as he said, that says, Show up, and no one is required to show up; or when I say, Required, there is no pressure, no enforcement, of their showing up.

So technology is certainly what we need, and I hope, as we move forward in the Select Committee on Homeland Security, we will, if you will, author bills that will give those resources to the northern and southern border.

But we need to understand what the gentleman is saying. This is a crisis as it relates to OTMs, particularly dealing with the potential of using that border for terrorists to come across. Technology is one thing, but human participation is another; not what has been offered by the President's budget of 200 Border Patrol agents, but the 2,000 that really will help us secure the borders as necessary. This amendment will go a long way.

I rise in support of the Kolbe amendment. The Kolbe amendment is one of the few ideas that have been proposed on the floor of the House during debate on HR 418 that would help secure our borders.

We must secure our land borders and putting 21st century technology to work for us is the heart of the solution. Homeland Security Democrats support monitoring our borders 24 hours a day—7 days a week.

While the Kolbe amendment falls short of asking for an interagency border security strategy, as Democrats did in the SECURE Border Act, it does get at the key issues of assessing technology and staffing. Now that Congress has passed laws increasing personnel and technology, what we need most is an evaluation of what it will take to secure out borders.

Additionally, while sensors and cameras are currently being used, simple deployment isn't always the answer. The solution must address the problem and take into consideration the terrain. A ground surveillance program in partnership with the remote aerial surveillance program which was mandated as part of the 9/11 bill will go a long way towards achieving real border security. One missing area element in this amendment seems to be a link between the air and ground surveillance programs. I hope that that's addressed. We cannot afford to build systems in isolation.

Lastly, while this amendment does add to the debate on border security, these surveillance systems still require border patrol agents to apprehend illegal border crossers and contraband. When Homeland Security Committee staff visited the southern border last year during a six month investigation, they found and heard Border Patrol agents tell them that they are inadequately staffed to monitor the expansive southern border.

One border patrol support staffer explained that staffing shortages meant that he was responsible for simultaneously viewing 26 cameras for illegal crossings and notifying agents when he saw any crossings. This same employee was also responsible for notifying agents about buried sensor activations numbering from 100–150 an hour, and running computer checks on all detainees. It is clear that despite the fact that we have increased border patrol numbers, Border Patrol still lacks critical support staff.

Funding Border Security is a critical component of securing America's borders. If the President won't do it—let's make sure that Congress does.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

Mrs. DAVIS of California. Mr. Chairman, I yield myself such time as I may consume.

I do want to close, if there are no further speakers, and acknowledge that we have important work to be done here. We have highly professional personnel at the border, and they are doing their job, but we need to provide more of them. We need to fund the border security proposals that we have been putting forward for some time. We need to be sure that we fund those.

But the other piece of that, and I am delighted that the gentleman from Arizona (Mr. KOLBE) has brought that forward, is to be certain that the most sophisticated applications of that technology are used on the border.

I speak to many companies in San Diego. I know that they have a great interest in this. They have been a part of some of these solutions in the past. Let us employ them; let us be sure that we are doing this in a comprehensive fashion.

So I want to thank the gentleman from Arizona (Mr. KOLBE). We must move forward in this area. We can do a far better job on the border than we have done before.

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

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Arizona (Mr. KOLBE).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in Part B of House report 109–4.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 4 offered by Mr. NADLER:

Strike section 101 of the bill (and redesignate the succeeding sections of title I accordingly).

The Acting CHAIRMAN. Pursuant to House Resolution 75, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. NADLER).

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

Mr. Chairman, I offer this amendment to strike section 101 of the bill relating to asylum seekers. Under the excuse of protecting national security, the asylum provisions in this bill make it much more difficult for legitimate victims to be granted asylum. The logic seems to be, if you keep out every

asylum seeker, including legitimate victims, then the system cannot be abused.

Proponents of this section make inaccurate, dramatic claims about terrorists who abuse the asylum system to get into the country, but the cases they cite are mostly pre-1996 when the law was changed. Since that 1996 change, asylum seekers are jailed, put in custody until a finding of reasonable fear of persecution is made, so they cannot pose a threat while they are in custody.

Because current law already places the burden of proof on the asylum applicant and places the applicant in custody until he or she meets the initial burden of proof, a terrorist who wishes to enter the United States would most likely attempt to do so by a tourist visa or on fraudulent papers. They are not going to claim political asylum and then be put in jail until they can show a credible fear of persecution.

But this bill seeks to raise the bar when people finally do get into court. If we pass this bill in its current form, mothers, fathers, children with legitimate asylum claims will be sent back to their persecutors with no benefit to national security.

Current law provides that an asylum seeker must prove a reasonable fear of persecution by reason of race, color, creed, national origin, sex, or political opposition. The new provision in this bill would require proof that one of these factors, race, color, creed, political opposition, is the ''central reason'' for the legitimate fear.

This is an almost insurmountable burden of proof since the persecutors rarely stop to explain their motives while they are committing torture, rape, and murder. The judge would be forced to look into the minds of the persecutor and decide what weight to give to a particular motive in cases of mixed motives, which they are, in order to prove, the burden of proof, that this is the central reason. Not one of the major reasons, a central reason. This is an impossible burden of proof with no purpose other than to deny the asylum claim.

This section would deny a victim asylum based on an immaterial inconsistency or inaccuracy in a prior statement. So an applicant who, at the airport, perhaps without a decent understanding of English or a mistranslation, forgets or misspeaks the date of her high school graduation, or the date of her wedding or her grandchildren's births, even though the dates might not be significant in her culture, unlike in ours, would later be denied safe haven from persecution, even though they have nothing to do with the legitimacy or lack of legitimacy of her claim for asylum under the law. This would be a ridiculously harsh outcome for an absurdly innocent mistake.

There are other things that this section does. We did not have time to review it properly. It did not go before the committee. The provisions that were considered by the House last year was only a 2-page provision. This became a 10-page provision 2 days ago. No one has had a chance to properly look through it, but we do know that it does a lot of other very harsh things.

Mr. Chairman, asylum law is supposed to be about protecting individuals from serious abuses of human rights. It is not supposed to be about seizing on any possible basis to deny a claim or to return people to harm's way.

This section is not about protecting our borders; it is about xenophobia and sending victims back to their torturers. It is, Mr. Chairman, in the larger sense, un-American.

I urge my colleagues to stand with me in voting for the Nadler-Meek-Jackson-Lee amendment to strike these provisions and keep our law humane and American.

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

□ 1245

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

Mr. Chairman, I rise in opposition to the amendment, and I wish those that were arguing against the amendment read it and see what it says; and then I think they will be convinced that this is a commonsense change.

First of all, let me say that the asylum law was designed to provide safe haven to those who are fleeing persecution in their homeland. It is not to be used as a crutch for economic migrants who are coming to the United States because the grass is greener on our side of the border.

Now, the bill as it is currently before us takes away the cap of 10,000 approved asylum applicants who are admitted to permanent residency every year. The Nadler amendment strikes that. The bill as it is before us states that the applicant for asylum has the burden of proof to prove that he or she is eligible to receive asylum in our country. The Nadler amendment strikes it. But every petitioner, whether it is a plaintiff in a lawsuit or someone who is applying for Social Security disability benefits, has got the burden of proof to show that they are entitled to the relief that they are seeking.

This bill makes it clear that asylum applicants have to make the same burden of proof as others, and the Nadler amendment strikes that.

The other thing that the Nadler amendment strikes is a detailed explanation of how the immigration judge is to determine the credibility of the applicant and the witnesses that the applicant and the government put before the judge. Every trier of fact in court makes the determination based on the credibility of witnesses. Criminal juries can send someone to their death or to prison for life based on their determination of the credibility of the witnesses, and immigration judges should do so also.

The gentleman from New York (Mr. NADLER) says that 100 percent of the people who show up at the airport claiming asylum are detained. That is not right. Ninety percent of those people are released. Only 10 percent are detained past the airport. The gentleman from New York (Mr. NADLER) says that all of the statements or the instances that we raise were pre-1996 law change cases. I will give you two that were after that.

Nuradin Abdi who was a Somali national stood accused of providing material support to al Qaeda. The government alleged that Abdi admitted al Qaeda member Iyman Faris and others initiated a plot to blow up a Columbus, Ohio, area shopping small. Mr. Abdi was granted asylum in 1999. Later after traveling to a terrorist camp in Ethiopia, he was arrested when he reentered the United States, and his asylum status was revoked. It was revoked, as the U.S. Attorney's Office puts it, because with the exception of some minor biographical data, every aspect of the asylum application he submitted was false.

Now, giving a judge an opportunity to deny a claim based upon a determination that the applicant is lying is in my bill and the gentleman from New York (Mr. NADLER) tries to strike that.

Again, in 1999 an Egyptian national who had been granted asylum, despite the fact that the INS had provided classified evidence that the alien was a known member of a foreign terrorist organization designated by the Secretary of State, and according to the committee-hearing witness, the INS submitted a report from a New York City detective showing the alien's participation in a meeting with the infamous Sheik Omar Abdel Rahman, dedicated to planning acts of terrorism in which the pros and cons of hijacking an airplane were discussed. He got asylum too.

Now, while it is true that many terrorists are statutorily barred from receiving asylum, members of terrorist organizations are explicitly allowed to receive asylum. Further, despite any statutory bar to the contrary, asylum regulations and the courts have made it practically impossible for the government to ferret out terrorists who apply.

There are a number of reasons for this, including the fact that government attorneys are barred from asking foreign governments about any evidence they may possess about the veracity of asylum claims. Thus, the only evidence available to the government to support an asylum applicant is the lack of credibility to the applicant. However, the ninth circuit is preventing immigration judges from denying asylum claims when it is clear that the alien is lying. Furthermore, the ninth circuit has held that an alien can receive asylum on the very basis that the alien's government believes he is a terrorist, even if we agree.

This bill brings back sanity to the asylum laws by overturning these

rogue precedents from the ninth circuit. And if any jury in the country can convict a defendant based on its determinations of credibility, certainly an immigration judge should be able to do the same thing.

Vote down this amendment, and let us put some common sense into our asylum laws as well as giving hope and shelter to people who can legitimately claim and receive asylum.

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

Mr. NADLER. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, I want to thank the gentleman from Florida (Mr. MEEK) for his work on this. It is credibly important.

This is perhaps the most objectionable part of the bill.

I rise in support of the Nadler/Meeks/Jackson-Lee Amendment to strike section 101 of H.R. 418 which imposes evidentiary requirements on asylum-seekers fleeing persecution and all immigrants who seek withholding of removal from deportation.

Without a doubt, if this section passes into law, genuine bona fide refugees who have fled horrible persecution that qualifies them for protection from our government will be returned to face more terror, torture and death at the hands of their persecutors.

Chairmen SENSENBRENNER is using the public's fear of terrorism to radically change asylum law for all asylees, not just those with some connection to terrorism.

Section 101 will not make us one bit safer from terrorist attack. Since we tightened some loopholes in asylum law in 1996, terrorists have not been "abusing our asylum system" as the proponents of this bill allege. Terrorists are already barred from receiving the benefit of asylum protection in the United States.

Those who support placing these new insurmountable hurdles on asylum-seekers have used examples of known terrorists to allegedly show that the asylum system makes us vulnerable to terrorist attack. But none of the people they talk about were granted asylum.

Ramzi Yousef and Sheik Omar Abdel Rahman, who were both involved in the first World Trade Center bombing in 1993, were never granted asylum. They filed applications for asylum that had not been adjudicated at the time of the bombing.

Mir Aimal Kansi, who killed two CIA employees in 1993, was never granted asylum. He had an asylum application pending at the time of the attack.

Gazi Ibrahim Abu Mezer, known as "the Brooklyn bomber" for his involvement in a planned attack on the New York City subway in 1997, was never granted asylum. He applied for asylum but withdrew his application before it was reviewed.

Ahmad Ajaj, who was involved in the first World Trade Center bombing, was never granted asylum His initial application for asylum was abandoned when he left the country, and his second application was denied.

Abdel Hakim Tizegha, who was involved in the planned Millennium attack in 1999, was never granted asylum. His application was denied in 1997 and his appeal was denied in 1999.

Hesham Mohamed Ali Hedayet, who killed two people at the El Al counter at Los Angeles International Airport in 2002, was never granted asylum. His application was denied in 1995.

Shahawar Matin Siraj, who has been accused of plotting to bomb the Harold Square subway station in New York City in August 2004, was never granted asylum. He asserts that he entered the United States legally as a teen, and he later filed an application for asylum that was suspended upon his arrest.

Immigrants cannot apply for asylum unless they are already in the United States. So it is not the fault of the asylum system that these terrorists, and terrorist suspects, entered the United States and section 101 of H.R. 418 would not have prevented their entry. In addition, filing an application for asylum should not be equated with actually receiving asylum protection and the right to remain in the United States that it grants. Many asylum applications are rejected, just as many tourist visas to enter the United States are rejected.

For people applying for asylum in 2005, under current law, extensive security checks are now done through the FBI, CIA, Homeland Security and State Department databases. Now, expedited removal rules mandate detention for people arriving without proper documents, and grant DHS authority to detain asylum-seekers throughout the adjudication of their application. Expedited processing of asylum claims now exists, and applicants are denied work authorizations that may have been a magnet for false applications before asylum reform. People who are already in the United States, who become terrorists while they are here, must be identified by intelligence and law enforcement. If they are, asylum or any other immigration benefit will be revoked under current law.

For that vast majority of asylum applicants who have no nexus to terrorism, other than being victims of it, section 101 will create high, new legal standards of evidence, and will severely limit judicial review of their cases.

First, the bill requires that refugees prove that one of the five grounds for asylum protection—race, nationality, membership in a social group, political opinion, or religion—is the "central reason" why they were persecuted. With little access to the documents and witnesses they left behind when fleeing their country, they must prove what was in the mind of their persecutor during the persecution. This would require an asylum-seeker from Darfur, Sudan to prove that the janjaweed attacked them and ran them off their land because they were black, and not because the militia wanted to steal the immigrant's cows, for example.

Second, the bill requires asylum-seekers to show evidence corroborating their testimony, and it would bar judicial review of decisions regarding that evidence. Yet many refugees are unable to flee with the people or paperwork that could back up their stories under evidentiary standards.

Third, the bill allows judges to deny applications if they find inconsistencies between the applicant's testimony and any statement they have made to a U.S. official, or inconsistencies in witness and documentary evidence that is provided. In addition, it allows denials on the basis of subjective assessments of an applicant's demeanor, a factor that is frequently misinterpreted by U.S. judges due to cultural differences. Thus, a person could be denied asylum due to an immaterial inconsistency in the evidence they present.

Finally, the bill strips courts from the power to review immigration judge's discretionary judgments in asylum and removal cases.

Unfortunately, this bill takes a significant step in turning our country away from its proud history as a nation of refuge for those fleeing persecution.

For these reasons, I urge my colleagues to support the Nadler/Meeks/Jackson-Lee amendment to strike section 101 of this bill.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Florida (Mr. MEEK).

(Mr. MEEK of Florida asked and was given permission to revise and extend his remarks.)

Mr. MEEK of Florida. Mr. Chairman, it is very hard for me to respond to what the chairman just shared with us because basically if we do not pass this amendment of striking this 101 section, we might as well just take all the language in 101 and say, if you are being persecuted or if you are being raped as a woman or you are being abused as a child, do not come to America because that is basically what this amendment is saying.

They were raising the bar beyond the capabilities of the individuals that are fleeing persecution. They are running for their lives literally, and many of these individuals are incarcerated. And where are the commercials? Where are the media reports of how lax our asylum laws are here in the United States? Because they are not. Where are the law enforcement agencies? Why are they not knocking down the doors in the halls of Congress saying, we really have to tighten up those asylum laws because they are too weak now? Where are they?

We are following the people who have focused on this the most, the 9/11 Commission, and what they are asking for is for us to review and make sure we have good asylum laws in place. We are not saying it is bad. We are not saying it is good. I commend my colleagues who are looking at this, but moving in haste and having this manager's amendment before the Congress and no one has seen it. All of the agencies, all of the religious organizations that are helping these individuals that we are trying to deal with now are saying that they support the Nadler/Meek/Jackson-Lee amendment.

I urge the Members to please support the amendment.

Mr. Chairman, I want to thank you for your comments and also the gentleman from New York (Mr. NADLER) for his leadership.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana (Mr. HOSTETTLER), the chairman of the Subcommittee on Immigration, Border Security, and Claims of the Committee on the Judiciary.

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

Mr. HOSTETTLER. Mr. Chairman, I rise in opposition to this amendment.

The asylum provisions in H.R. 418 are vitally important to protect our constituents from child molesters, rapists, murderers, and other criminals, as well as terrorists seeking asylum in our country.

I believe that we must keep the asylum open and honest for those who have a good-faith claim to asylum. However, we must also protect our constituents from aliens who seek to abuse our asylum processes and do harm to our citizens. For instance, because he was free after applying for asylum, Mir Aimal Kansi was able to murder two CIA employees at CIA headquarters. Ramzi Yousef took advantage of the freedom he gained by applying for asylum to mastermind the first World Trade Center attack which killed six and injured 1,000 in the amendment author's district.

The asylum provisions in H.R. 418 do not prevent aliens from seeking asylum. Those who truly have been persecuted for religious or political grounds will be allowed to present their cases just as they are able to now. These provisions merely overturn Ninth Circuit Court decisions saying that immigration judges cannot use inconsistencies in an alien's statement to determine if he or she is being untruthful.

The bill also says that an asylum applicant may be asked to corroborate his claim with evidence, if such evidence can be obtained without leaving the United States. One of the goals of this bill is to ensure that our asylum system is consistent with our judicial system. If a judge or criminal jury can sentence a criminal defendant to life in prison or even execution because they did not believe the defendant's story, certainly an immigration judge can deny an asylum claim to an alien for the same basis.

When an American goes to court to settle a dispute, he bears the burden of proof to prove his claim. Requiring the asylum claimant to bear the burden of proof is consistent, both with our justice system and with international law.

Permitting the judge to require an asylum claimant to produce corroborating evidence he has or can obtain without leaving the United States is just common sense. If a claimant says, for example, that he fled his country because he received a threatening letter from a government official, the judge would be remiss if he failed to ask to see the letter or at least inquire about what happened to the letter.

The asylum protections in the REAL ID Act are vitally important to ensuring the honesty of the asylum system, as well as the security of our Nation and its citizens.

I urge my colleagues to support the underlying bill, H.R. 418, and oppose this amendment.

Mr. NADLER. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a cosponsor of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman from New York (Mr. NADLER). I thank him for protecting so many of our constitutional rights.

Mr. Chairman, let me say that the asylum laws, as I was reminded by my good and dear colleague from Florida, started in World War II when we were reminded of the ugly scene of turning away the St. Louis, the 1,000 Jews who were fleeing persecution.

Let me just suggest that we do have an opportunity to review this issue and make it right, but I can tell you that Commissioner Kean and Commissioner Hamilton indicated that in advocating that these are recommendations of the 9/11 Commission; these are not recommendations of the 9/11 Commission. There is no proof or facts that terrorists have been able to pull one over on us in large numbers.

It is very important to let the Comptroller General's study go forward that evaluates the extent to which weaknesses in the United States' asylum system have been or could be exploited by terrorists. We need to understand this.

I do not expect that the report will show that that is happening. It is extremely important that we realize that the 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. They were not individuals who sought asylum.

Let me correct my good friends about the 1993 bombing. These individuals sought asylum, but they were denied asylum. There is not a crisis here; but what is a crisis is when you turn people away from our shores who have come here downtrodden, who are seeking asylum because of religious persecution, because of mutilation of women, because of enormous child abuse or potentially child soldiers, and you turn them away because they do not look like you and because, in fact, they cannot make their case.

I would ask my colleagues to consider opposing this amendment.

I rise in support of the amendment that I have offered with my colleagues Representatives NADLER and MEEK. It would strike section 101 of H.R. 418, the REAL ID Act, which is entitled, "Preventing Terrorists From Obtaining Relief From Removal." Notwithstanding that title, the provisions in section 101 codify evidentiary standards for asylum proceedings. The supporters of section 101 believe that terrorists are gaming our asylum system to enter and remain in the United States.

It is not clear that terrorists actually are gaming our asylum system. Section 5403 of the Intelligence Reform and Terrorism Prevention Act requires the Comptroller General to conduct a study to evaluate the extent to which weaknesses in the United States asylum system have been or could be exploited by terrorists. We need to wait until this study is completed before we rewrite our asylum laws. We cannot correct weaknesses that have not been identified yet.

I do not expect that report to show that terrorists are gaming our asylum system. The 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. Visitors' visas are easy to get. It only requires a 2-minute interview with an American Consulate Officer to get a visitor's visa. The applicant just has to establish that he will return to his country at the end of the authorized period of stay. Moreover, it would be naive to think that terrorist organizations do not have ready access to fraudulent entry documents. In contrast, it is difficult and time consuming to enter the United States as an asylum applicant. The terrorist choosing this method would have to present himself at a border and then prove in expedited removal proceedings that he has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The section 101 provisions would not come into play during expedited removal proceedings in any event. They would not apply until the alien is before an immigration judge at an asylum hearing, and by then he has already entered the country.

The approach taken by the REAL ID Act is to raise the bar on the burden of proof for everyone who applies for asylum, which would result in a denial of relief to bona fide asylum seekers without any assurance that the changes would discourage terrorists from seeking asylum. In fact, terrorist organizations are in a much better position to fabricate evidence of persecution than the typical bona fide asylum applicant who has fled his country in fear for his life without any thought of meeting evidentiary standards at an asylum hearing.

For instance, in addition to showing that the alleged persecution would be "on account of" one of the enumerated grounds, the applicant would have to establish that the persecution was or will be "a central reason for persecuting the applicant." In effect, the asylum applicant would have to establish what was in the mind of the persecutor.

Section 101 has a subsection entitled, "Credibility Determinations." It states that the trier of fact should consider all relevant factors. This is fine, unnecessary but fine. Then it provides that the trier of fact has the discretion of basing a credibility determination on any relevant factor, and it specifies relevant factors that can be the sole basis for a credibility determination. Near the end it mentions inconsistencies and inaccuracies or falsehoods in statements, "without regard to whether an inconsistency, inaccuracy, or falsehood goes to the heart of the applicant's claim." In other words, it permits an immigration judge to make an adverse credibility finding in asylum proceedings on the basis of an inconsistency, inaccuracy, or falsehood that has no relevance to the asylum applicant's persecution claim. What has this got to do with preventing terrorists from obtaining relief from removal?

I urge you to vote for this amendment to strike section 101.

Mr. SENSENBRENNER. Mr. Chairman, I have the right to close and will close after the gentleman yields his time.

Mr. NADLER. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from New York (Mr. NADLER) has 3 minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 1½ minutes remaining.

Mr. NADLER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the Nadler amendment and ask Members, especially on my side of the aisle, to join us in striking section 101.

Section 101 purports to reform asylum—but it does not. Under the pretext that it mitigates terrorists' access to the United States, the provision actually does a grave injustice and disservice to the persecuted, such as religious believers, and all others who have a well-founded fear of persecution and who seek asylum in our country.

Section 101 imposes onerous new requirements on the persecuted, including those who have been traumatized by rape, torture, trafficking, and religious hate and persecution, to prove the persecutor's motive. Read the language. You have got to prove that persecution was a central reason you left and why you are seeking asylum.

I would remind my colleagues that I have been in Congress 25 years. Dictatorships and authoritarian regimes never persecute. It is always some other pretext, whether it be the People's Republic of China, Vietnam, Cuba. When it was Romania many years back, there was always a false reason. Slander against the Soviet state was used over and over again, never because you were Jewish or Christian or because you were an evangelical or some other reason. They always have a pretext.

I can guarantee if this is enacted into law that real asylum seekers will be denied, and then the piling on just begins to start.

How many Members have met persecuted people, traumatized people who are coming to our borders? They get their stories wrong. According to this language, if they have any inconsistency, even if it is not germane to the issue at hand, if they get a date wrong, how many Members have forgotten their wife's birthday, date or year? We all make mistakes. Get one of those things wrong and the trier of facts can exclude you based on that single situation.

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This is an ugly provision. I say with respect to my friend and colleague from Wisconsin, I am against terrorism. 9/11 hurt people in my district. They were hurt big time.

This is an ugly provision, Mr. Speaker. It has not had, in my view, the kind of hearing needed in terms of the consequences that it will impose upon true asylum seekers. I hope Members will vote against this.

I have authored 3 Torture Victims Relief laws to help torture victims. I meet with a lot of torture victims. They forget; they have been traumatized. You forget something pursuant to these new requirements and you are a goner. You are being deported back to that country of origin where you have been persecuted.

Please vote against Section 101. Vote for the Nadler amendment.

Mr. NADLER. Mr. Chairman, I grant myself the remainder of the time.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman has 30 seconds remaining.

Mr. NADLER. Mr. Chairman, the gentleman from New Jersey and other speakers have made excellent points, but I want to make one different point.

This amendment, rather this section which we are trying to eliminate, is not focused on terrorism. It does not focus on terrorism. It does not focus on terrorists. All it does is put up additional bars to all asylum seekers, legitimate victims or otherwise. It has nothing to do with terrorism, does not claim to focus on terrorism. Does not do anything to distinguish between a terrorist and a legitimate victim of persecution or anybody else.

It simply sets the bar for all claimants at an unrealistically high level and ought to be defeated, and the amendment therefore ought to be passed for that reason.

I yield back.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, contrary to what my distinguished friend from New Jersey says, there are no onerous new requirements to meet the standard for asylum. Page 2 of the managers amendment incorporated in the bill says the applicant has to establish that he is a refugee within the meaning of this section. The applicant must establish that race, religion, nationality, membership in a particular cultural group or political opinion was or will be a central reason for persecuting the applicant.

Now, that means that all of the Jewish people who were turned away on the St. Louis prior to the Second World War would have qualified because they were being persecuted in Nazi Germany because of their religion.

People who have been engaged in what was used to be called anti-Soviet activities in the former Soviet Union, that was a political opinion, they would have been eligible for asylum.

And the comments that the gentleman from New Jersey makes about torture are simply not true. This bill does not impact the obligations of the United States under the convention to prevent torture by prohibiting the deportation of people to countries that torture them.

Now, simply what is stated is that the burden of proof is on the applicant, just like it ought to be, like it is on our constituents who apply for Social Security disability. And it sets up standards for determining the credibility of the witness. If the witness comes and says, Gee, I made a mistake because I forgot the birth date and admits to that mistake, that certainly is exonerating evidence.

Vote down the amendment. All of these arguments are a red herring.

Mr. PICKERING. Mr. Chairman, during the debate of the REAL ID Act of 2005, of which I am a co-sponsor, I was unavoidably detained and unfortunately missed the opportunity to vote on the amendment offered by Representative JERROLD NADLER. If I would have been present, I would have voted a resounding "no" against this amendment. The Nadler amendment would have stricken the provision in the REAL ID Act that tightens and improves our asylum system, which has been abused by terrorists with deadly consequences. The REAL ID Act will protect the American people by allowing immigration judges to determine witness credibility in asylum cases and ensuring that all terrorism-related grounds for inadmissibility are also grounds for deportation. In summary, as a co-sponsor of this bill, I believe that all of the provisions in the REAL ID Act are essential in protecting our citizens from future terrorist plots and I would have voted "no" on the Nadler Amendment.

Mr. SMITH of Texas. Mr. Chairman, I strongly oppose the Nadler amendment, which would strip the asylum reforms from the "REAL ID Act."

The asylum provisions in the REAL ID Act are essential. The 9/11 Commission specifically noted that "a number of terrorists . . . abused the asylum system."

Just last year, a Pakistani national who had applied for asylum was caught while planning to blow up a subway station during the Republican Convention in New York City.

Under a 9th Circuit decision, a judge can determine that an asylum applicant is lying and still be required to grant the applicant admission.

The DOJ Inspector General reported that it was common for asylum applicants to make claims that they were falsely accused of being terrorists. In this situation, even if the judge believes that the applicant is lying and is a terrorist, the judge may still be required to approve the application.

The REAL ID Act reverses this 9th Circuit decision and makes it harder for terrorists to exploit our asylum system. It allows immigration judges—like judges in most other courts—to determine whether the asylum seeker is telling the truth.

Judges in ordinary criminal courts of law are routinely allowed to determine whether they believe a defendant is lying. Yet, under current law, immigration judges cannot make this common sense determination.

The REAL ID Act is essential in stopping asylum abuse. This amendment would strike the asylum reform provisions and make it easier for suspected terrorists to receive asylum.

Mr. SENSENBRENNER. Mr. Chairman, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from New York will be postponed.

The Acting CHAIRMAN. It is now in order to consider amendment Number 5 printed in part B the House report 109–4.

AMENDMENT NO. 5 OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B, Amendment No. 5 printed in House Report 109–4 offered by Mr. FARR.

Strike section 102 of the bill.

The Acting CHAIRMAN. Pursuant to House Resolution 75, the gentleman from California (Mr. FARR) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. FARR).

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

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

This amendment is simple and straightforward. It strikes Section 102, which is entitled the ''Waiver of Laws Necessary for the Improvement of Barriers and Borders'' from the bill. I think the provision is trying to fix a process that is not broken.

I offer this amendment to strike Section 102, not to stop construction of the remaining 3 miles of the border fence, but to preserve the rule of law that this country was founded on.

I want my colleagues to listen. I want to make this very clear. The breadth of this provision is unprecedented. The border fence in San Diego is under construction right now. Of the 14 miles authorized to be constructed, more than 9 miles of triple fence have been completed. Only two sections have not been finished. In order to finish the fence, the Customs and Border Patrol has proposed to fill a canyon known as Smugglers Gulch with over 2 million cubic yards of dirt. The triple fence would then be extended across the filled gulch.

In February 2004, the Coastal Commission of California determined that the Customs and Border Patrol had not demonstrated, among other things, that the project was consistent to ''maximize'' to the extent practicable with the policies of the California Coastal Management program, the State program approved under the Federal Coastal Zone Management Act.

The Coastal Zone Management Act requires Federal agency activity within and outside the coastal zone that affects any land use, water or other natural resources in the coastal zone to be carried out in a manner that is consistent, to the maximum extent practicable, with the policies of an approved State management program.

However, as stringent as these requirements are, if a Federal court finds a Federal activity to be inconsistent with an improved State program, the Secretary determines that the compliance is unlikely to be achieved through mediation, the President may exempt from compliance the activity if the President determines that the activity is in the paramount interest of the United States.

All the authority needed to build the barrier fence already exists in law. We can use laws and process that we have to get this fence built. There is no need for a blanket waiver to get any barrier constructed.

On October 26 of 2004 the Coastal Commission staff met with the Customs and Border Patrol/Homeland Security. In that meeting the Customs and Border Patrol explained why they did not believe additional comments, other than those that had already been agreed upon, were necessary to bring the project into compliance with the applicable coastal policies. Customs and Border Patrol maintained that it still wanted to continue to work with the Coastal Commission on measures they had agreed to, and the Coastal Commission indicated their continued willingness to work with them, despite the overall disagreement with some of the project components such as the Smugglers Gulch fill.

Coastal Commission informed Customs that in order to complete the Federal consistency review process, they would have to write a letter outlining their position. However, the Coastal Commission has not received any letter.

So why are we trying to fix something that is working through the established process of law? I ask because the reach of this amendment is actually the border fence in San Diego.

The proposed section 102 gives an unprecedented waiver and power to the Secretary of Homeland Security, not only for the border fence in San Diego but for any, any area. If enacted, the new 102 section would provide the Secretary of Homeland Security not only with the authority to waive all laws he determines necessary to ensure the expeditious construction of barriers and roads, but the requirement that the Secretary do so.

As I mentioned, there is no evidence that such an extraordinary rejection of the rule of law is necessary in the first instance.

Current law allows the DHS Secretary to waive the National Environmental Policy Act and the Endangered Species Act at the barrier, and this same provision was allowed to the Attorney General prior to the creation of the Department of Homeland Security.

This provision has never, to date, been used in San Diego nor am I aware at any other time the authority has been used on the barrier fence. So the remedies are there; they are in the law.

We forget in this debate that Mexico is the number one trading partner of California. It is the busiest border in the world for the legitimate transfer of people and commerce, and it is in the city and County of San Diego, and neither of those jurisdictions has asked for this draconian waiver. Neither has the State of California.

Why would the Government of the United States of America, at a time when we are advocating the support and enforcement of law, why would the government now want to forbid the use of our own law to finish the fence? Not even the importance of securing the border can justify placing a government official above the law.

As I mentioned, my colleagues ought to be wary of what is proposed here. It grants authority to waive all laws notwithstanding any other provision of the law. This section also says, notwithstanding any other provision of the law, no court shall have jurisdiction to hear a claim, to order any relief.

How can we celebrate elections in Iraq and the honor of law when we in Congress are now asking that we waive all laws?

Mr. Chairman, I rise today in strong opposition to H.R. 418 and I urge my colleagues to do the same.

This bill is a misguided attempt to implement immigration reform under the guise of Homeland Security. This bill turns its back on a core principle that distinguishes America from other nations; that of being a safe haven for the tired, poor, and weak. The three specific policies that the bill addresses—the border fence, asylum provisions and driver's licenses standards—should have been vetted through the Committee process. Instead, this legislation has been rushed through the process—without hearings, without debate, and with very little input from the minority side of the aisle. This bill is being debated simply for politics instead of going through a legitimate legislative process, a fact that should be of concern to every Member, Republican and Democrat alike.

Today I will offer an amendment. My amendment is simple and straight forward. It strikes section 102 from the ''REAL ID Act of 2005''. The proposed provision is trying to flx a process that isn't broken. Section 102 gives an unprecedented waiver and power to the Secretary of Homeland Security. If passed, the Secretary has the sole discretion to wave all laws in order to expedite the construction of barriers and roads. There is no evidence that such an extraordinary rejection of the rule of law is necessary in the first instance. Current law already allows the DHS Secretary to waive the National Environmental Policy Act and the Endangered Species Act for the fence construction, the same exemption authorization that was allowed the Attorney General prior to creation of DHS. I look forward to the debate on my amendment.

As I stated before, H.R. 418 is not a good bill and even more troubling is that we had no hearings or committee debate on it. We need frank and productive dialogue about the state of our immigration system and this bill does nothing to open up the discussion that this country needs to have. I do not support illegal immigration, but I do support the people who have come to our country and played by the rules in order to obtain their citizenship status. Not only do we have a responsibility and a proud history of protecting those who seek

asylum in our country, which this bill is trying to thwart, we have a responsibility to legal immigrants who are contributing to our society to reduce the lengthy backlog to citizenship. Just earlier this week in meeting with some Bureau of Citizenship and Immigration Services employees, I was not surprised to learn that workers who were hired to help eliminate the backlog four years ago have been asked to stay on for another year. I do not often hear of temporary employees that are necessary for five years. I also learned that one of the reasons for the bureaucracy that legal immigrants experience is due to the antiquated state of technology the Bureau uses. As you can see, these are legitimate concerns about our immigration system that H.R. 418 does not address because it is a bill that has been brought up for political reasons, not legitimate policy reasons. The Republican Leadership of this Congress would do well to heed the President's comments to begin a dialogue on how to improve our immigration processes, and strengthen our national security, unlike the current legislation brought before us today.

The effects of the REAL ID Act are not only bad for domestic politics, they are destructive for the peace process in the Middle East. The Act states: "An alien who is an officer, official, representative, or spokesman of the Palestine Liberation Organization is considered, for purposes of this Act, to be engaged in a terrorist activity." In the first place, the United States already has a formal, congressionally approved mechanism for designating foreign terrorist organizations and imposing sanctions on them. The PLO is not on the U.S. list of Foreign Terrorist Organizations. This sneaky, backdoor attempt to override the responsibility of the State Department and the will of Congress is an incredibly stupid way to execute U.S. diplomacy.

Second, we are now on the cusp of a historic moment in the Middle East peace process. The administration has promised that they will be actively engaged in the Middle East peace process. I find it hard to believe that they can be "actively" engaged in the peace process if the President will not be able to invite newly elected President Mahmoud Abbas to his Texas ranch, Camp David or any other location within the United States. President Abbas appears to be making considerable efforts in brokering peace, and the United States should be supporting his efforts. The effects of this provision will be a diplomatic nightmare and damage the United States's ability to be a fair broker in the peace process. This provision is an embarrassment to United States diplomacy—it is highly counterproductive to peace negotiations.

Furthermore, I have concerns with the national driver's license standards in this bill. Current law already addresses this issue, but the regulations have been implemented since this bill was passed only 10 weeks ago. National driver's license standards in this bill create an unfunded mandate for States. Under this bill, at least 10 States would be forced to make significant changes to their systems, despite the fact that security standards can be attained without the interference this bill creates. State control of the licensing and identification process is crucial to maintaining public safety, bolstering security, reducing fraud, keeping costs of car insurance down and protecting privacy and Federal standards for such documents should be limited to those enumerated in the intelligence Reform Act of 2004.

Additionally, the proponents of this bill do not want you to know that H.R. 418 would not have prevented 9/11 hijackers from obtaining a driver's license or ID. The breach of our security was a result of the hijackers having been issued legal visas to come to the United States, which many of them used to apply for driver's licenses and identification cards. Does H.R. 418 seek to address the root of the problem here? No, obviously not. Again, this bill is political posturing under the guise of national security.

Instead of debating H.R. 418, the House of Representatives should be focused on ensuring the successful enactment of the Intelligence Reform and Terrorism Prevention Act of 2004 and working on comprehensively reforming our immigration system so that immigration is legal, safe, orderly, and reflective of the needs of American families, businesses, and national security.

Leadership should be ashamed to have brought a bill like this that will affect our environment, our citizens, and people from all around the world to the Floor in such a manner. I can not support the process nor the actual policy this bill proposes and I urge my colleagues vote no on H.R. 418.

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

Mr. FARR. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, what I would like to find out, if the gentleman knows, has this ever occurred in the history of Federal legislation before that for a given instance all laws, local, State, national, will be waived all at one time for one specific purpose?

Mr. FARR. Mr. Chairman, it has never been done before, waiving all labor laws, all contract laws, all small business laws, all laws relating to sacred places. It is a broad sweep, just a total repeal of all of those laws or a waiver of all those laws.

Mr. CONYERS. I thank the gentleman.

Mr. FARR. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from California (Mr. FARR) has 4 minutes remaining.

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

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

Mr. Chairman, I rise in opposition to this amendment which continues to have endless litigation against plugging the hole in the fence south of San Diego. We were able to win World War II quicker than we were able to complete this fence. I think that shows why this amendment is a bad one.

I want to tell the membership the short story that illustrates why the fence has to be completed.

In early January, I sent two of my staff personally to inspect this area. On the day they visited the Imperial Beach Station at the Border Patrol, they asked to see a demonstration of the AFIS fingerprint system used to identify criminal aliens among those caught across the border. A man picked at random from a holding area of high-risk detainees, who had been apprehended the night before, was selected for fingerprint check.

Within 15 minutes the system returned a rap sheet that was 17 pages long. Crimes he committed across three different States included abusing his spouse, raping his daughter and multiple counts of theft. This man was apprehended not far from Smuggler's Gulch and came through the area where the fence is not complete. The Border Patrol says he is typical of the one in three aliens they apprehend coming through the 3-mile unfenced area along the beach.

This person is a criminal, and membership of the California delegation complained about the cost of California incarcerating criminal aliens. We can cut down that cost and incarcerate fewer criminal aliens by plugging the hole in this fence and keeping them south of the border.

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

Mr. FARR. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. HARMAN).

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Chairman, many on this side of the aisle also support strong border protection. I certainly do, and I support the fence. This is not an argument, however, about whether to build a fence. It is about what process should be used, and this process is dead wrong.

Rather than reaching out to the governor of California, a leader in the party on the other side of the aisle, to reach compromise on this issue, the author of this bill has crafted language that will usurp all of Governor Schwarzenneger's power regarding the border fence. To take the radical steps of eliminating all State and local powers, let alone Federal, and rolling back all judicial review is the height of irresponsible legislating.

Mr. Chairman, this bill sets the dangerous precedent of policing a single Federal official, elected by no one, above all laws, and shields him from accountability, and the reach is beyond the San Diego border. According to the language in this legislation, it is all areas along and in the vicinity of our international borders with both Mexico and Canada.

This is the wrong way to do it. We need to do the right thing.

Mr. Chairman, I support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the Chairman of the Committee on Armed Services and one of the biggest supporters of Governor Schwarzenegger.

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

We started this fence about 20 years ago. We started it by building the first

steel fence across that 14-mile segment between the coastal hills of San Diego County and the Pacific Ocean. We did that because drug trucks were running that border at the rate of about 300 per month.

□ 1315

We had about 10 people being murdered each year, along with numerous robberies and rapes, to such a high degree that the best-selling book, ''Lines and Shadows'' by Joseph Wambaugh, was written depicting this ''no man's land,'' where nobody wanted to be after dark. So we built that first line, which was the steel fence right on the border.

We then built the second fence, that is, the second tier of the so-called triple fence, after we passed a law signed by President Bill Clinton in 1996. And it was President Clinton who signed the bill waiving the Endangered Species Act and waiving NEPA because he thought it was so important that we have security at this, the most porous smugglers' corridor in the United States of America.

Now, I can just tell you, as a guy who has worked on this thing from the start, my staff went out and found those 79,000 steel landing mats to build this fence. If the extremists had discovered this fence before we got the first 12 miles built, that would not be built. We stopped those 300 drug trucks a month, stopped them dead. We eliminated the 10 murders a year, mostly of undocumented workers. We eliminated the hundreds of rapes of the people who were coming through there because we built that fence.

If the extremists had had their way, they would have gone to a sympathetic Federal court, tied us up in lawsuits and we would not have had the fence.

The Secretary of the Navy has written us a letter saying that completion of this project will enhance the security of our naval installations by reducing the potential threat environment created by an unsecured border. A few miles north of this gap in the fence is the biggest naval installation on the West Coast. Through this gap have come and been apprehended people from nations that sponsor terrorists, nations like North Korea, nations like Syria.

This is a security issue. And for people to say this is an environmental issue, this is the state of play right now, all these trails you see have been hammered into that ecosystem by the smugglers. None of my colleagues have been out there trying to stop them. They have hammered these trails by the hundreds into the ecosystem, hammered it into the marshlands and the estuary lands.

Good biologists say it will take hundreds of years for these areas to be restored, not by actions of the Border Patrol or by our security apparatus, but by the smugglers who come across this particular gap in the fence.

We need to secure this gap. The Secretary of the Navy recognizes that, President Clinton recognized that and gave an unprecedented waiver. We need to complete the border fence.

Mr. FARR. Mr. Chairman, how much time do we have remaining?

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from California (Mr. FARR) has 3 minutes remaining and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 5 minutes remaining.

Mr. FARR. Mr. Chairman, I yield myself such time as I may consume to respond, first, to the gentleman from California (Mr. HUNTER).

He is right, there is in existing law the authorization to waive those issues. It has never been used. It has never been used. This waives all laws, labor laws, every kind of law. This is a draconian approach to try to get the job done.

Mr. Chairman, I yield 30 seconds to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I rise in favor of the Farr amendment. This bill gives the Secretary unprecedented authority to waive all laws to finish the construction of the security barrier. This bill denies due process to anyone challenging the Secretary's decision by prohibiting judicial review of the Secretary's waivers.

These provisions would undermine the Federal trust responsibility to Indian nations by allowing waivers of Federal requirements of providing tribal notification that are specifically designed to protect Native American burial grounds, religious shrines, and cultural and historical sites.

I urge my colleagues to support the Farr amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), another big supporter of Governor Schwarzenegger.

Mr. CUNNINGHAM. Mr. Chairman, the gentleman from California (Mr. HUNTER) talked about, in 1990, when he came to me while I was still in the military asking me about landing mats to put up for the border. He and I have actually been down there welding to get that up.

Why? Why would we do that?

Take this floor, if this was a farmer's field and you had a single strand of wire that was lying on the ground, that is what separated the United States and Mexico. We had truckloads of drugs coming across in a 100-mile sector that we could not stop. In 1 year, there were a number of rapes and a number of murders by the coyotes and people on the U.S. side of people trying to get across. When my colleague arranged to put up that fence, it stopped all of it.

Now, there are all kinds of ways in which you can stop something here in this body. We can have hearings and say we are going to do this or that, but with the fence area, these 7 miles, another way is to waive the environmental things.

The gentleman from California (Mr. HUNTER) also showed that President Clinton did this. If we do not do this, my colleagues, we will not get it done.

And it will help security. Documents that we have captured from al Qaeda show that they consider the border vulnerable, with cells in Mexico itself. And so it is not just sealing off the border for security, but it is other things too.

In San Diego, in California, we have about 800,000 illegals in K-through-12 education. Use half of that, use 400,000. That is $2 billion a year out of California. That does not account for the $1.5 million a day for the school lunch. Now, I cannot stop those kids. I have been in those schools. There is no way I would take that lunch away from those critters. But we need to secure our border to stop the flow coming in.

If we know, with the bill of the gentleman from Wisconsin (Mr. SENSENBRENNER), who is there legally, it is much easier to tell who is there illegally. So I ask my colleagues to give this support because we really need to complete this.

Mr. FARR. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from California (Mr. FARR) has 2¼ minutes remaining and the gentleman from Wisconsin (Mr. SENSENBRENNER) has 3 minutes remaining.

Mr. FARR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I yield to nobody my concern that this bill has regarding the environment, but that is not the point. We have already had our colleague, the gentleman from California (Mr. DUNCAN), talk about how we passed specific legislation signed by President Clinton that suspended the Endangered Species Act. What we are talking about here is far beyond this. It is talking about suspending all laws, health, safety, immigration, payment for private property. All laws, not the environment.

My colleagues would be creating not a couple of miles of exception to finish a fence, but you would be creating a zone 7,514 miles long under the terms of this bill, 5,500 in Canada, almost 2,000 with the border of Mexico, where all laws are suspended in the vicinity of the barrier. My colleagues have no idea how much land they are exempting from compensation.

Mr. Chairman, there are only 11,751 people who have been privileged to serve in this Chamber. I do not think any of them have ever been asked to vote on anything more irresponsible. It is a terrible precedent, unnecessary, and I urge its defeat.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER), a close adviser of Governor Schwarzenegger and the chairman of the Committee on Rules.

Mr. DREIER. Mr. Chairman, I thank my friend for yielding me this time,

and let me just say what it is that got us here. I have listened to the arguments propounded by my colleagues on the other side of the aisle.

We are here because, as the chairman of the Judiciary said, it has taken longer to complete this fence than it did to win the Second World War. The problem that we have is, there needs to be recognition that the environmentally sound vote is to complete this fence.

The gentleman from California (Mr. HUNTER) held up a poster. If you look at where the fence has been completed, it is pristine, it is clean, it looks great, and it is securing our borders. If you look at that 3½-mile gap, you see all kinds of trash and devastation and you, of course, exacerbate the pressure with the flow of people coming into this country illegally, creating a wide range of problems.

We came this close, when we had strong support, 257 Members of this body in the last Congress who voted for the Ose amendment that should have been included in the 9/11 Committee's recommendation in the conference agreement that we had. The other body prevented us when we were working in the conference to bring it back here. We had indications from Democrats and Republicans alike that if we brought this measure up we could have strong support of it.

It is imperative, it is imperative that we complete this fence. Smugglers Gulch is an area which is, I believe, posing a very serious threat to our stability in this country and in California. So I urge my colleagues to oppose the Farr amendment and cast the environmentally sound vote, which is a ''no'' vote.

Mr. FARR. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, no person in our country should be given unfettered authority, unfettered discretion to waive any or all laws, for whatever the purpose.

Take this situation. In order to expedite construction of this fence, the Department of Homeland Security could select a contractor without competitive bidding, use undocumented workers, violate child labor laws, pay the workers less than the minimum wage, exempt contractors from Federal and State withholding; workers could be forced to put in 18-hour-days without overtime pay, in unsafe conditions, and be transported in trucks used for hazardous cargo; and allow the Secretary discretion to have these workers construct fences and roads through private property.

That is wrong. You can build a fence, but you do not have to violate all those laws.

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

We have heard a lot of talk here today, and I submit that this is not the answer, to emasculate all the laws. I would bet that if the gentleman from California (Mr. HUNTER), the gentleman from California (Mr. CUNNINGHAM), myself and any other interested party sat down, one meeting with all the interested parties, we could resolve this. But that is not the way they want to proceed.

This was not a recommendation of the 9/11 Commission. This is essentially emasculating all laws to get an environmental project completed. And emasculating all laws is not the way to do it.

This amendment is a good amendment because it does not allow my colleagues to emasculate all laws. What it allows us to do is to let this process work. And with the pressure that has been brought here today, we can get that fence built. The opposition on this side is not against the fence, it is against emasculating all the laws of the land in order to get there. So I ask for an ''aye'' vote.

Mr. Chairman, I submit for the RECORD a memorandum of the Congressional Research Service, dated February 7, 2005, regarding the REAL ID Act.

CONGRESSIONAL RESEARCH SERVICE,
February 7, 2005.

MEMORANDUM

To: House Committee on Homeland Security, Attention: Sue Ramanathan; and House Committee on the Judiciary, Attention: Kristin Wells.

From: Stephen R. Viña and Todd Tatelman, Legislative Attorneys, American Law Division.

Subject: Legal Analysis of Sec. 102 of H.R. 418, Waiver of Laws Necessary for Improvement of Barriers at Borders.

Pursuant to your request on February 3, this memorandum analyzes section 102 of H.R. 418, the REAL ID Act. Section 102, captioned ''Waiver of Laws Necessary for Improvement of Barriers at Borders,'' provides the Secretary of Homeland Security with authority to waive all laws he deems necessary for the expeditious construction of the barriers authorized to be constructed by §102 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (IIRIRA) (P.L. 104–208, Div. C, codified at 8 U.S.C. §1103 note) and removes judicial review from such waiver decisions. Specifically, this memorandum discusses the extent to which Congress has passed laws that provide waivers comparable to §102 of H.R. 418 and outlines some of the legal issues that could potentially arise if §102 is passed in its current form. In view of the short time frame for response, the following analysis is necessarily brief and we refer you to CRS Report RS 22026, Border Security: Fences Along the U.S. International Border for background information on §102 of IIRIRA and the border fence.

H.R. 418, §102

Section 102 of H.R. 418 would amend §102(c) of IIRIRA to read as follows:

(c) WAIVER.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws such Secretary, in such Secretary's sole discretion, determines necessary to ensure expeditious construction of the barriers and roads under this section.

(2) NO JUDICIAL REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), no court shall have jurisdiction—

(A) to hear any cause or claim arising from any action undertaken, or any decision made, by the Secretary of Homeland Security pursuant to paragraph (1); or

(B) to order compensatory, declaratory, injunctive, equitable, or any other relief for damage alleged to arise from any such action or decision.

Waiver provisions

If enacted, the new §102 would provide the Secretary of Homeland Security with not only the authority to waive all laws he determines necessary to ensure the expeditious construction of the barriers and roads under §102 of IIRIRA, but the requirement that the Secretary do so. This provision could provide the Secretary with broader waiver authority than what is currently in §102(c) of IIRIRA. This authority would apparently include laws other than the Endangered Species Act and the National Environmental Policy Act, but may not include a waiver of protections established in the Constitution. All laws waived, however, must be determined by the Secretary to be necessary to ensure expeditious construction of the barriers and roads. The waiver authority provided by this amendment would also seem to apply to all the barriers that may be constructed under the authority of §102 of IIRIRA (i.e., barriers constructed in the vicinity of the border and the barrier that is to be constructed near the San Diego area).

Congress commonly waives preexisting laws, though the process necessary to complete the waiver and the number of laws waived vary considerably from provision to provision. Even more common is the use of the phrase, ''notwithstanding any other provision of law.'' While the use of a broad ''notwithstanding any other provision of law'' infrequently governs interpretation, such directives seem facially preclusive, and some courts have determined that ''notwithstanding'' language may serve to explicitly preempt the application of other laws. Other courts, however, have held that such provisions are generally not dispositive in determining the preemptive effect of a statute.

After a review of federal law, primarily through electronic database searches and consultations with various CRS experts, we were unable to locate a waiver provision identical to that of §102 of H.R. 418—i.e., a provision that contains ''notwithstanding language,'' provides a secretary of an executive agency the authority to waive all laws such secretary determines necessary, and directs the secretary to waive such laws. Much more common, it appears, are waiver provisions that (1) exempt an action from other requirements contained in the Act that authorizes the action, (2) specifically delineate the laws to be waived, or (3) waive a grouping of similar laws. The most analogous provisions that we located appear to be, at least on their face, the following:

43 U.S.C. §1652(c): Allows the Secretary of the Interior and other Federal officers and agencies the authority to waive any procedural requirements of law or regulation which they deem desirable for authorizations that are necessary for or related to the construction, operation, and maintenance of the Trans-Alaska oil pipeline system (e.g., rights-of-way, permits, and leases).

25 U.S.C. §3406: Allows the Secretaries of the Interior, Labor, Health and Human Services, and Education, notwithstanding any other law, to waive any statutory requirement, regulation, policy, or procedure promulgated by their agency that is identified by a tribal government as necessary to implement a submitted tribal plan under the Indian Employment, Training and Related Services Demonstration Act of 1992, as amended.

20 U.S.C. §7426: Provides almost identical waiver language to that of 25 U.S.C. §3406, but for plans submitted by tribal governments for the integration of education and related services provided to Indian students.

There are many other provisions that arguably grant broad waiver authority similar to that of §102, but contain qualifications or reporting requirements that seem to limit their breadth. For example, 43 U.S.C. §2008 allows the President to waive provisions of federal law he deems necessary in the national interest to facilitate the construction or operation of crude oil transportation systems, but such waivers must be submitted to Congress, and Congress must pass a joint resolution before the President can act on the waivers. As mentioned above and as the examples we have set forth arguably demonstrate, the breadth of waiver authority granted by §102 of H.R. 418 does not appear to be common in the federal law searched.

Judicial review provisions

By including the language ''no court,'' §102(c)(2) of H.R. 418 appears to preclude judicial review of a Secretary's decision to waive provisions of law by both federal and state courts. The preclusion of judicial review in state court and of state claims appears buttressed by the fact that §102(c) is explicitly intended to preclude judicial review of nonstatutory laws—a term which would seem to imply the inclusion of state constitutional and common law claims. It is generally accepted that Article III of the United States Constitution grants Congress the authority to regulate the jurisdiction, procedures, and remedies available in federal courts. However, what remains uncertain is whether Congress's authority, pursuant to Article III, extends to the jurisdiction, procedures, and remedies of state courts. In addition, it remains uncertain to what extent Congress has Article III authority to prevent courts, state or federal, from addressing and remedying issues arising under the United States Constitution.

With respect to Congress's ability to control the jurisdiction of state courts, the Supreme Court has ruled that subject to a congressional provision to the contrary, state courts have concurrent jurisdiction over all the classes of cases and controversies enumerated in Article III, except for suits between States, suits in which either the United States or a foreign state is a party, and those considered within the traditional jurisdiction of admiralty law. Thus, it appears possible to argue that Congress has a plenary power to allocate jurisdiction between the state and federal courts. In other words, if, for example, Congress can make jurisdiction over an area of law exclusively federal, thereby depriving state courts of any ability to hear the claim, it appears that Congress may also be able to remove a cause of action from state courts without concurrently granting jurisdiction to the federal courts.

State courts, however, are often considered to be independent and autonomous from the federal court system. This independent status has led some scholars to argue that because the Constitution appears to reserve to the states the authority to control the jurisdiction of their own courts, Congress's ''only means of allocating jurisdiction is through control of the federal court's jurisdiction.'' The argument that state courts are autonomous can be derived, in part, from the Supreme Court's doctrine with respect to its ability to review decisions from state courts. While the Court has the authority to review a decision of a state's highest court, it has repeatedly held that it will not do so if the decision rests upon adequate and independent state grounds. This rule is arguably designed to protect a state's interest in developing and applying its own laws. Thus, it would appear that an argument can be made that Congress does not possess the authority to regulate the jurisdiction of state courts directly. It may be the case, however, that Congress's ability to control the jurisdiction of the federal courts indirectly effects and alters the jurisdiction of the state courts, which would appear to preserve their autonomous status.

Turning to Congress's ability to remove jurisdiction with respect to claims arising under the Constitution, it appears that Supreme Court precedent requires that at least some forum be provided for the redress of constitutional rights. While it appears that the Supreme Court has not directly addressed whether there needs to be a judicial forum to vindicate all constitutional rights, it appears that the Court has taken to noting constitutional reservations about legislative denials for jurisdiction for judicial review of constitutional issues, as well as construction of statutes that purport to limit the Court's jurisdiction. At least one justice, however, has indicated that there have been particular cases, such as political question cases, where all constitutional review is in effect precluded.

Nevertheless, the Court has generally found a requirement that effective judicial remedies be present. For example, in cases involving particular rights, such as the availability of effective remedies for Fifth Amendment takings, the Court has held that ''the compensation remedy is required by the Constitution.'' In addition, lower federal courts appear to have held that, in most cases, some forum must be provided for the vindication of constitutional rights. Cases such as these would seem to provide a basis for the Court to find that parties seeking to vindicate other particular rights must have a judicial forum for such challenges; therefore, the Court may construe the provisions of H.R. 418 in a manner that preserves this right.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, as chairman of the Subcommittee on International Terrorism and Nonproliferation, I have to ask, Who should be in charge of counterterrorism policy? Should it be the California Coastal Commission or should it be the Department of Homeland Security? That is the crux of this argument.

Now, environmental groups have successfully fought the completion of this fence over the years, claiming that it would have a serious impact on everything from the San Diego fairy shrimp to the San Diego button celery, all that in this 3.5 mile strip of desert along the border.

Does anyone think we can secure the border and save the button celery by putting up a fence to stop people from trampling on it? Yes, we can. Can we protect ourselves from al Qaeda operatives who have joined forces with alien smuggling rings like MS 13 in order to enter the United States through our porous southern border by stopping them from squishing the fairy shrimp as they slip through the gap in the fence? Yes, we can. It is a win-win.

In the interest of national security, we need to defeat this amendment.

Mrs. DAVIS of California. Mr. Chairman, I want to thank my colleague from Monterey for so clearly laying out the reasons that waiving all laws is a travesty of American governing principles.

I will focus on the issue driving this extreme language—completing the 3½ miles of border fencing, including the ocean section in my district.

A member stated that tens of thousands of illegal immigrants enter there and are chased all over the sensitive wetlands destroying them anyway. His facts were true 10 years ago. They are not today.

In 1993, the Border Patrol apprehended 165,000 people in this section. In 2003, the number had dropped 94 percent—to 10,000.

How many illegal entrants get past the Border Patrol today? They tell us 1,000 a year—three people per day. And that is with a fence you or I could easily walk around or through.

What should we do?

Finish building a secondary fence with the proposed level of environmental destruction.

Compromise has occurred, and plans exist for alternative road alignment. Appoint a task force to meet and reach consensus by a deadline.

One issue remains—a one-half mile wide river bed called Smuggler's Gulch—leading to internationally recognized wetlands restored at the cost of tens of millions of dollars.

The proposal lops off two adjacent mesas to dump 2 million tons of dirt into the gap to a height of 165 feet!—as high as two of the new giant airbuses stacked on top of one another!

It would cost $40 million just to move the dirt—money better spent purchasing high grade technology and funding the President's proposed increase of Border Patrol agents.

I urge you to support the Farr amendment.

Mr. BOEHLERT. Mr. Chairman, today I rise to express my concern over a provision in H.R. 418, the REAL ID Act of 2005. Section 102 of this Act states that the Secretary of Homeland Security shall have the authority to waive, and shall waive, all laws necessary to ensure expeditious construction of barriers and roads in the vicinity of the U.S. border in areas of high illegal entry. The provision also bars judicial review of any claim arising from the construction of barriers and roads at borders.

I understand that this provision is intended to apply primarily to the fence along the border near San Diego. The construction of that fence is critical to our national security and has been delayed for far too long and I think it is imperative that it be constructed as soon as possible.

However, I believe the provision currently contained in this bill is far too sweeping. It should not be necessary to waive all laws and judicial review relating to the construction of roads and barriers along the border in order to complete the fence near San Diego.

I hope that as the bill moves forward we can find a solution that will lead to the swift construction of this fence without sweeping away important laws.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FARR).

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

Mr. FARR. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. FARR) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 4 printed in part B, offered by the gentleman from New York (Mr. NADLER) and amendment No. 5 printed in part B, offered by the gentleman from California (Mr. FARR).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 4 printed in part B of House Report 109–4, offered by the gentleman New York (Mr. NADLER), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 236, not voting 12, as follows:

[Roll No. 28]

AYES—185

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—236

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bass
Carter
Eshoo
Feeney
Green, Gene
Hinchey
Hinojosa
Honda
Oxley
Pickering
Sanchez, Loretta
Stupak

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1355

Mrs. BLACKBURN, Mrs. JOHNSON of Connecticut, and Messrs. REYNOLDS, SODREL, NEUGEBAUER, TOM DAVIS of Virginia, FORD, BACHUS, TANNER, MURPHY, and BRADY of Texas changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BASS. Mr. Chairman, on rollcall No. 28 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. FARR

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 5 printed in Part B of House Report 109–4 offered by the gentleman from California (Mr. FARR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 243, not voting 11, as follows:

[Roll No. 29]

AYES—179

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cuellar
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey

McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—243

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Carter
Eshoo
Feeney
Green, Gene
Hinchey
Hinojosa
Honda
Oxley
Sanchez, Loretta
Stupak
Weiner

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1405

Mr. MURTHA and Mr. SHAYS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I recognize the importance of having standardized drivers' licenses and identification cards. This should be done on a bipartisan basis, however. The REAL ID Act was not bipartisan, and it was moved too quickly through the legislative process. It was passed without any Committee hearings or markups.

Mr. UDALL of Colorado. Mr. Chairman, I cannot in good conscience vote for the REAL ID Act, H.R. 418 because, despite the intention of the bill's sponsors to strengthen our borders, it has the opposite effect, by making homeland security and an effective war against terrorism more difficult with unnecessary provisions aimed at legitimate asylum seekers. Moreover, I am guided in my judgment about this bill by the opposition of the National Governors Association and the National Council of State Legislatures.

This bill tightens asylum laws in a way that inhibits, rather than enhances our national security. Currently individuals who participate in terrorist activity are not allowed to gain asylum status in this country. Terrorists have not been able to use the current asylum system to gain entry into the country, thus the tightening of these laws only makes gaining asylum status more difficult for those legitimately seeking asylum. Provisions such as requiring applicants to prove the ''central reason'' for their persecution or allowing judges to require applicants to produce corroborating evidence are unnecessary.

While national security must be our top priority, immigration policy should not create unnecessary requirements for legitimate asylum seekers who are arguably our best allies in the fight against international terrorism. The asylum provisions of this bill will not enhance our security or our standing in the world.

I also have concerns that the bill allows and directs the Secretary of Homeland Security to waive all laws which he or she deems necessary to complete the construction of barriers along any and all U.S. borders. Some have argued that this provision is needed to ensure the construction of a fence along three and a half miles of the U.S.-Mexico border near San Diego. However, the language of the bill is not limited to the construction of a fence in this location. Instead, it instructs the Secretary to waive all laws for all U.S. borders; this includes the U.S.-Mexico border, the U.S.-Canada border, and maybe even the border between Alaska and Russia. The bill also removes any judicial review of the waiving of these laws.

This would give far too much unchecked authority to the Secretary of Homeland Security and does not provide the protection of judicial review of this authority.

There are two amendments, one offered by my colleagues Mr. Nadler and Mr. Meeks, and the other offered by Mr. Farr, which would strike portions of the bill that do not address our national security regarding the asylum system and our borders. However, in light of their failure, I am left no option but to vote against this bill.

I find the driver's license standards established in this bill to be unnecessary as well, as they already exist in current law. Last fall's Intelligence bill, which I supported, included a provision which already implements the 9/11 Commission Report's recommendations to create national minimum standards for driver's licenses. This provision allowed for States to participate with the Department of Transportation and the Department of Homeland Security in a rulemaking process.

H.R. 418 repeals these provisions and replaces them with standards established without State input. The issuance of driver's licenses has always been within State jurisdiction. Even with the measures passed in the Intelligence bill, States will largely be organizing and conducting the implementation of these standards. Their participation in establishing and implementing driver's license standards is essential for these provisions to be successful. This bill simply ignores State involvement altogether in these standards.

Though the bill does provide grants for the costs of implementing these standards, with the current fiscal climate, many States fear they will be left with the burden of paying a portion of these costs. Most States are faced with the same fiscal crisis that the Federal Government is currently experiencing. Creating an unfunded mandate for States is unfair, especially when they are excluded from the rulemaking process.

There are portions in this bill which I believe are beneficial to our national security. For instance, I am pleased the amendment offered by Mr. SESSIONS passed by a voice vote, as it will strengthen our ability to ensure the deportation of individuals who are illegally present in the United States.

Unfortunately, the egregious measures in the bill far outweigh the beneficial provisions. Thus, I must vote against this bill and hope that the Senate will remove the portions of this bill which are unnecessary and attack the balance of power in our country.

Mr. ISSA. Mr. Chairman, I rise today in strong support of H.R. 418, the REAL ID Act of 2005. This bill includes provisions that are essential to preventing terrorists and other criminals from obtaining fraudulent identification and provides security at our borders.

Last year, Congress passed legislation based on the recommendations of the 9/11 Commission but failed to address vital national security and homeland security issues. This Legislation addresses theses issues and further secures our Nation in a post 9/11 world.

H.R. 418 requires States to implement new minimum regulations for State drivers' license

and identification document security standards that must be met within 3 years. It also establishes a process to enable States to use an existing Department of Transportation communication system to confirm that drivers' licenses presented are genuine and validly issued to the person who is carrying them. The 19 terrorists who attacked America on 9/11 had obtained over 63 valid forms of identification between them to breach our homeland security. Improving document security is necessary to counter threats from foreign terrorism.

This legislation also takes important steps regarding asylum reform. It prevents terrorists and scam artists from abusing our asylum system and gives immigration judges the tools they need to undercut asylum fraud before it happens.

Most importantly, H.R. 418 is critical to the continued construction of the Southwest border fence in San Diego. Despite efforts by the Federal Government and the border patrol, California's Coastal Commission has objected to and stopped the final phase of fence construction. Completion of the fence will reduce the number of illegal crossings, and will allow the Border Patrol to re-deploy manpower and resources to other problem areas in San Diego. Completion of the 3-mile gap in the fence, known as ''Smugglers Gulch,'' would be a strong step toward securing our border.

Mr. Chairman, I made a promise to my constituents to continue to fight for security enhancements to curb illegal immigration and secure our borders. This legislation is essential to national security and I urge my colleagues to vote in support of H.R. 418.

Mr. BLUMENAUER. Mr. Chairman, today's bill would not be nearly as flawed or controversial if it had the benefit of going through the committee process. Unfortunately, we are faced with costly legislation that overturns States rights and does little to address the problems of our immigration system or to protect Americans from another terrorist attack.

Instead, this bill places enormous regulatory and financial burdens on State governments and makes Department of Motor Vehicles (DMV) employees de facto immigration officers. This policy promises to be ineffective as there are approximately 70 different kinds of immigration related documents issued by the Federal Government. This bill will not deter illegal immigration; it will probably mean illegal immigrants will drive without licenses.

In addition, in order to complete three miles of a border fence near San Diego, Section 102 of this bill suspends all laws, from public health and labor to the environment and property compensation. In fact, all barriers and roads along 7,514 miles of U.S. borders would be exempt from all laws. One person in the Department of Homeland Security would be above the law without any judicial appeal or remedy. This is unprecedented. Some of the environmental laws waived would include the Noise Control Act, the Clean Water Act, the Farmland Protection Policy Act, and the Bald Eagle Act. In addition to being bad public policy, this exemption is unnecessary, as most of these laws have security exemptions already written into them.

This legislation will not make us safer or reduce illegal immigration. In the end, it is hard to imagine a more dangerous precedent.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in opposition to H.R. 418 the REAL ID Act, because, contrary to its sponsors' claims, this bill will not improve our country's security. Instead, it will weaken law enforcement's ability to do its job, and make driving on our roads more dangerous. In addition, this bill eliminates critical provisions in the Intelligence Reform and Terrorism Prevention Act passed by Congress in 2004. Finally, the REAL ID Act makes it much more difficult for immigrants who are fleeing persecution to gain refuge in the United States.

Mr. Chairman, while there are many good reasons to oppose this bill, as I previously outlined, I will focus on the driver's license provision and the asylum provision.

Barring undocumented immigrants from accessing driver's licenses is a dangerous proposal. Withholding driver's licenses from these individuals will not fix our broken immigration system. It will only make us less safe by having unlicensed and uninsured drivers on our roads. The American Automobile Association (AAA) Foundation for Traffic Safety report entitled, ''Unlicensed to Kill,'' found that unlicensed drivers are almost five times more likely to be in fatal car accidents than are validly licensed drivers. Clearly, our goal should be to have more, not fewer, licensed drivers.

Denying licenses to undocumented immigrants will also hurt our national security by depriving law enforcement officials of critical information on millions of adults who are in the United States. Licensed individuals are registered, photographed and in some states fingerprinted. This information is then entered into a database accessible to local and state law enforcement, FBI personnel and immigration officers, helping law enforcement to separate otherwise law abiding individuals from terrorist or criminals. In fact, because many of the 9/11 hijackers did have a driver's license, the records kept by state departments of motor vehicles were invaluable after 9/11 in tracking where the terrorist had been and with whom they had associated. This information was used to prosecute many individuals who would not have been discovered otherwise. Passage of the REAL ID Act will mean that law enforcement will be less able to find people who may be security threats, and will have less information with which to prevent and solve crimes.

Mr. Chairman, there is no doubt that we must be proactive in the defense of our nation by identifying weaknesses in our security systems and making appropriate changes that will protect us from a terrorist attack. For this reason, Congress and the President charged the 9/11 Commission to study our intelligence failures and make recommendations that would improve our systems. Those recommendations were, enacted into law with the passage of the Intelligence Reform and Terrorism Prevention Act of 2004 just three months ago. The intelligence reform bill required states to establish stringent standards for the issuance of driver's licenses and identification cards. Among the new standards are requirements that licenses contain digital photographs, employ machine readable technology and contain security features to prevent tampering, counterfeiting or duplication. Currently, effective and workable federal standards that will strengthen driver's license security are in the process of being implemented. The REAL ID Act will dismantle the safeguards Congress just enacted. Congress and the President should instead be focused on implementing the provisions of the Intelligence Reform and Terrorism Prevention Act such as, adding 10,000 new border patrol agents, 40,000 new detention beds, and 4,000 immigration and customs investigators.

Furthermore, the asylum provisions in the REAL ID Act do nothing to enhance our nation's security. Instead, the REAL ID Act serves only to deny people who are fleeing religious persecution, torture and other horrors the ability to escape into safety. Given the fact that an asylum seeker is immediately held in detention before his claim is processed, a terrorist would not risk claiming asylum to enter our country.

Mr. Chairman, REAL ID Act is a real bad idea for America. This bill will make our roads more dangerous, inhibit the work of law enforcement, and undermine the homeland security measures enacted in the Intelligence Reform and Terrorism Prevention Act of 2004. I urge my colleagues to oppose this bill and instead focus on implementing the counter-terrorism provisions enacted into law just a few months ago.

Mr. GRAVES. Mr. Chairman, I come to the floor today to speak in support of the REAL ID Act. It is clear that in order to secure our country from terrorists we need to reform the requirements and standards for driver's licenses. A valid driver's license is like a hall pass that allows terrorists to easily roam throughout the United States.

Indeed 19 terrorists did just that with dozens of legal driver's licenses and identification cards. The hijackers used these IDs to rent cars and apartments, open bank accounts, take flying lessons, and otherwise blend into American society while they planned their attacks. Those terrorists murdered 3,000 Americans and yet this gap still remains open.

In every State, the driver's license (and its counterpart, the State ID card) is the primary document used to establish identity and proof of legal residence. Making driver's licenses accessible to illegal aliens gives them the means to pass themselves off as legal residents of the United States. Additionally, the REAL ID Act does not create a national ID card.

In addition to establishing standards for the issuance of licenses, H.R. 418 includes provisions to prevent terrorists from gaming our asylum system. Court decisions in recent years have so distorted the asylum process that terrorists are now able to claim asylum specifically because they are terrorists. This legislation represents a critical first step toward gaining control over our borders and protecting American lives. These are commonsense measures that should be implemented immediately.

Terrorism may have no borders, but we can certainly make it more difficult for terrorists to cross ours. Having a uniform policy that relies on common sense will do more to keep America open and free than having a policy that relies on hope.

Mr. ETHERIDGE. Mr. Chairman, I rise today in opposition to H.R. 418.

Although I support the goals of this legislation, H.R. 418 unfortunately contains too many misguided provisions. Last year, I voted to pass the 9/11 Commission's bipartisan recommendations to reform identification standards and beef up security on our nation's border. This legislation would repeal that new law before it has a chance to work. Had the provisions of H.R. 418 been in place prior to September 11, 2001, they would not have stopped

a single one of the 19 terrorists. H.R. 418 would force virtually every adult in the United States to go to the DMV to get a new driver's license, and with 14,000 local jurisdictions in this country currently issuing identification, it would be impossible to impose a single standard within in the three-year limit in the bill. I will also vote to remove provisions in the bill allowing the DHS Secretary to waive laws currently on the books. Finally, many of my constituents have expressed concerns to me that H.R. 418 would create a national ID system that would lead to intrusive government action like a gun registry and gun control on targeted groups. For these reasons, I will vote ''no'' on H.R. 418.

Mrs. CUBIN. Mr. Chairman, on September 11th, the terrorists didn't just use box cutters and airplanes to attack America, they used our own laws against us to help them murder thousands of people. H.R. 418, the REAL ID Act, will fix these loopholes in current law and also take steps to close gaping holes in our land borders, which are the first line of defense against terrorist infiltration, not just for the border states, but also for my home state of Wyoming and the rest of the nation.

We all know how the 9/11 terrorists manipulated our asylum laws to stay in our country, and utilized lax drivers' license standards to help them carry out their plans. We know that human traffickers continue to take advantage of the gaps in our borders, helping terrorist and criminal aliens gain entry into our country. Yet some still question the need to turn this invaluable knowledge into meaningful action.

As an original cosponsor of the REAL ID Act, I ask my colleagues to look beyond the false rhetoric that has clouded this debate and realize what is really at stake—the safety and security of our nation. I refuse to gamble with the lives of American citizens, rolling the dice on flawed policies that have already failed to protect us against terrorism.

Today we have the opportunity—and more importantly, the responsibility—to pass this legislation and make the terrorist handbook obsolete.

Mr. STARK. Mr. Chairman, I'm starting to wonder if the Republican Majority was listening to the President when he called for the United States to act as a beacon of freedom for the world. For our first substantive legislation of the year, they would make it nearly impossible for victims of torture and religious persecution to seek refuge in the U.S. and they would get us ever closer to establishing a national ID.

We all accept that sometimes freedom must be sacrificed for security, but the 9/11 Commission itself said that these big brother, anti-immigrant provisions do nothing to enhance national security.

This bill makes changes to the asylum process and state drivers licenses, presumably to address the widely-reported anecdote that the first World Trade Center bombers abused the asylum system and had a total of 63 drivers licenses. However, you have to question the motives of the supporters of this bill when the asylum system was already strengthened ten years ago and the 63 drivers licenses are simply an urban legend. The 9/11 Commission found that the hijackers actually had 13, and this bill would not have prevented any of them from being issued.

So without making the country safer, we're going to deny refugees and victims of torture, rape, and other atrocities safe haven in this supposed beacon of freedom. I guess the asylum system, which is the most rigorous immigration process in this country, resulting in 30,000 denials last year, is not good enough for the immigrant-bashers. If this bill were to become law, an asylum applicant would have to provide documentary evidence of persecution. I hope that residents of the Darfur region of Sudan remember to grab their personal files as their villages are being burned, because under this law, the presumption of credibility would go to the torturers and rapists.

The bill would also retroactively make legal donations, even donations made decades ago, grounds for deportation of green-card holders who have lived here for decades if the organization to which a donation was made was later added to a government terrorist list.

The last section of the bill then goes after American citizens. The sponsors know that nobody would support a national ID, so they're just going to turn your drivers license into one without telling you. It'll look the same, but if this bill became law, all states would have to share all drivers license information in a national database, including identifying information, drivers' histories, and motor vehicle violations.

On behalf of the oppressed people of this world who actually believed President Bush when he said the U.S. would stand with them, and on behalf of Americans who don't confuse secret databases with security, I will vote No on this bill.

Mr. SHUSTER. Mr. Chairman, I rise today in support of the underlying legislation, known as the ''REAL ID Act'' H.R. 418. There is no greater responsibility placed upon myself and my colleagues than providing for a safe and secure homeland for America's citizens. We must and can do better to secure our borders, this legislation takes necessary and reasonable steps toward that goal.

I strongly support this legislation because it will close current loopholes in our laws that terrorists have been taking advantage of to gain entry and have free reign within our borders. Every measure within the REAL ID Act is present because it closes a loophole a terrorist has used previously. For example, the September 11th the hijackers had within their possession at least 15 valid drivers licenses and numerous state issued identity cards with a large variety of addresses allowing them to get on U.S. airliners. This legislation includes a number of common sense measures aiming to establish minimum document and issuance standards for federal acceptance of drivers' licenses and state-issued personal identification cards and would require applicants to provide proof they are in the country legally. Additionally, this measure would require identity documents to expire at the same time as the expiration of lawful entry status which will prevent individuals who have illegally entered or are unlawfully present in the United States from having valid identification documents.

The REAL ID Act will also strengthen and clarify our process for granting immigrants asylum within our borders. While America has always been and always will be a safe harbor for those being persecuted by tyrannical governments we must be vigilant to ensure those individuals are not taking advantage of America's generosity and good will. Our first responsibility is to protect the American people and we cannot put on blinders to expect that everyone who seeks asylum does so in good faith. This legislation closes one of the most egregious loopholes that currently exists—the REAL ID Act would prevent liberal judges from granting asylum to aliens on the basis that their governments believe they are terrorists. It is only reasonable that our laws do not force our country to provide safe harbor to those individuals that are being sought out by their governments due to their terrorist ties.

I have given just a few examples of why this legislation is so important to further our ability to strengthen our border security and increase our ability to remove illegal aliens from our country. There are numerous other provisions within this bill that work toward those goals as well. I strongly encourage my colleagues to join me today in voting in support of this important border security legislation because it will help better defend our homeland.

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to H.R. 418, the REAL ID Act. Not only has the House failed to consider the sweeping changes in this bill through the thoughtful and deliberative committee process, we have failed our duty to the American people to ensure that this bill will not have unintended consequences.

You may ask, ''Dingell, what unintended consequences? Doesn't this bill just keep the bad guys from harming us again?''

Well, my friends, read the fine print.

Look at Section 102 of the bill. That section allows the Secretary of Homeland Security to waive ANY and ALL federal, state, or local law that the Secretary determines should be waived to ensure the construction of physical barriers and roads to deter illegal border crossings.

It would also allow waiver of laws to knock down existing structures or other obstacles.

It would give power to the Secretary of Homeland Security to waive any public health law such as the Safe Drinking Water Act, the Clean Water Act, as well as transportation safety, hazardous materials transportation and road construction standards.

In addition, it would grant DHS unchecked authority to abrogate criminal law, child labor laws, laws that protect workers, civil rights laws, ethics laws for clean contracting and procurement policy.

It goes even further. No procedures for using this authority are established, and judicial review by federal or state courts is expressly prohibited. It even appears there would be NO judicial review concerning the taking of private property.

The breadth of this provision is unprecedented and must not stand.

Now let's look at Section 101. This section requires that in certain asylum claims, applicants must prove that their race, religion, nationality, membership in a particular social group, or political opinion ''was or will be a central reason'' for their persecution.

In effect, this will bar many legitimate refugees who have fled brutal human rights abuses, including torture, rape, and other horrific violence, from receiving asylum.

This section creates new burdens on those seeking asylum, including a corroborating evidence test, empowering an immigration officer or immigration judge to deny asylum to a refugee because he believes, in his discretion, that the refugee should have somehow been able to obtain a particular document when fleeing her country.

Mr. Chairman, I understand that we must protect our borders, but we must still allow those decent freedom loving people fleeing their countries to be able to continue to seek asylum.

I would also note that Sec. 103 specifically identifies officers, officials, representatives or spokesmen of the Palestinian Liberation Organization as terrorists, thus not able to enter the United States. Mr. Speaker, this would mean that Palestinian Authority President Mahmoud Abbas would be barred from the United States. Given the great progress we have seen in the Middle East in the past week and that the Bush Administration is in the process of setting up meetings with Dr. Abbas in Washington, it hardly seems wise to pass a bill barring the newly elected President of the Palestinian Authority from the country.

Finally, I note that I have concerns about this bill and its unintended consequences on the Second Amendment rights of gun owning Americans like myself.

Section 203 calls for the linking of databases and creates a floor for the requirements of what can be included in the database. However, this legislation fails to create a ceiling. What could stop a State from requiring databases to contain information about gun licenses issued and gun ownership records?

Mr. Chairman, I urge my colleagues to oppose this broad overreaching legislation. Let's have hearings. Let's have real deliberation and debate. I will vote against this legislation.

Mr. HOLT. Mr. Chairman, I rise in opposition to H.R. 418, the REAL ID Act. This legislation was crafted under the guise of protecting our borders and improving homeland security. However, it would make it more difficult for victims of persecution to obtain asylum impose expensive mandates on the States, and authorize the Secretary of Homeland Security to waive any and all laws to construct barriers at our international borders—none of which will make this country any safer from terrorists. This legislation would also effectively undo the important immigration and security reforms passed by the 108th Congress, putting us at greater risk for future attacks.

The 9/11 Commission's immigration-related recommendations focused on targeting terrorist travel through reliable identification systems and effective, integrated information sharing. Instead, this legislation seeks to change immigration laws broadly and in ways unrelated to essential intelligence reform.

This legislation would expand the authority for expedited alien removal without further hearing or review, impose stringent restrictions on asylum seekers hoping to be given an interview with an asylum officer, and require unreasonable standards of proof for aliens seeking asylum. None of the 9/11 hijackers sought or were granted asylum; rather, they were granted legal visas to enter the United States using fraudulent documents overseas. Furthermore, current law explicitly bars terrorists or members of terrorist organizations from gaining asylum, and asylum-seekers already undergo thorough background checks through the FBI, CIA, Department of Homeland Security, and Department of State databases. The onerous restrictions offered by H.R. 418 would keep highly-vulnerable victims of heinous crimes from escaping their persecutors, and they do not address the real vulnerabilities in our immigration system.

A report released this week by the United States Commission on International Religious Freedom underscores the dangerous impact these so-called reforms would have on our asylum process. According to the commission, the current expedited removal process in the U.S. places victims of persecution at great risk for further trauma, while the severity of conditions and deprivation imposed on asylum seekers was ''shocking.'' Rather than address this serious situation in the ways recommended by the commission, today this Congress would force even more innocent asylum seekers into expedited removal or send them back to their persecutors without an opportunity to appeal their case to an immigration judge.

H.R. 418 would also impose statutory requirements for State-issued driver's licenses and repeal the important identification security measures enacted by the bipartisan Intelligence Reform and Terrorism Prevention Act. Rather than permit local, State, and Federal officials to work together to create minimum security standards for driver's licenses and identification cards as authorized by Congress last year, H.R. 418 would mandate statutory standards for States and require them to share personal information on all licensed drivers in a massive national database.

H.R. 418 would dismantle the carefully crafted immigration and security reforms enacted by Congress last year in the Intelligence Reform bill. That law will toughen our border security by adding 10,000 new border patrol agents over the next 5 years, strengthening visa application requirements, and adding 4,000 new immigration and customs investigators. It fortifies identification security while allowing the State officials charged with making those changes to be a part of the process.

Mr. Chairman, this law implemented key 9/11 Commission recommendations without jeopardizing our legal immigration system or the ability of legitimate asylum seekers to escape persecution. Our country was founded on the principle of immigration, and we must not close our doors to those who lawfully seek to share in the freedom and democracy that Americans have always held dear. The Congress must do everything in its power to protect our citizens and our borders. H.R. 418, however, does not achieve those important goals, and I urge my colleagues to oppose this legislation.

Mr. MEEHAN. Mr. Chairman, I rise to oppose H.R. 418, the REAL ID Act. This bill is an expansion of the Patriot Act intended to punish immigrants without making America any safer.

Any time a bill is brought to the floor with no hearings, no committee markup, and few opportunities for amendments, it indicates that its sponsors are trying to protect it from scrutiny.

That's certainly the case here. Indeed a close look at this bill shows that its true purpose is not to make America safer, but to advance an agenda of ending America's tradition of welcoming and protecting the rights of immigrants.

This bill is about much more than driver's licenses. It upends the process of granting asylum to individuals and families who have suffered torture or persecution in other countries. It expands the PATRIOT Act to allow more deportations for people with no connection to terrorism.

No one doubts the need to review standards for issuing driver's licenses. That is why Congress worked on a bipartisan basis to implement the recommendations of the 9/11 Commission.

The recently enacted 9/11 bill established minimum Federal standards to ensure the integrity of drivers' licenses issuance and verification. The regulations are in the process of being developed, with the input of the state agencies that issue driver's licenses. Enacting a new bill that prescribes eligibility for driver's licenses would delay and disrupt the implementation of the 9/11 bill's standards even before they have been put in place.

The strongest reason to approach this issue thoughtfully is that the process of applying for driver's licenses brings new people into government databases, which can be cross-referenced with FBI and terrorist watch lists. The only reason we had any information about the 9/11 hijackers, their whereabouts, and their connections to others, is because we could track information from driver's license databases. Shutting off this flow of information is not a smart or effective way to combat terrorism.

This bill is only the latest example of how this Congress has ignored regular order to rush a partisan bill to the floor with little deliberation or debate. I oppose this process and this bill.

Mr. BILIRAKIS. Mr. Chairman, I rise today in strong support of H.R. 418, the REAL ID Act. As a member of the Congressional Immigration Reform Caucus, I join with my colleagues to raise attention to the serious flaws in our immigration system which leave our Nation exposed to potential threats.

The 9/11 Commission made several recommendations which were not enacted as part of the National Intelligence Reform Act of 2004 (Public Law 108–458), including provisions to strengthen identification document standards and to secure our borders. The commission specifically recommended that the Federal government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses. In addition, the commission recommended the Department of Homeland Security's, DHS, completion of a biometric entry-exit screening system and the improvement of U.S. border security standards for travel and border crossing.

I was disappointed that the conference committee on the intelligence reform bill opted to remove the immigration-related provisions approved by the House during its consideration of H.R. 10 last fall. I commend House leadership for honoring the commitment made to Chairman SENSENBRENNER to allow the consideration of the bill we have before us today.

We have a real opportunity to adopt meaningful reforms to improve our immigration system. H.R. 418 establishes strict proof of identity for all applicants for State-issued driver's licenses and identification documents. This bill serves to protect the integrity of our immigration laws by requiring States, in effect, to confirm lawful immigration status or disclose the lack of confirming identification on the face of cards issued.

H.R. 418 also makes aliens deportable for terrorism-related offenses to the same extent that they would be inadmissible for the same grounds. If nothing else, our immigration system must prevent potential terrorists from entering the United States. We would not be exercising our responsibility to protect national security if we were to allow our immigration

system to be exploited by those malevolent individuals who seek to destroy Americans and our way of life.

Mr. Chairman, there are many flaws in our immigration system which need to be fixed. H.R. 418 does not address them all, but it does represent a good step forward in discouraging lawbreaking by those who would choose to exploit our welcoming nature. As a cosponsor of the REAL ID Act, I urge my colleagues to improve our Nation's security and strengthen our immigration laws by voting for H.R. 418.

Mr. GOODLATTE. Mr. Chairman, I rise today in support of h.r. 418, the REAL ID Act.

I supported the Intelligence Reform and Terrorism Prevention Act last December. That legislation helped to streamline the intelligence community and tightened some asylum rules that allowed potential terrorists to remain in our country. That was a good bill, but it did not go far enough. So I am pleased that the House is debating H.R. 418—A bill that I believe will continue to strengthen our borders, further improve identification standards, and close even more asylum loopholes.

We know that Mohamed Atta and his gang of terrorists exploited weak identification rules, and, as stated in the 9/11 Commission Report, "All but one of the 9/11 hijackers acquired some form of identification document, some by fraud." H.R. 418 will require that Federal agencies only accept licenses and State-issued ID cards when States have determined that the holder is lawfully present in the country. The bill will also require that temporary visitors to our country receive only temporary identification, and that this identification expire when the terms of the visit expire. Mr. Chairman, this only makes sense.

I am also pleased that this bill further reforms our asylum system, a system that has unfortunately been ripe for corruption for years. We are also addressing the San Diego border fence issue and will ensure the expeditious completion of the border fence. Further, the bill makes aliens deportable for terrorism-related offenses. Incredibly, current law provided that not all terrorism-related grounds for keeping an alien out of the country are also grounds for deportion. This bill closes that loophole.

The simple fact is that we need to secure our borders. Today's bill is another step toward this effort and I believe it will make our country safer. I urge my colleagues to support the REAL ID Act.

Mr. BACA. Mr. Chairman, I rise in strong opposition of this bill.

It does nothing to make America safer. It is simply anti-immigrant legislation placed under the mask of homeland security.

The bill will prevent States from giving licenses to undocumented immigrants. It will not prevent terrorists from obtaining identification forms. All of the 9/11 hijackers were in this country legally.

In fact, allowing immigrants to have licenses actually improves homeland security by allowing our government to track who is in our borders.

This bill will also raise insurmountable hurdles for refugees seeking asylum and will deport victims of persecution into the hands of their persecutors.

Proponents of this provision claim that we need to tighten asylum laws, yet, they cannot pinpoint a single terrorist given asylum in the United States.

This bill will also require the completion of a fence on the Mexican border, waiving environmental laws in California. This fence is a complete waste of money and resources. People will go over it, under it and around it to enter our country.

Our immigration system is a broken system that needs to be fixed. We need reform that provides hardworking people of good character with a real path towards citizenship.

But this bill is simply a Band-Aid on the problem that will not provide lasting reform.

Mr. RYUN of Kansas. Mr. Chairman, on September 11, we were attacked by terrorists who took advantage of weaknesses in our border security. After infiltrating our country, the terrorists were able to conceal their real identities, and thereby plot their attacks without fear of being apprehended. If we, as a Congress, want to seriously address the problem of terrorism, then we must address the issue of border security.

For this reason, I rise to express my support for the REAL ID Act. This bill contains urgent border security reforms that were not addressed in the Intelligence Reform Bill that President Bush signed into law in December.

Foremost in this bill are provisions that would prevent terrorists from obtaining a United States driver's license. Without a license, potential terrorists will have a much harder time opening a bank account, traveling, and conducting other business necessary to plot an attack.

I think we all understand that preserving freedom is not an easy process. Freedom is a difficult journey filled with enemies who will try to destroy it if they are left unchecked. For this reason, I strongly urge my colleagues to vote for the REAL ID Act.

Mr. PAUL. Mr. Chairman, I rise in strong opposition to H.R. 418, the REAL ID Act. This bill purports to make us safer from terrorists who may sneak into the United States, and from other illegal immigrants. While I agree that these issues are of vital importance, this bill will do very little to make us more secure. It will not address our real vulnerabilities. It will, however, make us much less free. In reality, this bill is a Trojan horse. It pretends to offer desperately needed border control in order to stampede Americans into sacrificing what is uniquely American: our constitutionally protected liberty.

What is wrong with this bill?

The REAL ID Act establishes a national ID card by mandating that States include certain minimum identification standards on driver's licenses. It contains no limits on the government's power to impose additional standards. Indeed, it gives authority to the Secretary of Homeland Security to unilaterally add requirements as he sees fit.

Supporters claim it is not a national ID because it is voluntary. However, any State that opts out will automatically make non-persons out of its citizens. The citizens of that State will be unable to have any dealings with the Federal Government because their ID will not be accepted. They will not be able to fly or to take a train. In essence, in the eyes of the Federal Government they will cease to exist. It is absurd to call this voluntary.

Republican Party talking points on this bill, which claim that this is not a national ID card, nevertheless endorse the idea that "the Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses." So they admit that they want a national ID but at the same time pretend that this is not a national ID.

This bill establishes a massive, centrally coordinated database of highly personal information about American citizens: at a minimum their name, date of birth, place of residence, Social Security number, and physical and possibly other characteristics. What is even more disturbing is that, by mandating that states participate in the Drivers License Agreement, this bill creates a massive database of sensitive information on American citizens that will be shared with Canada and Mexico.

This bill could have a chilling effect on the exercise of our constitutionally guaranteed rights. It re-defines "terrorism" in broad new terms that could well include members of firearms rights and anti-abortion groups, or other such groups as determined by whoever is in power at the time. There are no prohibitions against including such information in the database as information about a person's exercise of first amendment rights or about a person's appearance on a registry of firearms owners.

This legislation gives authority to the Secretary of Homeland Security to expand required information on driver's licenses, potentially including such biometric information as retina scans, fingerprints, DNA information, and even radio frequency identification, RFID, radio tracking technology. Including such technology as RFID would mean that the Federal Government, as well as the governments of Canada and Mexico, would know where Americans are at all time of the day and night.

There are no limits on what happens to the database of sensitive information on Americans once it leaves the United States for Canada and Mexico—or perhaps other countries. Who is to stop a corrupt foreign government official from selling or giving this information to human traffickers or even terrorists? Will this uncertainty make us feel safer?

What will all of this mean for us? When this new program is implemented, every time we are required to show our driver's license we will, in fact, be showing a national identification card. We will be handing over a card that includes our personal and likely biometric information, information which is connected to a national and international database.

H.R. 418 does nothing to solve the growing threat to national security posed by people who are already in the U.S. illegally. Instead, H.R. 418 states what we already know: that certain people here illegally are "deportable." But it does nothing to mandate deportation.

Although Congress funded an additional 2,000 border guards last year, the administration has announced that it will only ask for an additional 210 guards. Why are we not pursuing these avenues as a way of safeguarding our country? Why are we punishing Americans by taking away their freedoms instead of making life more difficult for those who would enter our country illegally?

H.R. 418 does what legislation restricting firearm ownership does. It punishes law abiding citizens. Criminals will ignore it. H.R. 418 offers us a false sense of greater security at the cost of taking a gigantic step toward making America a police state.

I urge my colleagues to vote "no" on the REAL ID Act of 2005.

Mr. GUTIERREZ. Mr. Chairman, I rise today in strong opposition to H.R. 418. The proponents of this dangerous and divisive bill

have mischaracterized and misrepresented it as a measure that focuses on national security. This could not be further from the truth.

I would urge my colleagues today to listen beyond the harsh rhetoric and to closely examine this legislation. Because further study will reveal that H.R. 418 is really nothing more than a bill designed to bash immigrants and punish refugees.

H.R. 418 ignores our Nation's proud history of protecting those fleeing brutal human rights abuses, torture and persecution. It would force our country to turn its back on women, children, and victims of religious persecution. The bill would create insurmountable hurdles for legitimate asylum-seekers and slam the door shut on refugees who have fled brutal human rights abuses. That is not America.

H.R. 418 also ignores the reality that there are an estimated 10 million or more undocumented immigrants living in our country. This bill would do nothing to prevent undocumented migration to the United States. If anything, this bill will only further compound the flaws in our Nation's immigrations laws. And it would make the job of protecting our homeland even more challenging.

H.R. 418 will make the vital job of law enforcement to arrest criminals and root out potential terrorists almost impossible. In short, immigration enforcement will continue to expend their valuable, but limited, resources and energy in pursuing hardworking busboys and nannies, instead of bad actors who mean us real harm. Immigration officers represent our frontline forces in protecting our homeland. Let's not make their jobs even more demanding. Let's give them the policies, the resources and the tools they need to succeed.

Mr. Chairman, imagine your neighbors, the families who live across the street, the men and women who join us at church—all of the hard working people who share the roads with us. Now imagine these hundreds of thousands, perhaps millions of people, driving without a license, without car insurance or registration. Such a policy will wreak havoc on our streets and highways. It also will do nothing to address our broken immigration system. It will just force hard working people further into the shadows and create an increased demand for the black market of fake identity documents.

I agree that Congress must examine how to improve enforcement of immigration law, but we first must create laws that are enforceable and in step with reality.

Let me close by saying this. I am not alone in my strong opposition to this misguided and mean-spirited legislation. Also opposing the bill are the National Governor's Association, the National Council of State Legislatures, many other national, State and local organizations, security and immigration policy experts, immigration attorneys, more than 100 religious organizations, Hispanic and Asian organizations, the U.N. Commissioner for Refugees, the AFL–CIO, the Service Employees International Union and other labor unions. The list goes on and on, and I consider myself very good company.

Mr. Chairman, I strongly urge my colleagues to oppose this bill. The only thing "real" about the REAL ID Act is that it is real bad for America.

Mr. HONDA. Mr. Chairman, I rise today to strongly oppose H.R. 418, the REAL ID Act. This bill merely recycles the anti-immigrant and refugee provisions that did not make it into the Intelligence Reform and Terrorism Prevention Act of 2004 passed and signed into law late last year. H.R. 418 does not improve our national security.

H.R. 418 would repeal some of the bipartisan provisions that were set forth in the Intelligence Reform Act, including increasing the number of new border patrol agents, strengthening visa application requirements, and allowing security experts at Department of Homeland Security to establish strict new minimum standards for driver's licenses.

I am particularly concerned with section 101, which would have the effect of preventing legitimate asylum seekers from obtaining relief in the United States. The REAL ID Act would require asylum applicants to prove that their persecutors' "central motive" for harming or wishing to harm them was race, religion, nationality, membership in a particular social group, or political opinion. Applicants may be denied based on any inconsistencies or inaccuracies in their stories.

We must remember those who flee brutal human rights abuses, however, often escape from situations that do not allow them to gather any of the documentation necessary to present "corroborating evidence." An escapee from the Darfur region cannot go back and "track" evidence of their persecution without facing threatening life situation.

Moreover, the REAL ID Act would implement a national standard for driver's licenses, requiring all States to overhaul their procedures and to meet Federal standards within 3 years. Setting a national standard for driver's licenses infringes on States' rights and sends another unfunded mandate to the States.

The border and fence security provision in this bill will neither deter nor detect the many non-citizens who continue to enter the U.S., while granting the Secretary of Department of Homeland Security power to waive any law upon determining that a waiver is "necessary for the expeditious construction" of the border barriers. Under this waiver, the DHS would be free to construct anywhere along our borders without legal limitation, liability, or oversight.

Furthermore, this provision will allow DHS to destroy endangered habits and species, as well as archaeological sites containing 7,000-year-old Native American artifacts when constructing the additional fencing.

H.R. 418 does not address the greater problems of our current broken immigration system. In order to fix our immigration problems, we need a comprehensive immigration reform.

The Acting CHAIRMAN (Mr. SIMPSON). There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, pursuant to House Resolution 75, he reported the bill, as amended pursuant to that rule, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes of Texas moves to recommit the bill H.R. 418 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

At the end of section 203, add the following:

(c) RESTRICTIONS ON INFORMATION CONTAINED IN DATABASE.—A State motor vehicle database may not include any information about a person's exercise of rights guaranteed under the first, second, or 14th amendment to the Constitution of the United States.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Speaker, this motion to recommit provides for restrictions on the information contained in the national database. This bill as it stands requires that the database shall contain at a minimum all information contained on the driver's licenses as well as driving history. This would create no limit as to what other information may eventually be incorporated in the database. This motion would simply protect the privacy rights of Americans from a national ID database in this bill.

In particular, this amendment guarantees that the database cannot become a centralized storage place for sensitive personal information on nearly every American about whether they own guns, what guns they own and whether they have purchased any guns. This could be the national gun registry that we have all feared for years.

This motion to recommit would also bar information on the exercise of first

amendment and fourteenth amendment rights from being included in the driver's license database. We should not have a government database of political activities of law-abiding citizens.

As Bob Barr, our former colleague, said in the Washington Times last year in opposition to nearly identical provisions, ''You know something is askew when we second amendment conservatives keep finding common cause with the American Civil Liberties Union.''

Groups strongly opposed include the Gun Owners of America, the ACLU, the Republican Liberty Caucus, the League of United Latin Americans Citizens, the American Conservative Union, and the Privacy Rights Clearinghouse.

Our constituents have set aside partisan concerns in recognition of the dangerous consequences, unintended consequences, of passing this misguided legislation. This bill would establish a National Interstate Computer Database to track the personal information of every single American, laying the foundation, I believe, for a national ID system.

Moreover, H.R. 418 places privacy limitations on the use of centralized data. It does not even prohibit the Federal Government from sharing personal information with other people, companies, and foreign governments.

This system, I believe, is ripe for abuse, Mr. Speaker. By forcing State governments to maintain and share files on almost every adult in the Nation, this bill will truly usher in the era of Big Brother. The database could be used to track Americans' movements, store information on political activities, and even store information on gun ownership.

Mr. Speaker, I hope that the rest of my colleagues are not fooled by H.R. 418. This is nothing less than a bureaucratic back door to a national ID system.

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, this bill does not require the States to do anything or not do anything. It has been very clear from the beginning of the debate on this legislation. What the bill does is it says that a driver's license has to meet certain standards if it is to be acceptable for Federal ID purposes, such as getting on an airplane.

What the motion to recommit does is force the States to do something, or not do something; and that goes directly against the notion of federalism that is contained in this bill and which was drafted by the Committee on Government Reform.

The first vote that we had yesterday on this legislation was on whether we should waive the law relative to unfunded mandates. The vote on that was 228 ''aye'' to 191 ''no.'' The author of this motion to recommit, as well as the 190 who joined him in saying that we should not waive the unfunded mandate law, is now asking the States to have another unfunded mandate.

I would urge all of the 191 who voted ''no'' on the Jackson-Lee objection to consideration of the rule to bring this up to join me in voting ''no'' on this motion to recommit, together with the 228 who voted the right way yesterday.

Vote ''no'' on the motion to recommit; vote ''aye'' on passage.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of final passage.

The vote was taken by electronic device, and there were—ayes 195, noes 229, not voting 9, as follows:

[Roll No. 30]

AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—229

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Carter
Eshoo
Feeney
Green, Gene
Hinchey
Hinojosa
Honda
Sanchez, Loretta
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1432

So the motion to recommit with instruction was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 161, not voting 11, as follows:

[Roll No. 31]

YEAS—261

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NAYS—161

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Holt
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pombo
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Bartlett (MD)
Carter
Eshoo
Feeney
Ferguson
Green, Gene
Hinchey
Hinojosa
Honda
Sanchez, Loretta
Stupak

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1441

Mrs. DAVIS of California changed her vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FERGUSON. Mr. Speaker, I missed the vote on final passage of H.R. 418. Had I been able, I would have cast a vote in the affirmative as I am a strong proponent of the legislation and the goals it sets to achieve in reforming immigration policy in our country.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I regret that I had to return to my district last evening and today. Had I been present, I would have voted "no" on rollcall 27 and 31. I would have voted "yes" on rollcall 24, 25, 26, 28, 29, and 30.

Mr. CARTER. Mr. Speaker, on February 10, 2005, during rollcall votes 28, 29, 30 and 31, I had to return to my Congressional district on an urgent matter and was unavoidably detained. If I had been present, I would have voted "no" on rollcall votes 28, 29, 30 and "yea" on rollcall vote 31, final passage.

Mr. HONDA. Mr. Speaker, on rollcall votes Nos. 28, 29, 30 and 31, I was unavoidably detained. Had I been present, I would have voted: "yea" on rollcall vote No. 28, the Nadler/Meek Amendment, which would strike section 101 of the bill which imposes new burdens on persons seeking asylum: "yea" on rollcall No. 29, the Farr Amendment, which would strike section 102 of the bill regarding waivers to expedite construction of physical barriers and roads along the border; "yea" on rollcall No. 30, the motion to recommit; and "no" on rollcall No. 31, final passage of H.R. 418—REAL ID Act of 2005.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to my friend, the majority leader, the gentleman from Texas (Mr. DELAY), for the purposes of informing us of the schedule.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. The final list of those bills will be sent to Members' offices at the end of the week and any votes called for on these will be rolled to 6:30 p.m.

On Wednesday and Thursday the House will convene at 10 a.m. We will likely consider additional legislation under suspension of the rules, as well as H.R. 310, the Broadcast Decency Enforcement Act. In addition, we are working on the continuity of government legislation. It is anticipated to be similar to H.R. 2844, the Continuity in Representation Act passed by the House last year. We hope to move quickly and bring that legislation to the floor next week.

Finally, assuming the other body passes S. 5, the Class Action Fairness Act of 2005, in a form identical to what the Senate Committee on the Judiciary passed last week, we expect to consider that legislation next week as well.

Mr. HOYER. I thank the gentleman for that information. With respect to the class action, the gentleman indicated, as I understand it, that that bill has passed the Committee on the Judiciary?

Mr. DELAY. What I was talking about is, as the gentleman knows, the Senate is debating that bill as we speak. If indeed that bill comes out as it passed by the Senate Committee on the Judiciary with no amendments, then we could very well pick up that bill and just consider it here without going through committee.

Mr. HOYER. Mr. Leader, I know in the past the gentleman has been very reluctant to simply take the Senate's work product, and I am somewhat shocked that the gentleman apparently suggests that process now. I do not know whether that is going to be a precedent for the future. But may I ask the gentleman, is it his contemplation that it would come directly to the floor and not go to committee for consideration?

Mr. DELAY. It is a new Congress and a new Senate, and the work that they are doing over there, at least the beginning of the work that they are doing over there, is pretty impressive, particularly the work they have done on this very important bill.

We have gone through regular order on this side of the House in many different steps on this class action issue; and if the Senate does what I think it is going to do, yes, we would bring it straight to the floor and consider it without committee action.

Mr. HOYER. As the leader knows, we have been for that process from time to time when there seemed to be agreement between the two Houses. Obviously, however, Mr. Leader, as the gentleman knows, what that does is it precludes Democrats from participating in committee consideration, offering amendments in committee to the subject legislation.

My question to the gentleman is, in the event that that is done, would the gentleman bring that to the floor with an open rule that would allow amendments to be offered as Members see fit so that we could have some full consideration of that piece of legislation on the floor of the House of Representatives?

Mr. DELAY. I thank the gentleman for yielding. As the gentleman knows, the Committee on Rules will take that up under consideration and perhaps the gentleman should contact the gentleman from California (Mr. DREIER) on that question as it relates to this bill. I am not advised as to what the Committee on Rules will do.

Mr. HOYER. Reclaiming my time, the reason, Mr. Leader, I asked that question because of the very high respect I have for the gentleman's influence with that committee; and I thought, therefore, the gentleman might have some inkling as to what might be done. I say that somewhat jokingly, but I really do believe that if we are going to take the bill that the Senate sends over, bring it directly to the floor without committee consideration, that not only in a sense of fairness but in a sense of getting the input of the 125 to 130 million people that this side of the aisle represents, that we give us the opportunity to offer such amendments as we think to be appropriate with respect to that legislation.

Mr. Leader, with respect to the continuity of Congress, this has been an issue we tried to deal with in the past. It is a very important issue with which we should deal. I know at times I have talked to the gentleman and the Speaker and particularly to my friend, the majority whip, with reference to having a bipartisan proposal so that both parties, on an issue of great magnitude to this institution in terms of continuity and how do we form a majority to take action, has this been to the gentleman's knowledge, and I do not have that knowledge. I have not talked to anybody on the Committee on Rules or any other committee out of which this might have come. Does the gentleman know whether or not we have bipartisan agreement with respect to the legislation the gentleman intends to put on the floor next week?

Mr. DELAY. I thank the gentleman for yielding. There are ongoing discussions about this bill with the minority and particularly with the minority leader's office. We are continuing those discussions.

I remind the gentleman that this bill got 306 votes last year. I think that is pretty bipartisan.

□ 1445

So as we work through this, we will continue to discuss and work with the minority to make it even more bipartisan than it is.

Mr. HOYER. I appreciate that.

And reclaiming my time, Mr. Leader, I understand what you are saying in terms of the number of folks who voted for it. There were a very substantial number who voted for it.

This is not a partisan issue. It should not be a partisan issue. This is a practical judgment as to how constitutionally and appropriately within the framework of our democracy and representation that we frame or have legislation framed so that does reflect the interests of our democracy as well as the interest of ensuring continuity.

From that perspective of not just having a number of votes for it, but having the leadership on both sides, I do not mean necessarily the gentlewoman from California (Ms. PELOSI) and myself, but the committee leadership on both sides, whether it is the Committee on Rules, Committee on the Judiciary or any other committee that might consider it somewhat in agreement.

Mr. DELAY. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. DELAY. I hope the gentleman is not raising a standard that is even higher than given to the Constitution, in that when two-thirds of this House has voted for a measure, in order for it to be bipartisan, we have to go even higher than two-thirds of the House.

We are continuing to work with the minority leader. We understand her concerns and your concerns. But when you have well over two-thirds of the House voting for a bill, it gets more and more difficult to write a bill that requires unanimity.

Mr. HOYER. Reclaiming my time, no one is suggesting unanimity. I understand that. We are suggesting, though, that we work together on this issue. And the mere fact that we have the ability to get a large number of votes for a bill is critically important. Your observation is correct in terms of numbers necessary to pass the constitutional amendment or to pass other legislation by two-thirds. It is obviously important.

But it is equally important, it seems to me, and might facilitate passage of this through the entire Congress, not just through the House of Representatives, to have input from the leadership of both parties to try to come to grips with what I perceive not to be a partisan issue, but a difficult issue on which constitutional scholars have differed as to how we can do this, on which Members of this House on both sides of the aisle have differed.

But we do not need to pursue it. I understand the gentleman's point. But I would hope that we could have significant discussions about this and hopefully come to agreement of the minds.

Mr. Leader, we are not going to have a scheduling colloquy next week because it will be the Presidents' Day recess. But can you indicate what we may have on the floor the week that we return from the Presidents' Day recess?

Mr. DELAY. Frankly, I do not know. We will just have to get back to you on that.

Mr. HOYER. Mr. Leader, thank you for that.

I understand we may receive the President's tsunami supplemental appropriations next week. Do you anticipate we may also receive the Iraq-Afghanistan supplemental request as well?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. I appreciate the gentleman yielding. The White House has indicated to us that they will submit, as the gentleman said, the supplemental request on the tsunami next week. But we also expect the supplemental requests on the war on terror, and I would expect the House to consider some supplemental sometime in the month of March.

Mr. HOYER. Thank you for that. And you answered my second question. The energy bill you had brought up in our previous colloquy, can you tell us where that might stand at this point this time?

Mr. DELAY. If the gentleman would yield.

Mr. HOYER. Yield to my friend.

Mr. DELAY. The energy bill, we are continuing to work on that bill, just working on putting it together in order to introduce it. It is not ready, and I do not know, frankly, when it will be ready to even introduce, much less think about committee action and when the House might consider it.

Mr. HOYER. It would be fair to assume, then, that certainly it is not going to be in the next 2 or 3 weeks?

Yield to my friend.

Mr. DELAY. If the gentleman would yield, I think that is fair to assume.

Mr. HOYER. I thank the gentleman.

ADJOURNMENT TO MONDAY, FEBRUARY 14, 2005 AND HOUR OF MEETING ON TUESDAY, FEBRUARY 15, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon at Monday next; and further, when the House adjourns on that day it adjourn to meet at 12:30 p.m. on Tuesday, February 15, 2005 for morning hour debate.

The SPEAKER pro tempore (Mr. BASS). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

ANNOUNCEMENT OF AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 310, BROADCAST DECENCY ENFORCEMENT ACT 2005

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I take this time for the purpose of making an announcement

The Committee on Rules may meet the week of February 14 to grant a rule which could limit the amendment process for floor consideration of H.R. 310, the Broadcast Decency Enforcement Act of 2005. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 12 noon on Tuesday, February 15, 2005.

Members should draft their amendments to the bill as reported by the Committee on Energy and Commerce on February 9, 2005, which is expected to be filed on Monday, February 14. Members are also advised that the text should be available for their review on the Web site of the Committee on Energy and Commerce and the Committee on Rules by Friday, February 11, 2005. Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate form and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

SOCIAL SECURITY SYSTEM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-Lee of Texas. Mr. Speaker, we have heard the President over the last 3 or 4 days present to the American people the idea of the crisis nature of revising, reforming, or altering completely the Social Security system. I go home and look forward to holding one of the first town hall meetings with my constituents to really lay out how we can work in a bipartisan manner and save Social Security.

It is important for the American people to realize that $1.5 trillion will be needed to take away from Social Security to establish what one would call ''private accounts,'' private accounts that could be seperate and apart from Social Security. Many Americans do not realize it is not just a retirement benefit, it is a survivor benefit. It helps children of those who are deceased.

More importantly, we forged a bipartisan response to Social Security in 1983 with Tip O'Neill and Ronald Reagan that caused this to be solvent for at least 60 years.

This proposal will not only undermine, but it will destroy Social Security as we know it. Does it need reforming and fixing? Absolutely, and we can do that with a number of suggestions, but the plan that has now been proposed by the administration is one that will undermine and eliminate Social Security.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOUSTANY). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WHY WE NEED THE OMNIBUS NONPROLIFERATION AND ANTI-NUCLEAR TERRORISM ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, this morning the North Korean Government acknowledged publicly for the first time that it has nuclear weapons. In a statement issued by the North Korean Foreign Ministry, Pyongyang also said that it will boycott the six-party talks designed to end its nuclear program.

North Korea's surprising declaration has again reminded us of the most pressing national security challenge that we face: the proliferation of nuclear weapons and the possibility that a terrorist group will acquire a nuclear bomb and use it against the United States.

Earlier this week, my colleague, the gentleman from Connecticut (Mr. SHAYS) and I introduced the Omnibus Nuclear Nonproliferation and Anti-Nuclear Terrorism Act of 2005 to better enable the United States to prevent what Graham Allison of Harvard University has termed ''the ultimate preventable catastrophe.'' I am pleased that we were joined as original cosponsors by 11 of our colleagues.

Over the past several months, the gentleman from Connecticut (Mr. SHAYS) and I have consulted with a range of experts to produce a set of policies that we believe will be effective and which can be implemented quickly. Our bill will do the following:

It creates an Office of Nonproliferation Programs in the White House to centralize budgetary and policy authority. Since nonproliferation programs are spread across the U.S. Government, it makes sense to have one office overseeing all of it, signing off on budgets and developing a coordinated strategy.

The bill enhances the Cooperative Threat Reduction, CTR, program by streamlining and accelerating Nunn-Lugar implementation and granting more flexibility to the President and the Secretary of Defense to undertake nonproliferation projects outside the former Soviet Union. Our bill does this by removing conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive efforts.

In 2002, President Bush was unable for the first time to certify that Russia had met all of its program-wide conditions, resulting in a halt to all CTR funding until he was able to obtain and use authority to waive the certification requirement in early 2003.

The conditions have also provided CTR opponents within Russia with an excuse to blame the United States for delays caused by a lack of access and transparency on the part of Moscow.

We also ask for the President, in our bill, to catalog impediments to renegotiation of the CTR umbrella agreement and other bilateral programs with Russia. The hope is that by identifying them all, the Congress and the administration can better solve them quickly.

The bill asks the President to address the issue of unresolved liability protections for U.S. firms doing nonproliferation work in Russia.

This bill will enhance the Global Threat Reduction Initiative, announced by former Secretary Abraham last May, to accelerate the global clean-out of the most vulnerable stockpiles of nuclear material. At its current pace, it will take more than a decade to clean up the most vulnerable nuclear sites around the globe.

The bill also urges the President to expand the Proliferation Security Initiative beyond its current members and to engage the U.N. Security Council to provide the specific legal authority to interdict WMD material. It also provides funding for training and exercise with our PSI partners, especially the new members.

At present there are no international standards regarding the securing of nuclear weapons. The Schiff-Shays bill urges the President to develop a set of internationally recognized standards and to work with other nations and the IAEA to get such standards adopted and implemented.

Russia's tactical nuclear arsenal is considered the most likely place from which a nuclear weapon would be stolen and sold or given to terrorists. The gentleman from Connecticut (Mr. SHAYS) and I authorize U.S. assistance to Russia to conduct an inventory of tactical and nonsecured weapons. Our bill also requires the DOD to support a report on past U.S. efforts to help Russia account for and secure its tactical and nonsecured nukes and to recommend ways to improve such efforts.

We also deal with the problem of scientists in the former Soviet Union and work to prevent them from selling their services to North Korea, Iran and al Qaeda.

We also encourage the President to deal with the problem of the NPT's loophole that allows nations like Iran to pursue nuclear weapons through the guise of a nuclear energy program. Our bill asks the President to submit a report outlining strategies to better control fuel cycle technologies and possible ways to close the loophole in Article IV without undermining the overall integrity of the treaty.

These are common-sense approaches to combating the nuclear threat. The gentleman from Connecticut (Mr. SHAYS) and I are committed to working together on a bipartisan basis to do whatever we can to reduce the danger of a nuclear attack on the United States, and we hope that all of our colleagues will join us in that effort.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

EXPLORATION OF NEW TECHNOLOGIES TO DECREASE HEALTH CARE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, we need to explore new technologies that will decrease health care costs and improve patient safety. Electronic medical records, also known as EMRs, are a technological solution to an antiquated paper system.

Often, patient records are scattered between multiple hospitals and doctors' offices, resulting in the likelihood that important medical records could be lost and that valuable data is unavailable to the physician when he needs it. Time is wasted trying to obtain paper medical records, especially in cases of emergency care, and patients sometimes provide incomplete medical histories which often omit or distort important data.

Tens of thousands of lives and hundreds of billions of dollars are lost every year due to medical error, and EMRs would go a long way to reducing these costs. The electronic medical record centralizes all records on a patient and can instantly communicate this information to any health care provider in a secure and confidential manner.

EMRs also have a number of other advantages. They eliminate the need for duplicate tests. They reduce the search time for medical histories and limit instances of lost files, patient recall or unaccessible files. They can instantly search for symptoms, findings, treatments, diagnoses and health care providers involved with patient care. They can reduce the need for additional staff and the expansive storage space needed to maintain paper files.

When complications occur, medical records of an electronic type can allow providers to retrace the exact steps through the process to see if a different approach was needed. They can prompt providers to pursue certain avenues of treatment based upon their diagnosis, and they can automatically generate bills and reimbursements that reduce billing errors.

Some concerns regarding electronic medical records have been raised about the cost. However, the key to implementing an electronic medical record is not to have the Federal Government pick up the whole tab.

Health information technology companies, hospitals and medical practices must share information to improve the process and recommend standards for the industry. Let me give my colleagues an example of how this is done.

This process can be expensive to implement at this stage, and the University of Pittsburgh Medical Center accomplished their EMR system via private investments that will total some $500 million. By implementing electronic medical records, the University of Pittsburgh Medical Center has already decreased the need for repeat laboratory, radiology or other invasive and expensive tests because the data and X-rays are easily shared by authorized users.

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UPMC is ranked number one in the United States and health care industry, and number five among all industries in the use of information technology, according to Information Week 500.

We need positive examples from the business community to make the case for health information technology today and tomorrow. Examples of successful electronic medical records such as these provide the leadership necessary to ensure that health information technology becomes a reality.

The President has already shown his commitment to health information technology by committing $125 million to the Office of the National Health Information Technology Coordinator. Now we need to work with private industry to continue to make the case for successful implementation of health information technologies.

Mr. Speaker, if Congress accomplishes one thing this year to improve health care, we should work to develop incentives for hospitals and providers to successfully implement a secure and interoperable electronic health record. This will save money; it will save lives.

As the cochairman of the 21st Century Health Care Caucus, which I cochair with the gentleman from Rhode Island (Mr. KENNEDY), we will continue to work on a bipartisan basis to fully implement electronic medical record systems and to reach this important goal of using this as a mechanism to improve health care in America.

The SPEAKER pro tempore (Mr. BOUSTANY). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SMART SECURITY AND $80 BILLION IRAQ SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, President Bush has recently indicated that he will ask Congress to approve another supplemental appropriations bill to fund the ongoing military operations in Iraq. The number is rumored to be somewhere in the $80 billion range; $80 billion.

If this request for emergency funds is anything like the last three passed in the Congress, we can expect two things: one, the President will once again refuse to explain precisely where this money will be spent; and, two,

congressional Republicans will meekly accede to the President's demands without asking for even the slightest degree of accountability from the White House in return.

We in Congress must do more than just rubber stamp the President's every last wish. We hold the power of the purse; and, accordingly, we must exercise our constitutional authority to hold the executive branch accountable. Up to now, the Congress has failed to hold the Bush administration accountable for the many mishaps and mistakes in Iraq; and, as a result, the Members of Congress, all 535 of us, are responsible for the nearly 1,500 American troops who have been needlessly killed in Iraq, not to mention the 11,000 Americans who have been forever wounded and the untold thousands of Iraqi civilians who have died in this war.

Before appropriating a single dollar for the Iraq war, more than we have already appropriated, Congress must demand that President Bush and Secretary Rumsfeld tell Congress exactly what they plan to do to address the growing crisis in Iraq. Demanding accountability from the Bush administration crosses over political lines because it is about more than just politics. It is about taking care of our men and women who are serving in Iraq, and it is about advancing policies that will secure America for the future.

Together, with 27 of my House colleagues, I have introduced House Concurrent Resolution 35, an Iraq withdrawal plan, that has four components. President Bush needs to address, at the very least, each of these important components before Congress provides him any further funds for Iraq.

First, the President needs to begin the process of bringing our troops home. How can we possibly ask these brave men and women, who have selflessly answered the call of duty for their country, to continue to die for an unjust, unfair, and poorly planned military failure halfway across the world? These are the troops the administration assured us would be embraced as liberators, but who continue to be the focal point of anti-American extremism, leaving them like sitting ducks.

In fact, I believe the insurgency in Iraq is fueled primarily by our military presence. Ceasing the military operations will not be sufficient to defeat the insurgency, no way, but staying will continue to intensify it, and that is for certain.

Second, President Bush needs to develop and implement a plan for Iraq's civil and economic infrastructure. The U.S. has a moral responsibility to clean up the mess we made in Iraq, but that responsibility needs to be fulfilled not by our military but by humanitarian groups and companies that will help rebuild Iraq's infrastructure; and all future investments must be made with the needs of Iraqis being paramount, not the United States Government contractors and other war profiteers.

Third, the President must convene an emergency meeting of Iraq's leadership, Iraq's neighbors, and the United Nations to create an international peacekeeping force in Iraq and to replace U.S. military forces with Iraqi police and national guard forces to ensure Iraq's security. With Iraq's security problems the most serious cause for concern in the country at the moment, an international peacekeeping force in place of the U.S. military would better serve Iraq's needs.

An international peacekeeping force, supported by Iraq's neighbors and the United Nations, would provide real legitimacy to a conflict that has flown in the face of international law from the very beginning.

Finally, the President must take all steps to provide the Iraqi people the opportunity to control their internal affairs. The Iraqi people cannot truly control their own affairs until the U.S. military has ceded back authority to the Iraqi people. That is why it is essential for Iraq's police and national guard forces to manage Iraq's security, not the American military.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SECURING OUR BORDERS & TIGHTENING NOOSE ON PERPETRATORS OF SENSELESS VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, just last October, FBI agents, in cooperation with Baytown, Texas, and LaPorte, Texas, police, both law enforcement departments in my district, shattered a major document forgery operation being run out of a trailer house just across the street from the massive Exxon Mobile Refinery in Baytown, Texas. The result: six men were arrested and charged with numerous Federal counts of conspiracy and producing false documents, including Texas driver's licenses, resident alien cards, and industrial safety training cards used for employment in the strategic petrochemical industry.

The REAL ID Act that our Chamber passed today was a sensible first step toward desperately needed immigration reform in the United States. Still, however, in order to truly construct a watertight system, we cannot, when legislating here in Congress, just hitch our wagon to the newest pony when we have a solid team of stallions sitting around with nothing to do. Before discussion of any new proposals or their benefits, we must first ensure the laws currently on the books are being enforced. We must expect people from other nations to respect our borders.

Not only is it essential that we enforce existing laws; we must also reduce the incentives we offer foreigners to come to our country illegally. CNN reported a short time after the forgery bust I just mentioned that precious American dollars are being hijacked on unreimbursed medical care and education for illegal aliens who, in the darkness of the night, manage to come across our borders.

Have Texas and other border States merely become free HMOs for illegals, with Americans, many of whom do not even have their own medical care, paying the cost?

Similarly, in the Washington Times, they had an article dealing with the invasion of illegal immigrants and the exorbitant cost to taxpayers in the health care and prison areas. It was reported that one in every four uninsured people in the United States is illegal. Moreover, its study revealed that in 2000 alone States like Texas, which are on the Mexican border, have losses in almost $190 million in unreimbursed costs for treating illegals, with an additional $113 million in ambulance fees and follow-up medical services.

Mr. Speaker, why, as unintentionally as it may be, are we rewarding brazen lawlessness? During my tenure on the bench as a felony court judge in Houston, Texas, I can recall that approximately 15 to 20 percent of the criminals I sentenced in my court for the most serious felony crimes were illegal immigrants. And while these individuals were doing time in the penitentiary, Texans, Americans no less, were once again paying the price for their incarceration.

Americans pay for the illegal immigration. Americans always pay. As that noted scholar Pogo once said: "We have found the enemy, and it is us." I believe, though, as we continue to heed vital lessons from the tragedy of the September 11 attacks on our soil, that we are making progress in securing our borders from unlawful immigration, while tightening the noose of the perpetrators of senseless violence and terror who harm our citizens.

I commend the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the House Committee on the Judiciary; the gentleman from California (Mr. COX), chairman of the House Homeland Security Committee; and the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Committee on Government Reform, for their leadership towards these collective goals.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REMARKS ON RECENT STATEMENT BY IRISH REPUBLICAN ARMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this afternoon to once again call upon the British Government to get the Northern Ireland peace process back on track and implement the recommendations of the Patten Commission in reforming the police service. The recent statement by the Irish Republican Army that they are taking their proposals to fully and finally decommission their weapons off the table is a direct result of the culture of hypocrisy and humiliation that plagues the Unionist parties and the British Government.

It troubles me that we have arrived at this point after the significant strides that had been made by Sinn Fein and the republican movement in the north in persuading the IRA to pursue a peaceful end to their struggle for a free and united Ireland.

Mr. Speaker, the fact that the Chief Constable of the PSNI, Hugh Orde, along with Prime Minister Tony Blair and Taoiseach Bertie Ahearn, have publicly accused the IRA of masterminding the recent bank robbery in Belfast without showing one piece of evidence is anathema to the core principle of due process that we hold so dear here in the United States.

These statements made to the press by the Chief Constable, and repeated by the Prime Minister and Taoiseach, are politically motivated and have no place in the criminal justice system. Sinn Fein and the IRA have said they will not tolerate criminality within the republican movement, and this policy of criminalization by the British Government brings us back to the days of Margaret Thatcher and the hunger strikes.

The public humiliation that the Reverend Ian Paisley and his Democratic Unionist Party so desperately seek of the Catholic community of Northern Ireland and the IRA should not be carried out by the likes of Mr. Blair and Mr. Ahearn while they maintain that they are committed to fulfilling the spirit and promise of the Good Friday Accords.

Central to the peace process in the north is the reform of a police service that for far too long has served as a tool of the Unionist majority and has sought time and again to punish, discriminate, and publicly humiliate the Catholic minority.

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The Catholics in Northern Ireland will never see the PSNI as their own police service if it is continually being used as a tool of unionism to disenfranchise their community.

Mr. Speaker, I call upon Prime Minister Tony Blair and Taoiseach Bertie Ahearn to stop their public posturing and press ahead with a return to the Good Friday Agreement and, most importantly, the implementation of Patten. Sinn Fein has stated unequivocally that they are committed to the peace process and are opposed to any return to violence. It is essential that we get back to devolved authority for the people of Northern Ireland, both Catholic and Protestant alike.

PUBLICATION OF THE RULES OF THE COMMITTEE ON SCIENCE, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BOEHLERT) is recognized for 5 minutes.

Mr. BOEHLERT. Mr. Speaker, in accordance with Clause 2 of Rule XI of the Rules of the House, I submit the Rules Governing Procedure for the Committee on Science for printing in the CONGRESSIONAL RECORD. On February 10, 2005, the Committee adopted these rules by a voice vote, with a quorum present.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON SCIENCE

RULE 1. GENERAL PROVISIONS

General Statement

(a) The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its Subcommittees and shall be decided without debate. The rules of the Committee, as applicable, shall be the rules of its Subcommittees. The rules of germaneness shall be enforced by the Chairman. [XI 1(a)]

Membership

(b) A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chairman to negotiate that ratio with the minority party; Provided, however, that party representation on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Full Committee. Provided, further, that recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio for the Full Committee.

Power to Sit and Act; Subpoena Power

(c) (1) Notwithstanding subparagraph (2), a subpoena may be authorized and issued by the Committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by a majority of the members voting, a majority of the Committee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman. [XI 2 (m)]

(2) The Chairman of the Full Committee, with the concurrence the Ranking Minority Member of the Full Committee, may authorize and issue such subpoenas as described in paragraph (1), during any period in which the House has adjourned for a period longer than 3 days. [XI 2 (m) (3) (A) (i)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee.

Sensitive or Confidential Information Received Pursuant to Subpoena

(d) Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chairman of the Full Committee, in his judgment and after consultation with the Ranking Minority Member, deems that in view of all the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

National Security Information

(e) All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chairman of the full Committee may establish such regulations and procedures as in his judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee, or any other Member of the House of Representatives who has requested the opportunity to review such material.

Oversight

(f) Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Oversight and the Committee on Government Reform and Oversight, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives.

(g) The Chairman of the Full Committee, or of any Subcommittee, shall not undertake any investigation in the name of the Committee without formal approval by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

Order of Business

(h) The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chairman, subject always to an appeal to the Committee.

Suspended Proceedings

(i) During the consideration of any measure or matter, the Chairman of the Full Committee, or of any Subcommittee, or any Member acting as such, shall suspend further proceedings after a question has been put to the Committee at any time when there is a vote by electronic device occurring in the House of Representatives.

Other Procedures

(j) The Chairman of the Full Committee, after consultation with the Ranking Minority Member, may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the Committee.

Use of Hearing Rooms

(k) In consultation with the Ranking Minority Member, the Chairman of the Full Committee shall establish guidelines for use of Committee hearing rooms.

RULE 2. COMMITTEE MEETINGS [AND PROCEDURES]

Quorum [XI 2(h)]

(a)(1) One-third of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule.

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report or table any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rules 2(c) and 2(d); and, (C) authorize the issuance of subpoenas pursuant to Rule 1(c).

(3) Two Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee, shall include at least one Member from each of the majority and minority parties.

Time and Place

(b)(1) Unless dispensed with by the Chairman, the meetings of the Committee shall be held on the 2nd and 4th Wednesday of each month the House is in session at 10:00 a.m. and at such other times and in such places as the Chairman may designate. [XI2 (b)]

(2) The Chairman of the Committee may convene as necessary additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business subject to such rules as the Committee may adopt. The Committee shall meet for such purpose under that call of the Chairman. [XI2 (c)]

(3) The Chairman shall make public announcement of the date, time, place and subject matter of any of its hearings, and to the extent practicable, a list of witnesses at least one week before the commencement of the hearing. If the Chairman, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available by electronic form including the Committee website. [XI 2(g) (3)]

Open Meetings [XI 2(g)]

(c) Each meeting for the transaction of business, including the markup of legislation, of the Committee shall be open to the public, including to radio, television, and still photography coverage, except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of the meeting on that day shall be in executive session because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House. Persons other than Members of the Committee and such non-Committee Members, Delegates, Resident Commissioner, congressional staff, or departmental representatives as the Committee may authorize, may not be present at a business or markup session that is held in executive session. This Rule does not apply to open Committee hearings which are provided for by Rule 2(d).

(d)(1) Each hearing conducted by the Committee shall be open to the public including radio, television, and still photography coverage except when the Committee, in open session and with a majority present, determines by record vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would violate a law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, and Rule 2(q) a majority of those present, there being in attendance the requisite number required under the rules of the Committee to be present for the purpose of taking testimony:

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information or would violate Rule XI 2(k)(5) of the Rules of the House of Representatives; or

(B) may vote to close the hearing, as provided in Rule XI 2(k)(5) of the Rules of the House of Representatives. No Member, Delegate, or Resident Commissioner may be excluded from non-participatory attendance at any hearing of any Committee or Subcommittee, unless the House of Representatives shall by majority vote authorize a particular Committee or Subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegate and the Resident Commissioner by the same procedures designated in this Rule for closing hearings to the public: Provided, however, that the Committee or Subcommittee may by the same procedure vote to close one subsequent day of the hearing.

Audio and Visual Coverage [XI, clause 4]

(e)(A) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by television, radio, and still photography, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chairman shall not be able to limit the number of television, or still cameras to fewer than two representatives from each medium (except for legitimate space or safety considerations in which case pool coverage shall be authorized).

(B)(1) Radio and television tapes, television film, and internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(2) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(i) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(ii) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(3) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(f) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(1) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(3) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(4) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(5) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(6)(A) Except as provided in subdivision (B), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(B) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(7) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International News pictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chairman for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(8) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(9) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(10) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Special Meetings

(g) Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference (Special Meetings).

Vice Chairman to Preside in Absence of Chairman

(h) Meetings and hearings of the Committee shall be called to order and presided over by the Chairman or, in the Chairman's absence, by a member designated by the Chairman as the Vice Chairman of the committee, or by the ranking majority member of the Committee present as Acting Chairman. [XI 2 (d)]

Opening Statements; 5-Minute Rule

(i) Insofar as is practicable, the Chairman, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chairman and Ranking Minority Member. The time any one Member may address the Committee on any bill, motion or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five minutes, and then only when the Member has been recognized by the Chairman, except that this time limit may be waived by the Chairman or acting. [XI 2 (j)]

(j) Notwithstanding Rule 2(i), upon a motion the Chairman, in consultation with the Ranking Minority Member, may designate an equal number of members from each party to question a witness for a period not to exceed one hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one hour in the aggregate. [XI 2(j)]

Proxies

(k) No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [XI 2(f)]

Witnesses

(l) (1) Insofar as is practicable, each witness who is to appear before the Committee shall file no later than twenty-four (24) hours in advance of his or her appearance, a written statement of the proposed testimony and curriculum vitae. Each witness shall limit his or her presentation to a 5-minute summary, provided that additional time may be granted by the Chairman when appropriate. [XI 2 (g) (4)]

(2) To the greatest extent practicable, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) which is relevant to the subject of his or her testimony and was received during the current fiscal year or either of the 2 preceding fiscal years by the witness or by an entity represented by the witness. [XI 2 (g) (4)]

(m) Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon. [XI 2 (j) (1)]

Hearing Procedures

(n) Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference.

Bill and Subject Matter Consideration

(o) Bills and other substantive matters may be taken when called by the Chairman of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special-call meetings outlined in Rule 2 (g). [XI 2 (c)]

Private Bills

(p) No private bill will be reported by the Committee if there are two or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

Consideration of Measure or Matter

(q)(1) It shall not be in order for the Committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and to the maximum extent practicable, a written copy of the measure or matter to be considered, and to the maximum extent practicable the original text for purposes of markup of the measure to be considered have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays. To the maximum extent practicable, amendments to the measure or matter to be considered, shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter. [XIII 4(a)]

(2) Notwithstanding paragraph (1) of this rule, consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

Requests for Written Motions

(r) Any legislative or non-procedural motion made at a regular or special meeting of the Committee and which is entertained by the Chairman shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

Requests for Record Votes at Full Committee

(s) A record vote of the Members may be had at the request of three or more Members or, in the apparent absence of a quorum, by any one Member.

Report Language on Use of Federal Resources

(t) No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

Committee Records

(u)(1) The Committee shall keep a complete record of all Committee action which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting.

(2) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chairman shall notify the Ranking Minority Member of any decision, pursuant to clause 3(b) (3) or clause 4(b) of the Rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [XI 2 (e) (3)]

(3) To the maximum extent feasible, the Committee shall make its publications available in electronic form, including the Committee website. [XI 2 (e) (4)]

(4)(A) Except as provided for in subdivision (B), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as its Chairman. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(B) A Member, Delegate, or Resident Commissioner, other than members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee.

Publication of Committee Hearings and Markups

(v) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman.

RULE 3. SUBCOMMITTEES

Structure and Jurisdiction

(a) The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) Subcommittee on Energy

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, and commercial application of energy technology including: Department of Energy research, development, and demonstration programs; Department of Energy laboratories; Department of Energy science activities; energy supply activities; nuclear, solar and renewable energy, and other advanced energy technologies; uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities as appropriate; fossil energy research and development; clean coal technology; energy conservation research and development; energy aspects of climate change; pipeline research, development, and demonstration projects; energy standards; and energy conservation including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements.

(2) Subcommittee on Environment, Technology, and Standards

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to competitiveness, technology, and environmental research, development, and demonstration including: technical standards and standardization of measurement; the Technology Administration of the Department of Commerce; the National Institute of Standards and Technology; the National Technical Information Service; competitiveness, including small business competitiveness; tax, antitrust, regulatory and other legal and governmental

policies as they relate to technological development and commercialization; technology transfer including civilian use of defense technologies; patent and intellectual property policy; international technology trade; research, development, and demonstration activities of the Department of Transportation; surface and water transportation research, development, and demonstration programs; Environmental Protection Agency research and development programs; biotechnology policy; National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, and the atmosphere, and marine fisheries, and oceanic research; risk assessment activities; scientific issues related to environmental policy, including climate change; Small Business Innovation Research and Technology Transfer; and voting technologies and standards.

(3) Subcommittee on Research

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to science policy including: Office of Science and Technology Policy; all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education; intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs; international scientific cooperation; National Science Foundation; university research policy, including infrastructure and overhead; university research partnerships, including those with industry; science scholarships; issues relating to computers, communications, and information technology; earthquake and fire research programs including those related to wildfire proliferation research and prevention; research and development relating to health, biomedical, and nutritional programs; to the extent appropriate, agricultural, geological, biological and life sciences research; and materials research, development, and demonstration and policy.

(4) Subcommittee on Space and Aeronautics

Legislative jurisdiction and general and special oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated laboratories; space commercialization including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; National Space Council; space applications, space communications and related matters; earth remote sensing policy; civil aviation research, development, and demonstration; and research, development, and demonstration programs of the Federal Aviation Administration; and space law.

Referral of Legislation

(b) The Chairman shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate jurisdiction within two weeks unless, the Chairman deems consideration is to be by the Full Committee. Subcommittee Chairmen may make requests for referral of specific matters to their Subcommittee within the two week period if they believe Subcommittee jurisdictions so warrant.

Ex-Officio Members

(c) The Chairman and Ranking Minority Member shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

Procedures

(d) No Subcommittee shall meet for markup or approval when any other Subcommittee of the Committee or the Full Committee is meeting to consider any measure or matter for markup or approval.

(e) Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies. Subcommittee Chairmen shall set meeting dates after consultation with the Chairman and other Subcommittee Chairmen with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(f) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in Rule 3(c).

(g) During any Subcommittee proceeding for markup or approval, a record vote may be had at the request of one or more Members of that Subcommittee.

RULE 4. REPORTS

Substance of Legislative Reports

(a) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(1) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified [XIII, 3(c)];

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in [XIII, 3(c)(2)];

(3) with respect to reports on a bill or joint resolution of a public character, a ''Constitutional Authority Statement'' citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is

(4) with respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(5) the estimate and comparison prepared by the Committee under Rule XIII, clause 3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 2 of this Rule has been timely submitted prior to the filing of the report and included in the report [XIII, 3(d)(3)(D)] ;

(6) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended [Rule XIII, clause 3];

(7) a transcript of the markup of the measure or matter unless waived under Rule 2(v).

(8) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [XIII, 3(c)]

(b) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(1) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee [XIII, clauses 2–4];

(2) if the Committee has not received prior to the filing of the report the material required under paragraph (1) of this Rule, then it shall include a statement to that effect in the report on the measure.

Minority and Additional Views [XI 2(1)]

(c) If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than two subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the clerk of the Committee. All such views so filed by one or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. The report of the Committee upon that measure or matter shall be printed in a single volume which shall include all supplemental, minority, or additional views, which have been submitted by the time of the filing of the report, and shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under Rule 4(b) (1)) are included as part of the report. However, this rule does not preclude (1) the immediate filing or printing of a Committee report unless timely requested for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule or (2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(d) The Chairman of the Committee or Subcommittee, as appropriate, shall advise Members of the day and hour when the time for submitting views relative to any given report elapses. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after the announced time has elapsed unless the Chairman of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views the 2 subsequent calendar days after the day of notice, in which case he shall communicate such fact to Members, including the revised day and hour for submissions to be received, without delay.

Consideration of Subcommittee Reports

(e) Reports and recommendations of a Subcommittee shall not be considered by the Full Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to full Committee membership and printed hearings thereon shall be made available, if feasible, to the Members, except that this rule may be waived at the discretion of the Chairman after consultation with the Ranking Minority Member.

Timing and Filing of Committee Reports [XIII]

(f) It shall be the duty of the Chairman to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing.

(g) The report of the Committee on a measure which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(h) (1) Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 4(c).

(2) Subject to paragraphs (3) and (4), the Chairman may approve the publication of any document as a Committee print which in his discretion he determines to be useful for the information of the Committee.

(3) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees must be approved by the Full Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(4) Any document to be published as a Committee print other than a document described in paragraph (3) of this Rule: (A) shall include on its cover the following statement: ''This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;'' and (B) shall not be published following the sine die adjournment of a Congress, unless approved by the Chairman of the Full Committee after consultation with the Ranking Minority Member of the Full Committee.

(i) A report of an investigation or study conducted jointly by this Committee and one or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report.

(j) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 7 calendar days in which to submit such views for inclusion with the report.

(k) After an adjournment sine die of the last regular session of a Congress, the Chairman may file the Committee's Activity Report for that Congress under clause 1(d) (1) of Rule XI of the Rules of the House with the Clerk of the House at any time and without the approval of the Committee, provided that a copy of the report has been available to each member of the Committee for at least 7 calendar days and that the report includes any supplemental, minority, or additional views submitted by a member of the Committee. [XI 1(d), XI 1(d) (4)]

Oversight Reports

(1) A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day). [XI 1 (b) (2)]

LEGISLATIVE AND OVERSIGHT JURISDICTION OF THE COMMITTEE ON SCIENCE

''Rule X. Organization of Committees.

''Committees and their legislative jurisdictions.

''1. There shall be in the House the following standing Committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4. All bills, resolutions, and other matters relating to subjects within the jurisdiction of the standing Committees listed in this clause shall be referred to those Committees, in accordance with clause 2 of rule XII, as follows:

''(n) Committee on Science.

''(1) All energy research, development, and demonstration, and projects therefor, and all federally owned or operated nonmilitary energy laboratories.

''(2) Astronautical research and development, including resources, personnel, equipment, and facilities.

''(3) Civil aviation research and development.

''(4) Environmental research and development.

''(5) Marine research.

''(6) Commercial application of energy technology.

''(7) National Institute of Standards and Technology, standardization of weights and measures and the metric system.

''(8) National Aeronautics and Space Administration.

''(9) National Space Council.

''(10) National Science Foundation.

''(11) National Weather Service.

''(12) Outer space, including exploration and control thereof.

''(13) Science Scholarships.

''(14) Scientific research, development, and demonstration, and projects therefor.

''*SPECIAL OVERSIGHT FUNCTIONS*

''3. (j) The Committee on Science shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.''

APPOINTMENT OF MEMBERS TO UNITED STATES GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 1928a, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the United States Group of the North Atlantic Assembly:

Mr. HEFLEY of Colorado, Chairman;

Mr. BURTON of Indiana, Vice Chairman;

Mr. REGULA of Ohio;

Mr. GILLMOR of Ohio;

Mr. EHLERS of Michigan;

Mr. BILIRAKIS of Florida;

Mr. SHIMKUS of Illinois; and

Mr. REYNOLDS of New York.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

(Mr. ROSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont (Mr. SANDERS) is recognized for 5 minutes.

(Mr. SANDERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

(Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to voice my concern over our Nation's involvement in the war in Iraq. I would have hoped that the recent Iraq elections would quell my concern, but the fact is that I had grave concerns before we engaged in this war, I have had grave concerns during the unfolding of this war and today I still have serious concerns over this administration's ability to provide a positive outcome in Iraq. This President must be held accountable to this Congress and more importantly to the people of the United States. He must provide a success strategy and a vision for what comes next in Iraq and how and when our brave troops will be able to come home. We owe this public statement to the more than 1,400 troops that have died and those tragically that may lose their lives in the future.

The President indicated during his State of the Union that one of our responsibilities to future generations is to ''leave them an America that is safe from danger, and protected peace.'' However, absent an articulated success for exit plan by our troops, the very existence of that future generation is in jeopardy. This war has certainly created more terrorists than it has eliminated. In addition, our troops are now returning home in worse condition than before they left. Too many of our men and women have suffered life changing injuries in Iraq and now must come home to live the rest of their lives. Troops are being asked to stay in Iraq longer than they had ever committed for and all of this takes a toll on their families. In the end this war will not be the legacy of this administration or of this Congress, but instead will be the legacy of our young troops who will have to face the rest of their lives based on the consequences of this war. Their bloodshed demands a reasonable success and exit plan.

My distinguished colleague, Ms. WOOLSEY, has introduced legislation that calls on the President to develop and implement a plan to bring our troops home and provide the Iraqis the opportunity to control their own stable nation. The administration will surely respond that they are committed to a free Iraq and the

truth is that we all are committed to that ideal, but this administration seems incapable of providing clarity on its plans in this war.

From the very beginning we have been left in the dark as to what this administration was planning in regards to Iraq. Our troops and their families have been the ones to suffer and the fact is that the Iraqis have yet to see a free and stable nation. Yes, the recent elections were positive outcome, but they are far far from resolving the predicament in Iraq. I support my colleague's legislation and I urge all Members of this body to support it. How can we possibly be against legislation that calls upon the President to notify Congress and the American people about the future plans for the war in Iraq.

In formulating a success and exit plan, we must take additional steps to improve Iraq's economic and political stability. We must change our military focus from combat operations to training the Iraqi army. Moreover, we must intensify our reconstruction efforts with projects that give the Iraqi people real, tangible hope for their future.

The fact remains that American troops have remained in Iraq for 2 years, and the death toll continues to rise; therefore, we must proceed with caution. The positive momentum that has come from a successful election must be used as an opportunity to stop the bloodshed and the expenditure of tax dollars on this effort. I hope that the administration will use the positive momentum of this achievement as an opportunity to devise an success and exit plan for our troops as outlined by Representative WOOLSEY's legislation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GENE GREEN of Texas (at the request of Ms. PELOSI) for today after 1:45 p.m. on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SCHIFF for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. ROSS, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MURPHY, for 5 minutes, today.

Mr. BOEHLERT, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, February 14, 2005, at noon.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> 'I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.'

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 109th Congress, pursuant to the provisions of 2 U.S.C. 25:

ALABAMA

1 Jo Bonner
2 Terry Everett
3 Mike Rogers
4 Robert B. Aderholt
5 Robert E. (Bud) Cramer Jr.
6 Spencer Bachus
7 Artur Davis

ALASKA

At Large, Don Young

ARIZONA

1 Rick Renzi
2 Trent Franks
3 John B. Shadegg
4 Ed Pastor
5 J. D. Hayworth
6 Jeff Flake
7 Raúl M. Grijalva
8 Jim Kolbe

ARKANSAS

1 Marion Berry
2 Vic Snyder
3 John Boozman
4 Mike Ross

CALIFORNIA

1 Mike Thompson
2 Wally Herger
3 Daniel E. Lungren
4 John T. Doolittle
6 Lynn C. Woolsey
7 George Miller
8 Nancy Pelosi
9 Barbara Lee
10 Ellen O. Tauscher
11 Richard W. Pombo
12 Tom Lantos
13 Fortney Pete Stark
14 Anna G. Eshoo
15 Michael M. Honda
16 Zoe Lofgren
17 Sam Farr
18 Dennis A. Cardoza
19 George Radanovich
20 Jim Costa
21 Devin Nunes
22 William M. Thomas
23 Lois Capps
24 Elton Gallegly
25 Howard P. ''Buck'' McKeon
26 David Dreier
27 Brad Sherman
28 Howard L. Berman
29 Adam B. Schiff
30 Henry A. Waxman
31 Xavier Becerra
32 Hilda L. Solis
33 Diane E. Watson
34 Lucille Roybal-Allard
35 Maxine Waters
36 Jane Harman
37 Juanita Millender-McDonald
38 Grace F. Napolitano
39 Linda T. Sánchez
40 Edward R. Royce
41 Jerry Lewis
42 Gary G. Miller
43 Joe Baca
44 Ken Calvert
45 Mary Bono
46 Dana Rohrabacher
47 Loretta Sanchez
48 Christopher Cox
49 Darrell E. Issa
50 Randy ''Duke'' Cunningham
51 Bob Filner
52 Duncan Hunter
53 Susan A. Davis

COLORADO

1 Diana DeGette
2 Mark Udall
3 John T. Salazar
4 Marilyn N. Musgrave
5 Joel Hefley
6 Thomas G. Tancredo
7 Bob Beauprez

CONNECTICUT

1 John B. Larson
2 Rob Simmons
3 Rosa L. DeLauro
4 Christopher Shays
5 Nancy L. Johnson

DELAWARE

At Large, Michael N. Castle

FLORIDA

1 Jeff Miller
2 Allen Boyd
3 Corrine Brown
4 Ander Crenshaw
5 Ginny Brown-Waite
6 Cliff Stearns
7 John L. Mica
8 Ric Keller
9 Michael Bilirakis
10 C. W. Bill Young
11 Jim Davis
12 Adam H. Putnam
13 Katherine Harris
14 Connie Mack
15 Dave Weldon
16 Mark Foley
17 Kendrick B. Meek
18 Ileana Ros-Lehtinen
19 Robert Wexler
20 Debbie Wasserman Schultz
21 Lincoln Diaz-Balart
22 E. Clay Shaw Jr.
23 Alcee L. Hastings
24 Tom Feeney
25 Mario Diaz-Balart

GEORGIA

1 Jack Kingston
2 Sanford D. Bishop, Jr.
3 Jim Marshall
4 Cynthia McKinney
5 John Lewis
6 Tom Price
7 John Linder
8 Lynn A. Westmoreland

9 Charlie Norwood
10 Nathan Deal
11 Phil Gingrey
12 John Barrow
13 David Scott

HAWAII

1 Neil Abercrombie
2 Ed Case

IDAHO

1 C. L. ''Butch'' Otter
2 Michael K. Simpson

ILLINOIS

1 Bobby L. Rush
2 Jesse L. Jackson, Jr.
3 Daniel Lipinski
4 Luis V. Gutierrez
5 Rahm Emanuel
6 Henry J. Hyde
7 Danny K. Davis
8 Melissa L. Bean
9 Janice D. Schakowsky
10 Mark Steven Kirk
11 Jerry Weller
12 Jerry F. Costello
13 Judy Biggert
14 J. Dennis Hastert
15 Timothy V. Johnson
16 Donald A. Manzullo
17 Lane Evans
18 Ray LaHood
19 John Shimkus

INDIANA

1 Peter J. Visclosky
2 Chris Chocola
3 Mark E. Souder
4 Steve Buyer
5 Dan Burton
6 Mike Pence
7 Julia Carson
8 John N. Hostettler
9 Michael E. Sodrel

IOWA

1 Jim Nussle
2 James A. Leach
3 Leonard L. Boswell
4 Tom Latham
5 Steve King

KANSAS

1 Jerry Moran
2 Jim Ryun
3 Dennis Moore
4 Todd Tiahrt

KENTUCKY

1 Ed Whitfield
2 Ron Lewis
3 Anne M. Northup
4 Geoff Davis
5 Harold Rogers
6 Ben Chandler

LOUISIANA

1 Bobby Jindal
2 William J. Jefferson
3 Charlie Melancon
4 Jim McCrery
5 Rodney Alexander
6 Richard H. Baker
7 Charles W. Boustany, Jr.

MAINE

1 Thomas H. Allen
2 Michael H. Michaud

MARYLAND

1 Wayne T. Gilchrest
2 C. A. Dutch Ruppersberger
3 Benjamin L. Cardin
4 Albert Russell Wynn
5 Steny H. Hoyer
6 Roscoe G. Bartlett
7 Elijah E. Cummings
8 Chrls Van Hollen

MASSACHUSETTS

1 John W. Olver
2 Richard E. Neal
3 James P. McGovern
4 Barney Frank
5 Martin T. Meehan
6 John F. Tierney
7 Edward J. Markey
8 Michael E. Capuano
9 Stephen F. Lynch
10 William D. Delahunt

MICHIGAN

1 Bart Stupak
2 Peter Hoekstra
3 Vernon J. Ehlers
4 Dave Camp
5 Dale E. Kildee
6 Fred Upton
7 John J. H. ''Joe'' Schwarz
8 Mike Rogers
9 Joe Knollenberg
10 Candice S. Miller
11 Thaddeus G. McCotter
12 Sander M. Levin
13 Carolyn C. Kilpatrick
14 John Conyers, Jr.
15 John D. Dingell

MINNESOTA

1 Gil Gutknecht
2 John Kline
3 Jim Ramstad
4 Betty McCollum
5 Martin Olav Sabo
6 Mark R. Kennedy
7 Collin C. Peterson
8 James L. Oberstar

MISSISSIPPI

1 Roger F. Wicker
2 Bennie G. Thomson
3 Charles W. ''Chip'' Pickering
4 Gene Taylor

MISSOURI

1 Wm. Lacy Clay
2 W. Todd Akin
3 Russ Carnahan
4 Ike Skelton
5 Emanuel Cleaver
6 Sam Graves
7 Roy Blunt
8 Jo Ann Emerson
9 Kenny C. Hulshof

MONTANA

At Large, Dennis R. Rehberg

NEBRASKA

1 Jeff Fortenberry
2 Lee Terry
3 Tom Osborne

NEVADA

1 Shelley Berkley
2 Jim Gibbons
3 Jon C. Porter

NEW HAMPSHIRE

1 Jeb Bradley
2 Charles F. Bass

NEW JERSEY

1 Robert E. Andrews
2 Frank A. LoBiondo
3 Jim Saxton
4 Christopher H. Smith
5 Scott Garrett
6 Frank Pallone, Jr.
7 Mike Ferguson
8 Bill Pascrell, Jr.
9 Steven R. Rothman
10 Donald M. Payne
11 Rodney P. Frelinghuysen
12 Rush D. Holt
13 Robert Menendez

NEW MEXICO

1 Heather Wilson
2 Stevan Pearce
3 Tom Udall

NEW YORK

1 Timothy H. Bishop
2 Steve Israel
3 Peter T. King
4 Carolyn McCarthy
5 Gary L. Ackerman
6 Gregory W. Meeks
7 Joseph Crowley
8 Jerrold Nadler
9 Anthony D. Weiner
10 Edolphus Towns
11 Major R. Owens
12 Nydia M. Velázquez
13 Vito Fossella
14 Carolyn B. Maloney
15 Charles B. Rangel
16 José E. Serrano
17 Eliot L. Engel
18 Nita M. Lowey
19 Sue W. Kelly
20 John E. Sweeney
21 Michael R. McNulty
22 Maurice D. Hinchey
23 John M. McHugh
24 Sherwood Boehlert
25 James T. Walsh
26 Thomas M. Reynolds
27 Brian Higgins
28 Louise McIntosh Slaughter
29 John R. ''Randy'' Kuhl, Jr.

NORTH CAROLINA

1 G. K. Butterfield
2 Bob Etheridge
3 Walter B. Jones
4 David E. Price
5 Virginia Foxx
6 Howard Coble
7 Mike McIntyre
8 Robin Hayes
9 Sue Wilkins Myrick
10 Patrick T. McHenry
11 Charles H. Taylor
12 Melvin L. Watt
13 Brad Miller

NORTH DAKOTA

At Large, Earl Pomeroy

OHIO

1 Steve Chabot
2 Rob Portman
3 Michael R. Turner
4 Michael G. Oxley
5 Paul E. Gillmor
6 Ted Strickland
7 David L. Hobson
8 John A. Boehner
9 Marcy Kaptur
10 Dennis J. Kucinich
11 Stephanie Tubbs Jones
12 Patrick J. Tiberi
13 Sherrod Brown
14 Steven C. LaTourette
15 Deborah Pryce
16 Ralph Regula
17 Tim Ryan
18 Robert W. Ney

OKLAHOMA

1 John Sullivan
2 Dan Boren
3 Frank D. Lucas
4 Tom Cole
5 Ernest J. Istook, Jr.

OREGON

1 David Wu
2 Greg Walden
3 Earl Blumenauer
4 Peter A. DeFazio
5 Darlene Hooley

PENNSYLVANIA

1 Robert A. Brady
2 Chaka Fattah
3 Phil English
4 Melissa A. Hart
5 John E. Peterson
6 Jim Gerlach
7 Curt Weldon
8 Michael G. Fitzpatrick
9 Bill Shuster
10 Don Sherwood

11 Paul E. Kanjorski
12 John P. Murtha
13 Allyson Y. Schwartz
14 Michael F. Doyle
15 Charles W. Dent
16 Joseph R. Pitts
17 Tim Holden
18 Tim Murphy
19 Todd Russell Platts

RHODE ISLAND

1 Patrick J. Kennedy
2 James R. Langevin

SOUTH CAROLINA

1 Henry E. Brown, Jr.
2 Joe Wilson
3 J. Gresham Barrett
4 Bob Inglis
5 John M. Spratt, Jr.
6 James E. Clyburn

SOUTH DAKOTA

At Large, Stephanie Herseth

TENNESSEE

1 William L. Jenkins
2 John J. Duncan, Jr.
3 Zach Wamp
4 Lincoln Davis
5 Jim Cooper
6 Bart Gordon
7 Marsha Blackburn
8 John S. Tanner
9 Harold E. Ford, Jr.

TEXAS

1 Louie Gohmert
2 Ted Poe
3 Sam Johnson
4 Ralph M. Hall
5 Jeb Hensarling
6 Joe Barton
7 John Abney Culberson
8 Kevin Brady
9 Al Green
10 Michael T. McCaul
11 K. Michael Conaway
12 Kay Granger
13 Mac Thornberry
14 Ron Paul
15 Rubén Hinojosa
16 Silvestre Reyes
17 Chet Edwards
18 Sheila Jackson-Lee
19 Randy Neugebauer
20 Charles A. Gonzalez
21 Lamar S. Smith
22 Tom Delay
23 Henry Bonilla
24 Kenny Marchant
25 Lloyd Doggett
26 Michael C. Burgess
27 Solomon P. Ortiz
28 Henry Cuellar
29 Gene Green
30 Eddie Bernice Johnson
31 John R. Carter
32 Pete Sessions

UTAH

1 Rob Bishop
2 Jim Matheson
3 Chris Cannon

VERMONT

At Large, Bernard Sanders

VIRGINIA

1 Jo Ann Davis
2 Thelma D. Drake
3 Robert C. Scott
4 J. Randy Forbes
5 Virgil H. Goode Jr.
6 Bob Goodlatte
7 Eric Cantor
8 James P. Moran
9 Rick Boucher
10 Frank R. Wolf
11 Tom Davis

WASHINGTON

1 Jay Inslee
2 Rick Larsen
3 Brian Baird
4 Doc Hastings
5 Cathy McMorris
6 Norman D. Dicks
7 Jim McDermott
8 David G. Reichert
9 Adam Smith

WEST VIRGINIA

1 Alan B. Mollohan
2 Shelley Moore Capito
3 Nick J. Rahall II

WISCONSIN

1 Paul Ryan
2 Tammy Baldwin
3 Ron Kind
4 Gwen Moore
5 F. James Sensenbrenner, Jr.
6 Thomas E. Petri
7 David R. Obey
8 Mark Green

WYOMING

At Large, Barbara Cubin

PUERTO RICO

Resident Commissioner, Luis G. Fortuño

AMERICAN SAMOA

Delegate, Eni F. H. Faleomavaega

DISTRICT OF COLUMBIA

Delegate, Eleanor Holmes Norton

GUAM

Deleqate, Madeleine Z. Bordallo

VIRGIN ISLANDS

Delegate, Donna M. Christensen

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Robert E. Andrews, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Melissa L. Bean, Bob Beauprez, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, Sherwood Boehlert, John A. Boehner, Henry Bonilla, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Jeb Bradley, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, G. K. Butterfield, Steve Buyer, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Dennis A. Cardoza, Russ Carnahan, Julia Carson, John R. Carter, Ed Case, Michael N. Castle, Steve Chabot, Ben Chandler, Chris Chocola, Donna M. Christensen, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Christopher Cox, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Randy ''Duke'' Cunningham, Artur Davis, Geoff Davis, Jim Davis, Jo Ann Davis, Lincoln Davis, Tom Davis, Susan A. Davis, Danny K. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Charles W. Dent, Lincoln Diaz-Balart, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F. H. Faleomavaega, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Michael G. Fitzpatrick, Jeff Flake, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Mark Green, Raul M. Grijalva, Luis V. Gutierrez, Gil Gutknecht, Ralph M. Hall, Jane Harman, Katherine Harris, Melissa A. Hart, J. Dennis Hastert, Doc Hastings, Alcee L. Hastings, Robin Hayes, J. D. Hayworth, Joel Hefley, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, John N. Hostettler, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Bobby Jindal, Sam Johnson, Eddie Bernice Johnson, Nancy L. Johnson, Timothy V. Johnson, Walter B. Jones, Stephanie Tubbs Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Patrick J. Kennedy, Mark R. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Steve King, Peter T. King, Jack Kingston, Mark Steven Kirk, John Kline, Joe Knollenberg, Jim Kolbe, John R. ''Randy'' Kuhl, Jr., Ray LaHood, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Carolyn McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. ''Buck'' McKeon, Cynthia McKinney, Cathy McMorris, Michael R. McNulty, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks, Charlie Melancon, Robert Menendez, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Jeff Miller, Gary G. Miller, Candice S. Miller, Alan B. Mollohan, Dennis Moore, Gwen Moore, Jerry Moran, James P. Moran, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, C. L. ''Butch'' Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. ''Chip'' Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Richard W. Pombo, Earl Pomeroy, Jon C. Porter, Rob Portman, Tom Price, David E. Price, Deborah Pryce, Adam H. Putnam, George

Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Jim Ryun, Martin Olav Sabo, John T. Salazar, Loretta Sánchez, Linda T. Sánchez, Bernard Sanders, Jim Saxton, Janice D. Schakowsky, Adam B. Schiff, Allyson Y. Schwartz, John J. H. ''Joe'' Schwarz, David Scott, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Bill Shuster, Rob Simmons, Michael K. Simpson, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Christopher H. Smith, Lamar S. Smith, Vic Snyder, Michael E. Sodrel, Hilda L. Solis, Mark E. Souder, John M. Spratt, Jr., Cliff Stearns, Ted Strickland, Bart Stupak, John Sullivan, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Charles H. Taylor, Lee Terry, William M. Thomas, Mike Thompson, Bennie G. Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Greg Walden, James T. Walsh, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, Don Young, C. W. Bill Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

739. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to Public Law 103–160, section 1203(d) of Title XII Public Law 102–511, section 502; to the Committee on International Relations.

740. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-770, ''Technical Amendments Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

741. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-757, ''First Amendment Rights and Police Standards Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

742. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-742, ''Public School Enrollment Integrity Clarification and Board of Education Honoraria Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

743. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-745, ''School Safety and Security Contracting Procedures Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

744. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-743, ''Notice Requirement for Publicly Funded Building Projects Amendment Act of 2004,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

745. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Airplane Company, Inc., Model M20M Airplanes [Docket No. FAA-2004-19618; Directorate Identifier 2004-CE-39-AD; Amendment 39-13872; AD 2004-23-17] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG (formerly Rolls-Royce plc), Models Spey 555-15, 555-15H, 555-15N, and 555-15P Turbojet Engines [Docket No. 2003-NE-51-AD; Amendment 39-13881; AD 2004-24-05] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

747. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2, A300 B4, A300 B4-600, and A300 B4-600R Series Airplanes; and Model A300 C4-605R Variant F and A300 F4-605R Airplanes [Docket No. FAA-2004-18593; Directorate Identifier 2004-NM-21-AD; Amendment 39-13875; AD 2004-23-20] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

748. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-263-AD; Amendment 39-13800; AD 2004-19-06] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

749. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83) and DC-9-87 (MD-87) Airplanes; Model MD-88 Airplanes [Docket No. 2000-NM-171-AD; Amendment 39-13876; AD 2004-23-21] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

750. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company, Model 390, Premier 1 Airplanes [Docket No. FAA-2004-19119; Directorate Identifier 2004-CE-26-AD; Amendment 39-13903; AD 2004-25-15] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

751. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-18809; Directorate Identifier 2004-NM-91-AD; Amendment 39-13873; AD 2004-23-18] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

752. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-14 and DC-9-15 Airplanes; and Model DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes [Docket No. FAA-2004-18994; Directorate Identifier 2003-NM-210-AD; Amendment 39-13866; AD 2004-23-11] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

753. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-351-AD; Amendment 39-13874; AD 2004-23-19] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

754. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McCauley Propeller Systems Five-Blade Propeller Assemblies [Docket No. FAA-2004-19242; Directorate Identifer 2004-NE-21-AD; Amendment 39-13871; AD 2004-23-16] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

755. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Ostmecklenburgische Flugzeugbau GmbH Model OMF-100-160 Airplanes [Docket No. 2003-CE-67-AD; Amendment 39-13878; AD 2004-24-02] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

756. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) (RRC) Models 250-C30R/3, -C30R/3M, -C47B, and -C47M Turboshaft Engines [Docket No. 2003-NE-23-AD; Amendment 39-13880; AD 2004-24-04] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and MD-11F Airplanes [Docket No. FAA-2004-18572; Directorate Identifier 2003-NM-72-AD; Amendment 39-13848; AD 2004-22-20] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. FAA-2004-18562; Directorate Identifier 2003-NM-147-AD; Amendment 39-13883; AD 2004-21-07] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3-60, SD3-SHERPA, and SD3-60 SHERPA Series Airplanes [Docket No. FAA-2004-18661; Directorate Identifier 2003-NM-273-AD; Amendment 39-13901; AD 2004-25-13] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-263-AD; Amendment 39-13800; AD 2004-19-06] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2001-NM-201-AD; Amendment 39-13706; AD 2004-13-24] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket NO. FAA-2004-19492; Directorate Identifier 2004-NM-200-AD; Amendment 39-13844; AD 2004-22-16] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airlpanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600) [Docket No. FAA-2004-18602; Directorate Identifier 2003-NM-160-AD; Amendment 39-13816; AD 2004-20-11] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Series Airplanes [Docket No. FAA-2004-19972; Directorate Identifier 2004-NM-273-AD; Amendment 39-13924; AD 2004-26-12] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

765. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and EMB-145 Series Airplanes [Docket No. 2003-NM-85-AD; Amendment 39-13818; AD 2004-20-13] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

766. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-14, DC-9-15, and DC-9-15F Airplanes; DC-9-20, DC-9-30, DC-9-40, DC-9-50 Series Airplanes; DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), and DC-9-87 (MD-87) Airplanes; and Model MD-88 Airplanes [Docket No. 2002-NM-333-AD; Amendment 39-13902; AD 2004-25-14] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200B, -200C, -200F, -300, -400, -400D, and -400F Series Airplanes; and Model 747SP Series Airplanes [Docket No. 2002-NM-286-AD; Amendment 39-13821; AD 2004-20-16] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; LETECKE ZA VODY Model L 23 SUPER-BLANIK Sailplanes [Docket No. FAA-2004-18034; Directorate Identifier 2004-CE-18-AD; Amendment 39-13905; AD 2004-25-17] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-223-AD; Amendment 39-13699; AD 2004-13-17] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule -Airworthiness Directives; Kelly Aerospace Power Systems Part Number (P/N) 14D11, A14D11, B14D11, C14D11, 23D04, A23D04, B23D04, C23D04, or P23D04 Fuel Regulator Shutoff Valves (formerly owned by ElectroSystems, JanAero Devices, Janitrol, C&D, FL Aerospace, and Midland-Ross Corporation) [Dockent No. FAA-2004-19693; Directorate Identifier 2004-CE-40-AD; Amendment 39-13904; AD 2004-25-16] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

771. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PT6A-60A and PT6A-65B Turboprop Engines [Docket No. 2003-NE-09-AD; Amendment 39-13906; AD 2004-25-18] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

772. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Aerospace LP Model Astra SPX, and 1125 Westwind Astra Series Airplanes; and Model Gulfstream 100 Airplanes [Docket No. 2003-NM-204-AD; Amendment 39-13700; AD 2004-13-18] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

773. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. FAA-2004-18579; Directorate Identifier 2004-CE-19-AD; Amendment 39-13892; AD 2004-23-01] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

774. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International, S.A. CFM56-2-C, -3 Series, and -5 Series Turbofan Engines [Docket No. 2002-NE-26-AD; Amendment 39-13643; AD 2004-10-13] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

775. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 45 (YT-34), A45 (T-34A, B-45), and D45 (T-34B) Airplanes [Docket No. FAA-2004-19896; Directorate Identifier 2004-CE-44-AD; Amendment 39-13913; AD 2004-25-51] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

776. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney Canada PW206B, PW206C, PW206E, PW207D, and PW207E Turboshaft Engines [Docket No. FAA-2004-18585; Directorate Identifier 2004-NE-28-AD; Amendment 39-13731; AD 2004-14-22] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

777. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eagle Aircraft (Malaysia) Sdn. Bhd. Model Eagle 150B Airplanes [Docket No. FAA-2004-19222; Directorate Identifier 2004-CE-29-AD; Amendment 39-13912; AD 2004-26-01] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes; Model A300 B4-600, A300-B4-600R, A300 F4-600R Series Airplanes, and A300 C4-605R Variant F Airplanes (Collectively Called A300-600); and Model A310 Series Airplanes [Docket No. 2003-NM-13-AD; Amendment 39-13817; AD 2004-20-12] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Glasflugel--Ing. E. Hanle Model GLASFLUGEL Kestrel Sailplanes [Docket No. 2003-CE-60-AD; Amendment 39-13591; AD 2004-09-02] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

780. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 and 720 Series Airplanes [Docket No. 2003-NM-06-AD; Amendment 39-13852; AD 2004-22-24] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 206A, B, L,. L-1, L-3, and L-4 Helicopters [Docket No. 2004-SW-12-AD; Amendment 39-13884; AD 2004-24-08] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2002-NM-246-AD; Amendment 39-13854; AD 2004-22-26] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, -700C, -800, and -900 Series Airplanes [Docket No. 2003-NM-106-AD; Amendment 39-13855; AD 2004-22-27] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

784. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (Formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) (RRC) 250-B and 250-C Series Turboshaft and Turboprop Engines [Docket No. 2004-NE-10-AD; Amendment 39-13885; AD 2004-24-09 (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

785. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. 2000-NM-409-AD; Amendment 39-13853; AD 2004-22-25] (RIN: 2120-AA64) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Aircraft Company 120, 140, 140A, 150, F150, 170, 172, F172, FR172, P172D, 175, 177, 180, 182, 185, A185E, 190, 195, 206, P206, U206, TP206, TU206, 207, T207, 210, T210, 336, 337, and T337 Series Airplanes [Docket No. 2003-CE-40-AD; Amendment 39-13795; AD 2004-19-01] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hamilton Sundstrand Power Systems T--62T Series Auxiliary Power Units (APUs) [Docket No. 2003-NE-61-AD; Amendment 39-13879 AD 2004-24-03] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Inc. Model (Otter) DHC-3 Airplanes [Docket No. FAA-2004-18606; Directorate Identifier 2004-CE-17-AD; Amendment 39-13877; AD 2004-24-01] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

789. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211 Trent 700 Series Turbofan Engines [Docket No. FAA-2004-19559; DIrectorate Identifier 2004-NE-03-AD; Amendment 39-13858; AD 2004-23-03] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

790. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4 Series Airplanes and Model A300 B4-600, A300 B4-600R, and A300 F4-600R (Collectively Called A300-600) Series Airplanes [Docket No. 2002-NM-211-AD; Amendment 39-13819; AD 2004-20-14] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

791. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 P1, P2, T1, and T2 Helicopters [Docket No. 2003-SW-39-AD; Amendment 39-13839; AD 2004-22-11] (RIN: 2120-AA64) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Great Lakes Aircraft Company, LLC, Models 2T-1A-1 and 2T-1A-2 Airplanes [Docket No. FAA-2004-18744; Directorate Identifier 2004-CE-24-AD; Amendment 39-13910; AD 2004-25-22] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier, Inc. Model DHC-3 Airplanes [Docket No. 2003-CE-48-AD; Amendment 39-13886; AD 2004-24-10] (RIN: 2120-AA64) received Janaury 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2003-NM-277-AD; Amendment 39-13868; AD 2004-23-13] (RIN: 2120-AA64) received January 31, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. PAUL, and Mr. NEUGEBAUER):

H.R. 739. A bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, and Mr. NEUGEBAUER):

H.R. 740. A bill to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. PAUL, and Mr. NEUGEBAUER):

H.R. 741. A bill to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. PAUL, and Mr. NEUGEBAUER):

H.R. 742. A bill to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Education and the Workforce.

By Mr. FOLEY (for himself, Mr. ISRAEL, Mrs. MCCARTHY, Mr. NORWOOD, Mr. MCNULTY, Ms. ZOE LOFGREN of California, and Mr. MCHUGH):

H.R. 743. A bill to clarify the authority of States to establish conditions for insurers to conduct the business of insurance within a State based on provision of information regarding Holocaust era insurance policies of the insurer and to establish a Federal cause of action for claims for payment of such insurance policies, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE (for himself, Ms. ZOE LOFGREN of California, Mr. SMITH of Texas, Mr. JENKINS, Mr. HOSTETTLER, Ms. LINDA T. SÁNCHEZ of California, Mr. NADLER, Mr. FORBES, Mr. HALL, and Mr. WOLF):

H.R. 744. A bill to amend title 18, United States Code, to discourage spyware, and for other purposes; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 745. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. RANGEL, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BECERRA, Mr. LARSON of Connecticut, Mr. NEAL of Massachusetts, and Mr. EMANUEL):

H.R. 746. A bill to require Congress to impose limits on United States foreign debt; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself, Mr. MCHUGH, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. LIPINSKI, Mr. HINOJOSA, Mr. CROWLEY, Mrs. CHRISTENSEN, Mr. MOORE of Kansas, and Mr. MILLER of North Carolina):

H.R. 747. A bill to amend title XI of the Social Security Act to achieve a national health information infrastructure, and to amend the Internal Revenue Code of 1986 to establish a refundable credit for expenditures of health care providers implementing such infrastructure; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. PITTS, Mr. SHIMKUS, Mr. MCCAUL of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. ROGERS of Michigan, Mr. MCCOTTER, Mr. TERRY, Mr. WICKER, Mr. BAKER, Mr. WAMP, Mr. HAYES, Mr. TANCREDO, Mr. CHABOT, Mr. KING of Iowa, Mr. AKIN, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Ms. HART, Mr. HAYWORTH, Mr. OBERSTAR, Mr. TAYLOR of North Carolina, Mr. PLATTS, Mrs. BLACKBURN, Mr. CANTOR, Mr. SMITH of New Jersey, Mr. BERRY, Mrs. NORTHUP, Mr. WILSON of South Carolina, Mr. MARIO

DIAZ-BALART of Florida, Mr. GARRETT of New Jersey, Mrs. CUBIN, Mr. BUYER, Mr. MANZULLO, Mr. BLUNT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HYDE, Mr. MCHENRY, Mr. ROGERS of Alabama, Mr. RYUN of Kansas, Mr. STEARNS, Mr. DAVIS of Tennessee, Mr. TIAHRT, Mr. FERGUSON, Mr. EHLERS, Mr. JONES of North Carolina, Mr. FRANKS of Arizona, Mr. SOUDER, Ms. FOXX, Mr. WELDON of Florida, Mr. SESSIONS, Mr. STUPAK, Mr. BOEHNER, Mr. HUNTER, Mr. CHOCOLA, Mr. HOSTETTLER, Mrs. DRAKE, Mr. ALEXANDER, Mr. HOEKSTRA, Mr. BRADY of Texas, Mr. DAVIS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. MARSHALL, Mr. ADERHOLT, Mr. KENNEDY of Minnesota, Mr. FORBES, Mr. PETERSON of Pennsylvania, Mr. KING of New York, Mr. BURTON of Indiana, Mr. DELAY, Mr. GREEN of Wisconsin, Mr. LATHAM, Mr. PETERSON of Minnesota, Mr. RENZI, Mr. CUNNINGHAM, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mrs. MUSGRAVE, Mr. MCCRERY, Mr. ROGERS of Kentucky, Mr. PENCE, Mr. BACHUS, Mr. COSTELLO, Mrs. MYRICK, Mr. BOOZMAN, Mr. BARRETT of South Carolina, Mr. GOODLATTE, Mr. PORTMAN, Mr. BARTLETT of Maryland, Mr. PUTNAM, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. WESTMORELAND, Miss MCMORRIS, Mr. SHUSTER, Mr. DOOLITTLE, Mrs. EMERSON, Mr. INGLIS of South Carolina, Mr. GOODE, Mr. NEY, Mr. MCINTYRE, Mr. FOSSELLA, Mr. TIBERI, Mr. GUTKNECHT, and Mr. LAHOOD):

H.R. 748. A bill to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes; to the Committee on the Judiciary.

By Mr. GERLACH (for himself, Mr. SHERMAN, Mr. PAUL, Mr. LATOURETTE, Mr. KANJORSKI, and Mr. GUTIERREZ):

H.R. 749. A bill to amend the Federal Credit Union Act to provide expanded access for persons in the field of membership of a Federal credit union to money order, check cashing, and money transfer services; to the Committee on Financial Services.

By Mr. SHAW (for himself, Mr. LEWIS of Kentucky, and Mr. NORWOOD):

H.R. 750. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mr. CARDIN, Mr. STARK, Mr. BECERRA, and Mr. EMANUEL):

H.R. 751. A bill to reauthorize and improve the Temporary Assistance for Needy Families (TANF) Program by promoting work, family, and opportunity, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERRY (for himself, Ms. SCHAKOWSKY, Mr. ALLEN, Mr. HINCHEY, Mr. PALLONE, Ms. SOLIS, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. TAYLOR of Mississippi, Ms. LEE, Mr. SERRANO, Mr. STARK, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. REYES, Mr. DEFAZIO, Mr. WAXMAN, Mr. BOUCHER, Mr. ENGEL, Mr. GRIJALVA, Mr. ROSS, and Mr. UDALL of New Mexico):

H.R. 752. A bill to amend title XVIII of the Social Security Act to deliver a meaningful benefit and lower prescription drug prices under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADLEY of New Hampshire:

H.R. 753. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CALVERT:

H.R. 754. A bill to amend the Act of August 13, 1946, to raise the maximum amount that may be allotted by the Secretary of the Army for the construction of small shore and beach restoration and protection projects, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. COSTELLO (for himself, Mr. CALVERT, Mr. LIPINSKI, Mr. EHLERS, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WU, and Mr. MCNULTY):

H.R. 755. A bill to provide for the external regulation of nuclear safety and occupational safety and health responsibilities at any nonmilitary energy laboratory owned or operated by the Department of Energy; to the Committee on Science, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. GARRETT of New Jersey, Mr. PAUL, Mr. ROGERS of Alabama, Mr. CUNNINGHAM, Mr. SOUDER, Mr. MILLER of Florida, and Ms. HOOLEY):

H.R. 756. A bill to amend the Internal Revenue Code of 1986 to exclude from income taxation all compensation received for active service as a member of the Armed Forces of the United States; to the Committee on Ways and Means.

By Mr. DINGELL:

H.R. 757. A bill to amend the Federal Water Pollution Control Act to increase certain criminal penalties, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS (for himself, Mr. SMITH of Washington, Mrs. TAUSCHER, and Mr. WELDON of Florida):

H.R. 758. A bill to establish an interagency aerospace revitalization task force to develop a national strategy for aerospace workforce recruitment, training, and cultivation; to the Committee on Education and the Workforce.

By Mr. GILCHREST (for himself, Mr. OLVER, Mr. SHAYS, Mr. VAN HOLLEN, Mr. BOEHLERT, Mr. INSLEE, Mrs. KELLY, Ms. SOLIS, Mr. EHLERS, Mr. WAXMAN, Mr. CASTLE, Mr. MENENDEZ, Mr. PETRI, Mr. FORD, Mr. LEACH, Mr. UDALL of Colorado, Mr. SAXTON, Ms. SLAUGHTER, Mr. WELDON of Pennsylvania, Mr. MARKEY, Mr. WALSH, Ms. MCCOLLUM of Minnesota, Mrs. JOHNSON of Connecticut, Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. GEORGE MILLER of California):

H.R. 759. A bill to provide for a program of scientific research on abrupt climate change, to accelerate the reduction of greenhouse gas emissions in the United States by establishing a market-driven system of greenhouse gas tradeable allowances that will limit greenhouse gas emissions in the United States, reduce dependence upon foreign oil, and ensure benefits to consumers from the trading in such allowances, and for other purposes; to the Committee on Science, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 760. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Resources.

By Mr. HINOJOSA (for himself, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. BERMAN, Mrs. WILSON of New Mexico, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. FILNER, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. RANGEL, Mrs. MCCARTHY, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Mr. OWENS, Ms. LEE, Mr. GONZALEZ, Mr. KUCINICH, Ms. ROYBAL-ALLARD, Ms. WATSON, Ms. VELÁZQUEZ, Mr. ETHERIDGE, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. ANDREWS, Mr. BECERRA, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, Mr. CARDOZA, Ms. MCCOLLUM of Minnesota, Mr. REYES, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. PALLONE, Mr. FORTUÑO, Mr. UDALL of New Mexico, Mr. SHERMAN, Mr. HASTINGS of Florida, Ms. WATERS, Mr. KILDEE, Mr. CROWLEY, Mr. WEXLER, Mr. NADLER, Mr. SERRANO, Mr. FATTAH, Mr. RUSH, Mr. HOLT, Mr. DAVIS of Illinois, Ms. MILLENDER-MCDONALD, Mr. BACA, Ms. ZOE LOFGREN of California, Ms. LORETTA SANCHEZ of California, Ms. WOOLSEY, Mr. PASTOR, Mr. HOYER, Mr. DOGGETT, Mr. PAYNE, Mr. WU, Mr. GEORGE MILLER of California, Ms. SOLIS, Mr. CASE, Mr. SALAZAR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. MARIO DIAZ-BALART of Florida, Mrs. LOWEY, Mr. TIBERI, Mr. TOWNS, Mr. PEARCE, Mr. BOSWELL, Mr. DAVIS of Florida, Mrs. CAPPS, Mrs. JONES of Ohio, Mr. CONYERS, Mr. BISHOP of New York, Mr. MEEK of Florida, Mr. FARR, Mr. BONILLA, and Mr. MORAN of Virginia):

H.R. 761. A bill to expand and enhance post-baccalaureate opportunities at Hispanic-Serving Institutions, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOLT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. HINCHEY, Mr. MCHUGH, Mr. MARKEY, Mr. SWEENEY, and Mr. SOUDER):

H.R. 762. A bill to direct the Secretary of the Treasury to mint coins in commemoration of the battlefields of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT (for himself, Mrs. JO ANN DAVIS of Virginia, Mr. HINCHEY, Mr. MCHUGH, Mr. MARKEY, Mr. SWEENEY, and Mr. SOUDER):

H.R. 763. A bill to amend the American Battlefield Protection Act of 1996 to establish a battlefield acquisition grant program for the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812, and for other purposes; to the Committee on Resources.

By Mrs. KELLY:

H.R. 764. A bill to require the Attorney General to establish a Federal register of cases of child abuse or neglect; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota (for himself, Mr. LIPINSKI, Mr. AKIN, Mr. BRADLEY of New Hampshire, Mr. CHOCOLA, Mr. MARIO DIAZ-BALART of Florida, Mr. FLAKE, Mr. HAYES, Mr. JOHNSON of Illinois, Mr. KLINE, Mr. MCCOTTER, Mr. MCHUGH, Mr. NEUGEBAUER, Mr. NORWOOD, Mr. PLATTS, Mr. SENSENBRENNER, Mr. SESSIONS, Mrs. JO ANN DAVIS of Virginia, and Mr. NEY):

H.R. 765. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and to establish State health insurance safety-net programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLINE (for himself, Mr. SOUDER, Mr. MCHENRY, Mr. BARTLETT of Maryland, Mr. TANCREDO, Mr. GARRETT of New Jersey, Mr. POE, Mr. AKIN, Mr. HERGER, Mr. PENCE, Mr. GRAVES, and Mr. HENSARLING):

H.R. 766. A bill to require the Secretary of the Treasury to redesign the face of $50 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. LAHOOD (for himself, Mr. JACKSON of Illinois, Mr. HASTERT, Mr. EMANUEL, Mr. DAVIS of Illinois, Ms. BEAN, Mr. KIRK, Mr. COSTELLO, Mrs. BIGGERT, Mr. SHIMKUS, Mr. LIPINSKI, Mr. MANZULLO, Mr. WELLER, Mr. EVANS, Mr. HYDE, Ms. SCHAKOWSKY, Mr. RUSH, Mr. JOHNSON of Illinois, and Mr. GUTIERREZ):

H.R. 767. A bill to provide for the redesign of the reverse of the Lincoln 1-cent coin in 2009 in commemoration of the 200th anniversary of the birth of President Abraham Lincoln; to the Committee on Financial Services.

By Ms. LEE (for herself, Ms. WOOLSEY, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. BAIRD, Ms. BALDWIN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Ms. CARSON, Mrs. CHRISTENSEN, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Mr. DICKS, Ms. ESHOO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HOLT, Mr. INSLEE, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANTOS, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUSH, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mr. UDALL of Colorado, Ms. WATSON, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, and Mr. WYNN):

H.R. 768. A bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEVIN (for himself, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. SIMMONS, Mr. HINCHEY, Mr. PAYNE, Mr. MEEHAN, Mr. ENGEL, Mr. CROWLEY, Ms. NORTON, Mr. WEXLER, Ms. SLAUGHTER, and Mr. WELDON of Pennsylvania):

H.R. 769. A bill to amend title 36, United States Code, to grant a Federal charter to the Ukrainian American Veterans, Incorporated; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself and Mr. CLAY):

H.R. 770. A bill to require the annual poverty estimate and the National Assessment of Educational Progress to be subject to certain guidance on the release of information to the public; to the Committee on Education and the Workforce.

By Mr. MARKEY (for himself, Mr. EVANS, Mr. DICKS, Mr. DELAHUNT, Mr. KILDEE, Mr. BACA, Mrs. MALONEY, Mr. SANDERS, Mr. BOUCHER, Mr. MEEHAN, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. HOLT, Mr. WYNN, Mr. KUCINICH, Mr. TOWNS, Mr. PALLONE, Mr. FRANK of Massachusetts, Mr. BISHOP of Georgia, Mr. OWENS, Ms. WOOLSEY, Mrs. JONES of Ohio, and Mr. HONDA):

H.R. 771. A bill to amend title 37, United States Code, to require that a member of the uniformed services who is wounded or otherwise injured while serving in a combat zone continue to be paid monthly military pay and allowances, while the member recovers from the wound or injury, at least equal to the monthly military pay and allowances the member received immediately before receiving the wound or injury, to continue the combat zone tax exclusion for the member during the recovery period, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON (for himself and Mrs. WILSON of New Mexico):

H.R. 772. A bill to amend title 38, United States Code, to provide entitlement to educational assistance under the Montgomery GI Bill for members of the Selected Reserve who aggregate more than 2 years of active duty service in any five year period, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON:

H.R. 773. A bill to discourage frivolous, vexatious, or objectively baseless lawsuits; to the Committee on Education and the Workforce.

By Mrs. MUSGRAVE (for herself and Mr. UDALL of Colorado):

H.R. 774. A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Mr. OSBORNE (for himself, Mr. GREEN of Wisconsin, Mr. HOSTETTLER, Mr. PAUL, Mr. SKELTON, Mr. WAMP, and Mr. POMEROY):

H.R. 775. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. GARRETT of New Jersey, and Mr. BARTLETT of Maryland):

H.R. 776. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. BARTLETT of Maryland):

H.R. 777. A bill to prohibit any Federal official from expending any Federal funds for any population control or population planning program or any family planning activity; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM:

H.R. 778. A bill to amend the Head Start Act to provide greater accountability for Head Start agencies; to the Committee on Education and the Workforce.

By Mr. RADANOVICH:

H.R. 779. A bill to provide for a study of the potential for increasing hydroelectric power production at existing Federal facilities, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUPPERSBERGER:

H.R. 780. A bill to amend section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 to provide for assured funding for more Border Patrol agents; to the Committee on Homeland Security.

By Mr. RYUN of Kansas:

H.R. 781. A bill to direct the Secretary of the Army to convey to the Geary County Fire Department certain land in the State of Kansas; to the Committee on Transportation and Infrastructure.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. CUMMINGS, Mr. CONYERS, Mr. SCHIFF, Ms. MILLENDER-MCDONALD, Mr. SERRANO, Mr. KILDEE, Mr. ABERCROMBIE, and Mr. WEXLER):

H.R. 782. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture.

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. BILIRAKIS, Mr. BOYD, Mr. BURTON of Indiana, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DELAHUNT, Mr. ETHERIDGE, Mr. HOLDEN, Mr. LAHOOD, Mr. LOBIONDO, Mr. MATHESON, Mr. MCDERMOTT, Mr. MICHAUD, Mr. SMITH of Washington, Mr. STRICKLAND, Mr. VAN HOLLEN, Ms. WOOLSEY, Mr. BAKER, Mr. BERRY, Mr. BISHOP of Utah, Mr. BOOZMAN, Mrs. CAPPS, Mr. FOLEY, Mr. GOODE, Mr. HAYES, Ms. HERSETH, Mr. HOLT, Ms. HOOLEY, Mr. KIND, Mr. LEWIS of Kentucky, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. MCGOVERN, Mr.

MOORE of Kansas, Mr. MORAN of Kansas, Mr. OSBORNE, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. SIMMONS, Mr. SMITH of New Jersey, and Mr. UDALL of Colorado):

H.R. 783. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. SIMPSON (for himself, Mr. OTTER, and Mr. JENKINS):

H.R. 784. A bill to clarify that service marks, collective marks, and certification marks are entitled to the same protections, rights, and privileges of trademarks; to the Committee on the Judiciary.

By Mr. STEARNS:

H.R. 785. A bill to coordinate cargo theft crime data collection and to amend title 18, United States Code, to make improvements relating to cargo theft prevention, and for other purposes; to the Committee on the Judiciary.

By Mr. TERRY:

H.R. 786. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. DOOLITTLE):

H.R. 787. A bill to designate the United States courthouse located at 501 I Street in Sacramento, California, as the ''Robert T. Matsui United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 788. A bill to provide permanent funding for the payment in lieu of taxes program, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. STUPAK, Mr. DINGELL, Mr. ROGERS of Michigan, Mr. KILDEE, Mr. LEVIN, Mr. MCCOTTER, and Mr. SCHWARZ of Michigan):

H. Con. Res. 53. Concurrent resolution expressing the sense of the Congress regarding the issuance of the 500,000th design patent by the United States Patent and Trademark Office; to the Committee on the Judiciary.

By Mr. CLAY:

H. Con. Res. 54. Concurrent resolution expressing the sense of the Congress that comprehensive fiduciary standards should be included in any legislation providing for individual accounts as part of, or supplemental to, Social Security; to the Committee on Ways and Means.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 55. Concurrent resolution honoring the flight crew members lost during the terrorist attacks against the United States on September 11, 2001; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself, Mrs. JO ANN DAVIS of Virginia, and Mr. DUNCAN):

H. Con. Res. 56. Concurrent resolution expressing the sense of the Congress that the United States should not ratify the Law of the Sea Treaty; to the Committee on International Relations.

By Mr. KNOLLENBERG:

H. Res. 84. A resolution providing that the Department of Commerce and the International Trade Commission should, in conducting 5-year sunset reviews of antidumping or countervailing duties on steel products, take into account, and report on, the impact of such duties on steel-consuming manufacturers and the overall economy; to the Committee on Ways and Means.

By Mr. KIND (for himself, Mr. KINGSTON, Mr. MCNULTY, Mr. FOLEY, and Mr. DENT):

H. Res. 85. A resolution supporting the goals and ideals of ''National MPS Day''; to the Committee on Government Reform.

By Mr. FRANK of Massachusetts (for himself, Mr. BRADLEY of New Hampshire, Mr. ALLEN, Mr. BASS, Mr. CAPUANO, Mr. DELAHUNT, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LYNCH, Mr. MARKEY, Mr. MCGOVERN, Mr. MEEHAN, Mr. MICHAUD, Mr. NEAL of Massachusetts, Mr. OLVER, Mr. SHAYS, Mr. SIMMONS, and Mr. TIERNEY):

H. Res. 86. A resolution congratulating the New England Patriots for winning Super Bowl XXXIX; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KING of New York introduced a bill (H.R. 789) for the relief of Alemseghed Mussie Tesfamical; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Ms. HOOLEY.

H.R. 27: Mr. SESSIONS and Mr. BOUSTANY.

H.R. 32: Mr. HOSTETTLER, Mrs. MALONEY, and Mr. WEINER.

H.R. 34: Mr. EVANS, Mr. SHIMKUS, Mr. TANCREDO, Mr. OTTER, Mr. MACK, Mr. MILLER of Florida, Mr. REHBERG, Mrs. JO ANN DAVIS of Virginia, and Mr. TAYLOR of Mississippi.

H.R. 64: Mr. DANIEL E. LUNGREN of California.

H.R. 68: Mr. SHAW.

H.R. 111: Mr. EMANEUL, Mr. MCNULTY, Mr. PLATTS, Mr. CHABOT, Mr. HIGGINS, Mr. ORTIZ, Mr. COOPER, Mr. NUNES, Mr. REHBERG, and Mr. UDALL of Colorado.

H.R. 136: Mr. GARY G. MILLER of California, Mr. PLATTS, Mr. BILIRAKIS, and Mr. LAHOOD.

H.R. 187: Mr. PASTOR.

H.R. 213: Mr. STARK.

H.R. 224: Mr. LANGEVIN.

H.R. 269: Mr. PLATTS.

H.R. 283: Mr. OWENS, Mr. FRANK of Massachusetts, Mr. COSTELLO, Mr. KUCINICH, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. RUSH, Ms. MILLENDER-MCDONALD, Mr. PASTOR, and Ms. SLAUGHTER.

H.R. 284: Mr. COSTELLO.

H.R. 292: Mr. PETRI, Mr. TERRY, Mr. SMITH of Texas, Mr. ALLEN, Mr. THOMPSON of California, and Ms. HART.

H.R. 329: Mr. CULBERSON.

H.R. 331: Mr. POMEROY.

H.R. 358: Mr. BISHOP of New York, Mr. MILLER of Florida, Mr. WAXMAN, Mr. BUTTERFIELD, Mr. SCOTT of Georgia, Mr. BERMAN, Mr. MENENDEZ, Mr. WATT, Mr. ALLEN, Mr. SOUDER, Mr. THOMPSON of California, Mr. MORAN of Kansas, Mr. GILCHREST, Mr. JONES of North Carolina, Mr. CLAY, Mr. SMITH of New Jersey, Mr. HYDE, Mr. OSBORNE, Mrs. CUBIN, Mr. DOGGETT, Mr. RAHALL, and Mr. FARR.

H.R. 390: Ms. JACKSON-LEE of Texas, Mr. EVANS, Mr. GRIJALVA, Mr. MATHESON, and Mr. GONZALEZ.

H.R. 420: Mr. GUTKNECHT.

H.R. 458: Mr. GILLMOR, Mr. PICKERING, Mr. NEUGEBAUER, and Mr. ROGERS of Kentucky.

H.R. 516: Mr. KLINE, Mr. DAVIS of Kentucky, Mr. MACK, and Mrs. CAPITO.

H.R. 525: Mr. ROGERS of Kentucky, Mrs. CAPITO, Mr. HEFLEY, Mr. HENSARLING, and Mr. RADANOVICH.

H.R. 533: Mr. TIERNEY, Mr. GRIJALVA, and Mr. RANGEL.

H.R. 534: Mr. GUTKNECHT, Mrs. DRAKE, Mr. NUSSLE, and Mr. MACK.

H.R. 550: Mr. BLUMENAUER.

H.R. 558: Mr. FRANK of Massachusetts, Ms. HERSETH, Mr. PLATTS, and Mrs. CAPPS.

H.R. 562: Mr. HINCHEY, Mr. ENGEL, Mrs. LOWEY, Mr. KUCINICH, and Mr. HOLT.

H.R. 581: Mr. SMITH of Texas.

H.R. 583: Mr. PAYNE and Mr. LEACH.

H.R. 588: Mrs. MUSGRAVE, Ms. ROS-LEHTINEN, Ms. BERKLEY, and Mrs. LOWEY.

H.R. 591: Mrs. MCCARTHY, Mr. RENZI, Ms. FOXX, and Mr. WEXLER.

H.R. 592: Mr. FRANK of Massachusetts, Mr. MURTHA, Mr. HOLDEN, Mr. ENGLISH of Pennsylvania, Mr. OWENS, Mr. SWEENEY, and Mrs. LOWEY.

H.R. 601: Ms. MCCOLLUM of Minnesota, Ms. MILLENDER-MCDONALD, Mr. WEXLER, and Mr. HONDA.

H.R. 613: Mr. OSBORNE.

H.R. 615: Mr. BRADLEY of New Hampshire, Mr. NEY, Mr. PLATTS, Mr. LAHOOD, Mrs. JO ANN DAVIS of Virginia, Ms. GINNY BROWN-WAITE of Florida, Ms. ESHOO, and Mr. SHIMKUS.

H.R. 635: Ms. JACKSON-LEE of Texas.

H.R. 651: Mr. GRAVES.

H.R. 655: Mr. CROWLEY.

H.R. 668: Mr. GEORGE MILLER of California, and Mr. OWENS.

H.R. 682: Mr. CANNON, Mrs. KELLY, and Mr. MACK.

H.R. 688: Mr. GOODE.

H.R. 712: Mr. GARRETT of New Jersey, Mr. TANCREDO, Ms. GINNY BROWN-WAITE, and Mr. GOHMERT.

H.R. 722: Mr. FILNER.

H. Con. Res. 34: Ms. LINDA T. SÁNCHEZ of California, and Mr. PAYNE.

H. Con. Res. 42: Mr. OBERSTAR.

H. Con. Res. 45: Mr. HOLT, Mr. PAYNE, Mrs. MCCARTHY, Mr. TANNER, Mrs. JONES of Ohio, Mr. FORD, Mr. HOLDEN, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. SCHIFF, and Mr. DAVIS of Tennessee.

H. Con. Res. 52: Mr. FORBES, Mr. RENZI, and Mr. DOOLITTLE.

H. Res. 16: Mr. STRICKLAND.

H. Res. 22: Mr. MACK.

H. Res. 41: Mr. THOMPSON of California.

H. Res. 70: Mr. WYNN, Ms. KILPATRICK of Michigan, Mr. PAYNE, Mr. OSBORNE, and Mr. HOLDEN.