

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING FURTHER PROCEEDINGS TODAY

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that, during further proceedings today, the Chair be authorized to reduce to 2 minutes the minimum time for electronic voting on any question that otherwise could be subjected to 5-minute voting under clause 8 or 9 of rule XX.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2048

Mr. ROTHMAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2048.

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

There was no objection.

IMMIGRATION LAW ENFORCEMENT ACT OF 2006

Mr. SENSENBRENNER. Mr. Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6095) to affirm the inherent authority of State and local law enforcement to assist in the enforcement of immigration laws, to provide for effective prosecution of alien smugglers, and to reform immigration litigation procedures, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6095

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Immigration Law Enforcement Act of 2006".

TITLE I—STATE AND LOCAL LAW ENFORCEMENT COOPERATION IN THE ENFORCEMENT OF IMMIGRATION LAW ACT

SEC. 101. FEDERAL AFFIRMATION OF ASSISTANCE IN IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

(a) IN GENERAL.—Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purposes of assisting in the enforcement of the immigration laws of the United States in the course of carrying out routine duties. This State authority has never been displaced or preempted by Congress.

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

TITLE II—ALIEN SMUGGLER PROSECUTION ACT

SEC. 201. EFFECTIVE PROSECUTION OF ALIEN SMUGGLERS.

(a) FINDINGS.—The Congress finds as follows:

(1) Recent experience shows that alien smuggling is flourishing, is increasingly violent, and is highly profitable.

(2) Alien smuggling operations also present terrorist and criminal organizations with opportunities for smuggling their members into the United States practically at will.

(3) Alien smuggling is a lucrative business. Each year, criminal organizations that smuggle or traffic in persons are estimated to generate \$9,500,000,000 in revenue worldwide.

(4) Alien smuggling frequently involves dangerous and inhumane conditions for smuggled aliens. Migrants are frequently abused or exploited, both during their journey and upon reaching the United States. Consequently, aliens smuggled into the United States are at significant risk of physical injury, abuse, and death.

(5) Notwithstanding that alien smuggling poses a risk to the United States as a whole, uniform guidelines for the prosecution of smuggling offenses are not employed by the various United States attorneys. Understanding that border-area United States attorneys face an overwhelming workload, a lack of sufficient prosecutions by certain United States attorneys has encouraged additional smuggling, and demoralized Border Patrol officers charged with enforcing our anti-smuggling laws.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Attorney General should adopt, not later than 3 months after the date of the enactment of this Act, uniform guidelines for the prosecution of smuggling offenses to be followed by each United States attorney in the United States.

(c) ADDITIONAL PERSONNEL.—In each of the fiscal years 2008 through 2013, the Attorney General shall, subject to the availability of appropriations, increase by not less than 20 the number of attorneys in the offices of United States attorneys employed to prosecute cases under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324), as compared to the previous fiscal year.

TITLE III—ENDING CATCH AND RELEASE ACT OF 2006

SEC. 301. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) REQUIREMENTS FOR AN ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a court determines that prospective relief should be ordered against the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) adopt the least intrusive means to correct the violation of law;

(C) minimize, to the greatest extent practicable, the adverse impact on national security, border security, immigration administration and enforcement, and public safety; and

(D) provide for the expiration of the relief on a specific date, which is not later than the earliest date necessary for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—The requirements described in paragraph (1) shall be discussed and explained in writing in the order granting prospective relief and must be suffi-

ciently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court—

(A) makes the findings required under paragraph (1) for the entry of permanent prospective relief; and

(B) makes the order final before expiration of such 90-day period.

(4) REQUIREMENTS FOR ORDER DENYING MOTION.—This subsection shall apply to any order denying the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(b) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on the Government's motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—The Government's motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court, for good cause, may postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) ORDERS BLOCKING AUTOMATIC STAYS.—Any order staying, suspending, delaying, or otherwise barring the effective date of the automatic stay described in subparagraph (A), other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be—

(i) treated as an order refusing to vacate, modify, dissolve or otherwise terminate an injunction; and

(ii) immediately appealable under section 1292(a)(1) of title 28, United States Code.

(c) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court may not enter, approve, or continue a consent decree that does not comply with subsection (a).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with subsection (a) if the terms of that agreement are not subject to court enforcement other than reinstatement of the civil proceedings that the agreement settled.

(d) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion considered under this section.

(e) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree"—

(A) means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties; and

(B) does not include private settlements.

(2) **GOOD CAUSE.**—The term “good cause” does not include discovery or congestion of the court’s calendar.

(3) **GOVERNMENT.**—The term “Government” means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) **PERMANENT RELIEF.**—The term “permanent relief” means relief issued in connection with a final decision of a court.

(5) **PRIVATE SETTLEMENT AGREEMENT.**—The term “private settlement agreement” means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil action that the agreement settled.

(6) **PROSPECTIVE RELIEF.**—The term “prospective relief” means temporary, preliminary, or permanent relief other than compensatory monetary damages.

SEC. 302. EFFECTIVE DATE.

(a) **IN GENERAL.**—This title shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(b) **PENDING MOTIONS.**—Every motion to vacate, modify, dissolve or otherwise terminate an order granting prospective relief in any such action, which motion is pending on the date of the enactment of this Act, shall be treated as if it had been filed on such date of enactment.

(c) **AUTOMATIC STAY FOR PENDING MOTIONS.**—

(1) **IN GENERAL.**—An automatic stay with respect to the prospective relief that is the subject of a motion described in subsection (b) shall take effect without further order of the court on the date which is 10 days after the date of the enactment of this Act if the motion—

(A) was pending for 45 days as of the date of the enactment of this Act; and

(B) is still pending on the date which is 10 days after such date of enactment.

(2) **DURATION OF AUTOMATIC STAY.**—An automatic stay that takes effect under paragraph (1) shall continue until the court enters an order granting or denying the Government’s motion under section 301(b). There shall be no further postponement of the automatic stay with respect to any such pending motion under section 301(b)(2). Any order, staying, suspending, delaying or otherwise barring the effective date of this automatic stay with respect to pending motions described in subsection (b) shall be an order blocking an automatic stay subject to immediate appeal under section 301(b)(2)(D).

The **SPEAKER** pro tempore. Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. **SENSENBRENNER**) and the gentleman from Michigan (Mr. **CONYERS**) each will control 30 minutes.

GENERAL LEAVE

Mr. **SENSENBRENNER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 6095 currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 6095, the Immigration Law Enforcement Act of 2006, which will allow Federal, State, and local law enforcement officers to more effectively enforce our immigration laws along the border and in the interior of the United States.

Title I of the legislation is based on an amendment to H.R. 4437 offered by the gentleman from Georgia (Mr. **NORWOOD**). The title reaffirms the inherent authority of State and local law enforcement to voluntarily, and I emphasize the word “voluntarily,” assist in the enforcement of U.S. immigration laws. Many local and State law enforcement officers are eager to assist in the enforcement of our immigration laws to protect their communities and serve as a valuable force multiplier to overburdened Department of Homeland Security officers. We should provide them with the clear authority they seek rather than placing obstacles in their way.

Title II of the bill contains the Alien Smuggler Prosecution Act. Currently, the various United States Attorney offices do not use uniform guidelines to prosecute smuggling offenses. While border area U.S. Attorneys face a heavy workload, a lack of sufficient smuggling prosecutions in some areas has become a serious problem. This has encouraged additional smuggling and demoralized Border Patrol and DHS agents who have seen many of the smugglers they have apprehended released.

This title contains a sense of Congress that the Attorney General should adopt uniform guidelines for the prosecution of smuggling offenses by each U.S. Attorney’s office and authorizes an increase in the number of attorneys in U.S. Attorneys’ offices to prosecute such cases. The bill requires an increase of not less than 20 new attorneys over the previous years’ level in each of fiscal years 2008 to 2013, to affirm the urgency of prosecuting the alien smugglers who prey on the most vulnerable.

Title III provides for ending the Catch and Release Act. DHS is subject to Federal court injunctions entered as much as 30 years ago that impact its ability to enforce immigration laws. For instance, one injunction dating from the El Salvadoran civil war of the 1980s effectively prevents DHS from placing Salvadorans in expedited removal proceedings. DHS is using expedited removal to expeditiously remove other non-Mexican illegal immigrants who are apprehended along the southern border in order to end the policy of catch and release, but not Salvadorans.

Under the catch and release policy, non-Mexican illegal aliens picked up by the Border Patrol were simply released into our communities and told to show up months later for removal hearings. They almost never attended. Catch and release made a mockery of border enforcement and has terribly demoralized Border Patrol agents.

Mr. Speaker, this provides law enforcement agencies at all levels of government with the clear authority to help ensure the integrity and enforceability of our Nation’s immigration laws.

I urge my colleagues to support the bill.

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

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

Today, my colleagues, we are going through an exercise to convince the American people that now is the time for comprehensive reform, a week before recess, with continued disagreement between the House, the Senate, and the administration, and with narrowly repackaged bills.

These bills, and this one before us introduced just 2 days ago, are substantively flawed and do not provide for comprehensive reform.

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H.R. 6095 is touted as a law enforcement bill, but it is opposed by our State and local law enforcement officials.

Mr. Speaker, I include for the **RECORD** the comments of law enforcement associations and departments, police chiefs, sheriff associations, department heads across this country, and other law enforcement individuals to demonstrate how the policy is considered dangerous in this proposal.

This bill, opposed by State and local law enforcement raises the question: Why would they be opposed to a bill in which they are being invited in to take over some national law enforcement responsibilities?

Well, it is because it will strain the relationship between the police and immigrants and citizens. It will obstruct police in their mission of keeping our streets safe. Essentially the bill is asking the State and local police to pick up the slack for the Federal Government.

Now, title II of this same measure, the Alien Smuggler Prosecution Act, should really be examined carefully. Increasing resources for alien smuggling prosecution is quite appropriate; however, this bill will not decrease immigrant smuggling, and it will not resolve any of the fundamental flaws in our immigration system. The bill has nothing to do with the practice known as “catch and release” which has been referred to already. This proposal does little more than tie the hands of courts in immigration cases. Judges will be burdened with new requirements, and other civil cases will be denied their day in court.

Just like the field hearings between the bills passed in the House and the immigration bills passed in the Senate, today’s bills are clearly meant to distract the American public. Too bad, though, this country has already gotten wise to the smoke-and-mirrors show. Americans want comprehensive immigration reform and secure borders, and once again this body is failing to deliver.

PROPOSALS TO EXPAND THE IMMIGRATION AUTHORITY OF STATE AND LOCAL POLICE—DANGEROUS PUBLIC POLICY ACCORDING TO LAW ENFORCEMENT, GOVERNMENTS, OPINION LEADERS, AND COMMUNITIES
LAW ENFORCEMENT ASSOCIATIONS AND DEPARTMENTS

International Association of Chiefs of Police, President Joseph Estey—"Many leaders in the law enforcement community have serious concerns about the chilling effect any measure of this nature would have on legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. This lack of cooperation could diminish the ability of law enforcement agencies to police effectively their communities and protect the public they serve." (IACP press release, 12/1/2004)

International Association of Chiefs of Police, Legislative Counsel Gene Voegtlin—"A key concern is that state and local enforcement involvement in immigration can have a chilling effect on the relationship with the immigrant community in their jurisdiction." ("Cities and States Take on Difficult Duty of Handling Undocumented Workers," *The Wall Street Journal*, 2/2/2006)

Major Cities Chiefs Association—"Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts." (Immigration Committee Recommendations for Enforcement of Immigration Laws By Local Police Agencies, adopted June 2006)

California State Sheriffs' Association, President Bruce Mix—"CSSA is concerned that the proposed CLEAR Act will undermine our primary mission of protecting the public. In order for local and state law enforcement associations to be effective partners with their communities, we believe it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status." (letter to Senator Feinstein, 3/10/2004)

California Police Chiefs Association, President Rick TerBorch—"It is the strong opinion of the California Police Chiefs' Association that in order for local and state law enforcement organizations to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration status." (letter to Senator Feinstein, 9/19/2003)

Connecticut Police Chiefs' Association, President James Strillacci—"We rely on people's cooperation as we enforce the law in those communities. With this [legislation], there's no protection for them." ("Mayor asks for federal help," *Danbury News-Times*, 3/26/2004)

El Paso (TX) Municipal Police Officers' Association, President Chris McGill—"From a law-enforcement point of view, I don't know how productive it would be to have police officers ask for green cards. It's more important that people feel confident calling the police." ("Immigration proposal puts burden on police," *El Paso Times*, 10/9/2003)

Virginia Association of Chiefs of Police, Executive Director Dana Schrad—"There's a real concern among [the immigrant community] that [a new Virginia law] means police are going to sweep through neighborhoods and pick up anyone with immigration violations and deport them; that isn't true. We are concerned we'll lose cooperation of law-abiding residents who have helped solve crimes." ("Some Immigrants Can Be Held For Up To Three Days," *Daily News-Record*, 6/30/2004)

Hispanic American Police Command Officers Association, National President Elvin Crespo—"The CLEAR Act jeopardizes public safety, it undermines local police roles in enhancing national security, it undermines federal law Enforcement priorities, it piles more onto state and local police officers' already full platters, it bullies and burdens state and local governments, it is unnecessary law-making and most significantly, it forgets the important fact that you can't tell by looking who is legal and who isn't." (letter to National Council of La Raza, 10/21/2003)

National Latino Peace Officers Association, Founder Vicente Calderon—"The role of police is to protect and serve. Clear Law Enforcement for Criminal Alien Removal [CLEAR Act] will greatly contribute toward hindering police from accomplishing these goals." (letter to National Council of La Raza, 10/16/2003)

Federal Hispanic Law Enforcement Officers Association, National President Sandalio Gonzalez—"The CLEAR Act bullies and burdens State and Local governments by coercing them into participating, even though it means burdensome new reporting and custody requirements, because failure to do so means further loss of already scarce federal dollars." (letter to President Bush and Congress, 9/30/2003)

Costa Mesa (CA) Police Department, Chief John Hensley—"We're not going to be doing sweeps. We're not going to be squeezing employers. We do not want to be the enemy of the immigrant community." ("City puts itself on immigration watch," *USA Today*, 1/26/2006)

West Palm Beach (FL) Police Department, Officer Freddy Naranjo—"The major thing is to come out and report these crimes, not hold back." ("Here Illegally, Guatemalans Are Prime Targets of Crime," *New York Times*, 8/27/2006)

Phoenix (AZ) Police Department, Sergeant Andy Hill—"As we move out deeper into the community, especially with reaching out to the Spanish-speaking community, we believe there may be other victims out there that haven't come forward," Hill said. "We want that information. We need that information. There will not be sanctions to victims who come forward as far as their status in this community other than the fact that they are victims." ("Police want Spanish speakers' help in serial killer search," *Associated Press*, 7/27/2006)

Phoenix (AZ) Police Department, Chief Jack Harris—"There are a lot of folks here in the Valley that may have limited English skills, and they can still very much be witnesses or know something about these crimes, so we want to step forward and go out to that community and seek their assistance." ("Police want Spanish speakers' help in serial killer search," *Associated Press*, 7/27/2006)

Fresno (CA) Police Department, Captain Pat Farmer—"Sometimes folks are here illegally, and they're the victim of a crime. We want them to call us. If someone is a witness, we want them to trust us. [A month earlier, after a shooting outside a convenience store] there were numerous witnesses, a lot of folks who were probably illegal. It was critical that they talk to our detectives." ("Shift Work: Should policing illegal immigration fall to nurses and teachers?" *Washington Monthly*, April 2006)

Fairfax County (VA) Police Department, Spokesman Jon Fleischman—"Our job is to protect people. And I'm concerned that people who are victims of a crime, whether citizens or not, are not calling us because they're afraid we're going to check [legal] status only." ("Va. Police Back off Immigration Enforcement," *Washington Post*, 6/6/2005)

Gilroy (CA) Police Department, Assistant Chief Lanny Brown—"We're not going out and doing sweeps for illegal immigrants or anything like that, because we don't believe that's the right thing to do. But it sure makes sense to us if people are here—committing crimes, convicted of crimes, and are here illegally—to turn them over to ICE so they can be deported." ("Immigration Officials Ask for Police Assistance," *The Gilroy Dispatch* (CA), 9/12/2005)

Princeton (NJ) Police Department, Chief Anthony V. Federico—"Local police agencies depend on the cooperation of immigrants, legal and illegal, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families." ("State orders cops to help U.S. immigration agents," *The Record*, 9/20/2005)

El Paso (TX) Police Department, Chief Richard Wiles—"There is no way that we would be able to take any time away from an officer's busy day to enforce immigration laws." ("EP chief opposes bill to let police go after immigrants," *El Paso Times*, 10/6/2005)

San Diego (CA) Police Department, Chief William Lansdowne—"The only time we work with the Border Patrol is if there is a criminal nexus." (Police Chief William Lansdowne, "Local Police, U.S. Agents Differ on Raids," *Los Angeles Times*, 6/6/2005)

Muscataine (IA) Police Department, Chief Gary Coderoni—"These proposals are unnecessary, and counterproductive to the public safety of our city residents. They will place an added burden in our department and instill fear and non-cooperation in the community." (letter to Congress, 6/2004)

Nashville (TN) Metropolitan Police Department, Chief Ronal Serpas—"With great respect and deference to our federal partners, we are not the INS (Immigration and Naturalization Service). As long as I am chief of the Nashville police department, I'm going to be steadfastly against police being INS agents. It's just not our job." ("Hispanics press police for more help," *Tennessean*, 2/24/2004)

Boston (MA) Police Department, Commissioner Paul Evans—"The Boston Police Department, as well as state and local police departments across the nation have worked diligently to gain the trust of immigrant residents and convince them that it is safe to contact and work with police. By turning all police officers into immigration agents, the CLEAR Act will discourage immigrants from coming forward to report crimes and suspicious activity, making our streets less safe as a result." (letter to Senator Kennedy, 9/30/2003)

Arlington County (VA) Police Department, Spokesman Matt Martin—" [A] very likely outcome of local enforcement of immigration laws is] an entire segment of the population shutting down because they are afraid of you. And what you create is a group of people who's ripe for additional victimization." ("Some Laborers Arrested In Va. Face Deportation," *Washington Post*, 10/27/2004)

Dearborn (MI) Police Department, Chief Timothy Strutz—"In my opinion, the best way to fight criminals of all types, including terrorists, would be to have an excellent, trusting, working relationship with the community, with them being your eyes and ears. I think much of that important information would be stifled [if the CLEAR Act passed]." ("Metro police balk at plan to hunt illegal immigrants," *Detroit News*, 5/11/2004)

Seattle (WA) Police Department, Chief R. Gil Kerlikowske—"Traditionally we have seen that reporting of crime is much lower in

immigrant communities because many are leaving countries where the police cannot be trusted for good reason. Adding the fear of arrest or deportation to this could have a tremendous impact on the rate of reporting. At a time when trusting relationships between immigrant communities and the police are vital, the CLEAR Act would have just the opposite effect." (letter, 3/4/2004)

Clearwater (FL) Police Department, Chief Sid Klein—"It doesn't take very long for that open door of communication to be slammed shut. Then we in local law enforcement (pay the price)." ("Immigration duty a burden, police say," St. Petersburg Times, 7/19/2004)

Los Angeles County Sheriff's Department, Sheriff Leroy Baca—"I am responsible for the safety of one of the largest immigrant communities in this country. My Department prides itself in having a cooperative and open relationship with our immigrant community. [The CLEAR] act would undermine this relationship." (letter to Los Angeles County Neighborhood Legal Services, 10/6/2003)

Kansas City (KS) Police Department, Chief Ronald Miller—"Our Police Department has taken the lead in establishing a meaningful relationship with our minority communities, especially the Hispanic community. If the CLEAR Act becomes law, it will have a devastating effect on how we provide law enforcement/police service." (letter to Senators Brownback and Roberts, 11/19/2003)

Hillsborough (FL) Sheriff's Office, Spokesman Rod Reeder—"We obviously need [immigrants] to trust us. Our main focus is on the crime itself. We're not immigration experts." ("Immigration duty a burden, police say," St. Petersburg Times, 7/19/2004)

Montgomery County (MD) Police Department, Captain John Fitzgerald—"We absolutely do not enforce any immigration law. We encourage our residents to trust their police department regardless of their immigration status. We want them to know that if they are victims, we'll help them, and if they're witnesses, we need their help." ("Groups Fret Over Giving Police Immigration Control," Fox News Channel, 10/29/2003)

Tampa Police Department, Officer Brenda Canino-Fumero—"If the CLEAR Act passes, (immigrants) are not going to come to police and report anything." ("Immigration duty a burden, police say," St. Petersburg Times, 7/19/2004)

Lowell (MA) Police Department, Police Superintendent Edward Davis III—"If the CLEAR Act were passed into law, residents would be less likely to approach local law enforcement for fear of exposing themselves or their immigrant family members to deportation. This would make state and local law enforcement officers' jobs nearly impossible." (letter to Senator Kennedy, 3/9/2004)

Dearborn (MI) Police Department, Corporal Daniel Saab—"If the CLEAR Act passed people would not work with us. It would make it very hard for us to do our job." ("Metro police balk at plan to hunt illegal immigrants," Detroit News, 5/11/2004)

Ann Arbor (MI) Police Department, Chief Dan Oates—"I have a great deal of concern about altering hard-won relationships with immigrant communities. Having those communities think we are agents of the federal government—that can do real harm." ("Police could get more power," Detroit Free Press, 6/1/2004)

San Jose Police Department, Chief Rob Davis—"We have been fortunate enough to solve some terrible cases because of the willingness of illegal immigrants to step forward, and if they saw us as part of the immigration services, I just don't know if they'd do that anymore. That would affect our mission, which I thought was to protect and

serve our community." ("CLEAR Act puts cuffs on police; Giving them another duty, immigration enforcement, would make us all less safe," San Jose Mercury News editorial, 4/15/2004)

Hamtramck (MI) Police Department, Chief Jim Doyle—"It is important that people learn to trust us without looking over their shoulders and thinking, These are the guys that are going to deport us." ("Metro police balk at plan to hunt illegal immigrants," Detroit News, 5/11/2004)

Orange County (CA) Sheriff's Office, Assistant Sheriff George Jaramillo—"We wouldn't be interested in pulling people over and trying to figure out what their status is." ("Police May Join Hunt for Illegal Migrants; Advocates see a way to boost enforcement, but officers and civil rights groups fear abuses," Los Angeles Times, 11/11/2003)

Bexar County (TX) Sheriff's Office, Sheriff Ralph Lopez—"I'm totally against [the CLEAR Act]. It plays the race card, and from that perspective it is just a bad act. We will not go out and create probable cause just because we think this person, who is dark-complected or speaks with an accent or dresses different, should be automatically questioned about their legal status. That is a total violation of due process." ("Politicians are using fear to push through the CLEAR Act, one of the most sinister changes in immigration policy," The San Antonio Current, 12/11/2003)

Overland Park (KS) Police Department, Chief John Douglass—"The CLEAR Act would be a detriment to all who live, work, and visit Overland Park. We want all to know that the police are available to protect them no matter whom they are or where they come from." (letter to Representative Moore, 10/29/2003)

Portland (ME) Police Department, Chief Michael Chitwood—"As Police Chief of Portland, Maine and someone who has been involved in law enforcement for nearly forty years, I can tell you with certainty that the CLEAR Act is a bad idea." (letter to Congress, 11/11/2003)

St. Paul (MN) Police Department, Chief William Finney—"How am I supposed to decide as a police officer who I should ask for papers? Well can't you look at them and tell you should be asking them for papers? No, I can't! . . . So I'd just have to ask everybody. All the 'real Americans' would be very offended, because they've got First Amendment rights. But people that are brand new here don't. Well, that's not what the Constitution says; everybody in this country's got First Amendment rights." ("This is your ministry," Minnesota Spokesman-Recorder, 12/11/2003)

Los Angeles Police Commission, President David S. Cunningham III—"There are safety mechanisms in place for deporting people who are criminally inclined. In the end, the policy position on Special Order 40 is that we are a nation of immigrants and we don't want to dissuade them from having contact with police." ("Is L.A. soft on illegals?" Los Angeles Daily News, 11/15/2003)

Lenexa (KS) Police Department, Chief Ellen T. Hanson—"We are, like many jurisdictions across the country, short on resources and manpower and struggling to meet our citizen's service demands. This mandate will magnify that problem and force us to make cuts in other areas to comply with the CLEAR Act. . . . The most troubling aspect of this act is that it would cause members of certain groups to not report crimes or come forward with information about crimes for fear of being deported." (letter to Representative Moore, 8/26/2003)

South Tucson (AZ) Police Department, Chief Sixto Molina—"We don't have the time

and the personnel to be immigration agents. Murderers, rapists, robbers, thieves and drug dealers present a much bigger threat than any illegal immigrant." (Tucson Citizen editorial, "Immigration role not for local police," 10/15/2003)

Des Moines (IA) Police Department, Chief William McCarthy—"When we don't acknowledge the reality of who is here, we create our own problems, and we are a better society than that, frankly. They (illegal immigrants) are family-oriented people and underpin our churches and society in many ways. Plus they are human beings. They are here. And we ought to deal with them as human beings." ("Cops shouldn't be INS agents," Des Moines Register editorial, 10/13/2003)

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I want to give an example of why this bill is necessary. Again, there is a differentiation between what Republicans and Democrats are saying here. The Democrats want to have a victim first before somebody is deported. Republicans want to make sure that there isn't a victim by making them excludable and, if they are caught, kicking them out.

So let's talk about domestic violence. On Monday, 2 days ago, the strangled and battered body of an as yet unidentified woman was found in a subdivision about 20 miles south of Denver. An orange tow rope was found around her neck, and her face was unrecognizable. Preliminary autopsy results indicated that the woman died of asphyxiation and head injuries after being dragged along a road for more than a mile.

A suspect was arrested Tuesday night in that case. Jose Luis Rubi-Nava, age 36, is being held without bail on a first degree murder charge at the Douglas County, Colorado, jail. The New York Times reported this morning that Mr. Rubi-Nava is an illegal immigrant. News reports suggest that the victim was his girlfriend.

Records obtained by KUSA-TV, the Denver NBC affiliate, showed that Rubi-Nava was arrested on April 1 and charged with false identification and driving without a driver's license and proof of insurance, but was let go.

If local law enforcement had detained this illegal immigrant for ICE, he could have been removed from the United States. He was not, and now there is a woman that is dead. If this bill had been law and there had been a voluntary agreement between local law enforcement and the Federal Government, this horrible crime could have been avoided.

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

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my Michigan colleague for yielding me this time.

I rise to oppose H.R. 6095, but let me follow up on what the chairman of the committee talked about. If somebody

committed a crime, and they were here legally or illegally, the standard practice for local law enforcement is to pick that person up, arrest them, and then they will be punished. Then they will be turned over to ICE, Immigration Control and Enforcement.

What this bill would do is allow for our local police and sheriffs and constables to actually be standing in the place of immigration officers. I support strong law enforcement of our immigration laws, but we shouldn't burden our local law enforcement officers to enforce Federal immigration laws.

This Congress and this administration has cut the COPS program since 2001. Asking our local law enforcement agencies to enforce Federal immigration law without any commitment of funds is unfair and takes officers out of our neighborhoods and off our streets. The role of local law enforcement is to protect our property and our families. Most local police departments are already stretched thin as it is. In Houston, our officers have had the challenge of protecting an additional 100,000 people who evacuated to Houston from New Orleans over a year ago. Adding immigration enforcement to their duties would make their jobs tougher and our neighborhoods less safe.

Currently if law enforcement officers catch someone committing a crime that is here illegally or legally, they are turned over to Immigration Control and Enforcement, and they are deported. Now, they need to pay their debt to our own county or State, but they will be deported. If someone breaks into my home, either the Houston Police Department, the sheriff's department or the county constables will show up, not the Border Patrol, not Immigration Customs Enforcement officers. They don't come to protect my home.

Securing our borders is a Federal responsibility. This body is responsible for ensuring that there is enough funding for detention beds and Border Patrol officers. We shouldn't put the responsibility on our local law enforcement officers to fill the gaps, and we should be doing our own part to ensure the security of our borders and interior enforcement. The cuts in funds for local police make it hard to protect our lives and property. I urge my colleagues to vote against H.R. 6095.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise today in support of H.R. 6095. Let me say as somebody who was involved in local law enforcement as a county supervisor, mayor, and city council member, it is astonishing to me when it comes down to enforcing our immigration laws how individuals in this institution can find every excuse in the world to not enforce the laws or not wanting the laws enforced.

Now, in all fairness, you want to talk about the cost of law enforcement. Mr. Speaker, in my County of San Diego,

the cost of illegal immigration to our law enforcement agencies is \$50 million a year, just identified from the County of San Diego. The fact is that there should be involvement in local law enforcement to have the option. But actively there are groups here and groups in California that are telling local law enforcement officers they can't get involved in the illegal immigration issue until there has been a major crime such as murder, rape or mayhem. That is absolutely absurd.

The frustration in law enforcement is being pulled both ways on these issues. Anyone who is sworn to enforce the law knows the impact of illegal immigration, and every law enforcement officer in the long run wants to do everything they can to participate.

I just cringe to think about what our drug policy and drug enforcement policy would be in this country if we took the same attitude, that if a San Diego police officer saw a drug smuggler coming across the border, somehow he or she could not intervene because that is a Federal drug law that is being addressed.

Mr. Speaker, I ask that we stop finding excuses on not allowing our local law enforcement to get involved.

Let me throw this out. If we want to talk about the money issue, let's ask our colleagues on the other side of the aisle to join with us, and why don't we talk about doing fines and forfeiture allocations like we do with drug interdiction. Let's allow the local law enforcement to be able to keep a large percentage of the assets if they catch someone smuggling or is caught. Maybe that is something we can talk about, but not today find an excuse for not giving the authority to our local law enforcement to do what they know is right, and that is fight illegal immigration.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield to a distinguished member of the Committee on the Judiciary, the gentleman from California (Mr. BERMAN) for 5½ minutes.

Mr. BERMAN. Mr. Speaker, I thank my ranking member for yielding.

Mr. Speaker, I would like to remind the body of what we have here. We have a bill with three sections, the first of which, in the chairman's own words, reinforces the authority of the local governments to do something that he apparently believes and we all accept that they would have the authority to do anyway.

I call that one the let's use the Iraq model for dealing with the issue of illegal immigration; subcontract large functions of it, but unlike in Iraq where we overpay the subcontractors, here tell the local law enforcement people we are giving up at the Federal level trying to deal with this problem, we are not going to give you a penny for more jail cells or a penny for more resources, we are not going to give you a single dime to do anything about it, but we are here to tell you if you want to, you have the authority to arrest

and detain people who are in this country illegally without regard to whatever acts they may have committed.

The second section of the bill is alien smuggling. It has a bunch of findings, it has a sense of Congress, and then says we authorize, but no funding, 20 more people to do something about alien smuggling.

And the third one is designed to deal with catch and release, the practice whereby non-Mexicans who are caught in this country in the past have been released rather than returned immediately to the country they came from because Mexico is not the country that they are from.

According to the Director of the Department of Homeland Security, we are currently detaining all El Salvadorans, or virtually all, because we now have enough beds, and we have enough to significantly reduce the total number of non-Mexicans. Catch and release is over. This bill won't make it. It is over. No one should be under the illusion that we are doing anything about the program catch and release by this bill because that program has ended.

What this bill in the larger context is, it is another one-House bill. Let me quote from the September 21 Washington Post. "With little more than a week left before the September 29 start of the Congress's scheduled recess, GOP leaders are considering appending some or all of the bills to must-pass spending measures before they leave town. But Senate Appropriations Committee Chairman THAD COCHRAN (R-MS) appeared to close off that avenue last night, saying he will not add any legislative language onto the spending bills that could slow their progress in the final days before the coming recess."

Another one-House bill. And then what will happen, a week from now we will recess, and the Republicans and the majority hope that the American people will be conned into thinking they have done something about one of the most serious national crises we have, and that is the crisis of inability to enforce our borders. There are 12 million people in this country using false identifiers, the absence of any employer verification system.

But in reality, none of that will have happened. The Republican Congress will have recessed for the elections with the mere hope that maybe when we come back with the lame duck, or maybe if you reelect us next year, we will get serious about this problem.

There is nothing in this bill or other bills that are being sent over to a House that will not take them up and not consider them that will make this crisis better.

And what do we have to do to do something serious? Back in June or July or in the beginning of September, a motion to go to conference on the two larger bills that the Senate and the House passed. This won't work. This bill is nothing. It doesn't do anything for anybody. It won't become law.

So you can have the meaningless gesture act that this bill represents. You can pass some of these other bills that are being brought up at the last minute to go into that vacuum on the other side; but one day I would like to understand how the majority explains the fact that they were not willing to make a motion to go to conference to reconcile the differences between the two bills, because in 1 week we will have done nothing to implement an employer verification system. We will have done nothing about 12 million people who are here under false identifiers, some portion of whom might be actual threats to our own national security. We will have done nothing to provide the meaningful, comprehensive approach, which is the only way to deal with the problem of illegal immigration in this country.

□ 1445

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, once again the gentleman from California repeats the same old refrain that it is the fault of this House that a conference has not been set up.

That is not the case. The Senate never messaged their bill to the House when they passed it in May. The only place where a conference can be set up is in the other body, and they can take up the House-passed bill and strike out all after the enacting clause and set up a conference. And only they can explain why that has not been done.

Secondly, the gentleman from California says that the catch and release change is meaningless. The Secretary of Homeland Security disagrees. I have a letter supporting the changes, specifically stating that the injunction that was issued against expedited removal of Salvadorans is costing the taxpayers money. This bill changes that.

And I will include the letter sent to me by Secretary of Homeland Security Michael Chertoff on September 20 in the RECORD at this point.

DEPARTMENT OF HOMELAND SECURITY,
Washington, DC, September 20, 2006.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your support of critical injunction reform legislation, which will significantly support the Department of Homeland Security's (DHS) efforts to maintain "catch and remove" of non-Mexican illegal aliens apprehended along our Nation's borders. DHS urgently needs Congress to approve this legislation to ensure that long-outdated court decisions do not frustrate efforts to secure the border.

DHS has made great strides in increasing the number of non-Mexican illegal aliens detained for removal along the Nation's borders. In fact, DHS now detains all eligible individuals for prompt removal upon apprehension along both the Southwest and Northern borders. However, I am concerned that DHS will not be able to maintain this success because of a 1988 court order that impedes its ability to quickly remove Salvadorans caught after illegally crossing the Nation's borders.

The 1988 court decision hinders DHS's ability to place aliens subject to the injunction into expedited removal proceedings—proceedings that allow for quicker immigration processing. Instead, these aliens must be placed into full administrative immigration proceedings. Consequently, they are detained for an average of 48 days prior to removal in contrast to those aliens apprehended on the Southwest border for illegal entry and placed into expedited removal who are detained for an average of only 19 days prior to removal. At an average cost of \$95 per day for detention, the inability to fully utilize expedited removal for this population costs the taxpayer approximately \$2,755 per alien.

In addition, the injunction requires that unrepresented aliens subject to the court decision be detained in the same geographic area in which they are apprehended for seven days prior to transfer in order to afford them the opportunity to obtain counsel. DHS acquires detention space based on current migration trends. If aliens shift migration routes to a jurisdiction outside of the current area where extra bed space is available, this injunction could have serious repercussions on DHS's ability to detain such aliens due to the restriction on transferring them to areas of higher detention capacity. If the shift is sudden and large, the injunction could place enormous strain on available detention space, potentially forcing a return to the recently ended practice of "catch and release" until additional resources could be obtained, if available, in appropriate locations.

This decision was issued at a time when El Salvador was in the midst of a civil war and when immigration was governed by very different statutes. Yet, the decision continues to dictate the processing of Salvadorans almost 20 years later. On November 17, 2005, DHS fully explained to the district court the dramatic changes in the facts and the law that have occurred since the entry of its perpetual injunction in 1988. DHS asked the district court to lift its order; but, I have no firm date for when this process will reach its conclusion in the district court or upon appeal.

There are additional longstanding civil injunctions that impede DHS's ability to effectively enforce the Nation's immigration laws. These district court decisions have created onerous operating procedures that require the commitment of vast amounts of government resources. They detrimentally impact immigration enforcement on a daily basis, often frustrating DHS's efforts. One such order has resulted in the creation of extra procedures requiring substantial additional resources for routine visa processing. Another such injunction has resulted in certain Freedom of Information Act requests being given priority over other pressing work.

For all practical purposes, such invasive court-ordered requirements hamstringing the President and the Congress's authority over the borders even when the conditions that gave rise to such requirements may have changed. Under current law and court procedures, it can be extremely time-consuming and difficult to end these injunctions. With this legislation, Congress will be taking significant steps to ensure that DHS is no longer held hostage by these antiquated court orders.

Thank you again for your support of DHS's immigration enforcement efforts. I look forward to continuing to work with you on this and other measures to ensure that this issue is fully resolved.

Sincerely,

MICHAEL CHERTOFF.

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

Mr. HENSARLING. Mr. Speaker, I thank the chairman for yielding, and I certainly thank him for his leadership on a variety of issues to help strengthen our border.

Mr. Speaker, I rise in strong support of H.R. 6095. But before I address the specific provisions of this legislation, I think it is important to put this bill in the larger context because, Mr. Speaker, we are having a debate that has been ongoing for a number of months in this body; and, Mr. Speaker, there are many of us who believe that border security is national security. We ignore our borders at our own peril.

Iraqis have been caught trying to infiltrate our southern border. Jordanians have been captured. Iranians have been captured, having infiltrated our border. Areas of the world where al Qaeda recruits, these people have crossed our border. Al Qaeda has made contact with human smugglers in Mexico. Every evening thousands are attempting to cross our borders, and only some are apprehended.

Now, Mr. Speaker, I know that many are good folks who are merely trying to feed their families and mean us no harm. Yet some also come here because they seek free education and free health care and welfare. Some are coming here because they are bringing violence and pushing drugs to our children and grandchildren. And, unfortunately, there may be a few who are coming here to try to bring down our airlines.

Again, we ignore border security at our own peril. Yet Democrats are holding our border security hostage for their views on amnesty, their views on giving government benefits and welfare to those who are here illegally. Mr. Speaker, this is unacceptable.

Now, this bill will help, help eliminate the catch and release program. At least in my part of Texas when constituents hear "catch and release," they think it has something to do with bass. They have no idea that we have been apprehending illegal immigrants and letting them back on this side of the border. That is unacceptable. And contrary to what some of our friends have said on the other side of the aisle, this does not mandate that local law enforcement get involved in this battle, but it helps empower them. And we are fighting a global war on terror, and shoring up porous borders is a critical part of that war. Why can't we come together as Republicans and Democrats and Independents and secure our border first?

I understand there are many legitimate issues, but at the end of the day, Mr. Speaker, we are not debating immigration, yes or no; but we are debating immigration, legal or illegal, and we allow illegal immigration at our own peril.

Let's secure our borders, and let's support H.R. 6095.

Mr. CONYERS. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Speaker, I will be very brief.

There is only one response to my friend the chairman. If the issue is about papers and the only reason we haven't gone to conference committee is because the papers haven't been delivered, I do have Senator FRIST's phone number, and I am happy to provide it. I cannot conceive that it is a matter of paperwork and process that is keeping us from going to conference committee on one of the most serious domestic issues this country has faced.

Secondly, in response to the following speaker, the reason we cannot quite unite to do something here, apparently, is because we are not going to unite on a fool's errand. Everyone on your side of the aisle, from the gentleman from Colorado (Mr. TANCREDO) to the chairman to others, has acknowledged over and over again we are not going to deport 12 million people. You are not going to have local law enforcement pick up the task for you of deporting 12 million people.

A meaningful response is border security, because there are people there who are national security issues and there are people who are aiming to hurt us who want to cross this border illegally, and dealing with 12 million people who are operating under false identifiers, some of whom are bad people, and finding some system to either isolate and narrow that group or have them come forward, and most important of all, to get an employer verification system in place. None of these bills does anything about it. We are going to leave here in a week doing nothing about it. I don't understand how you are going to explain to your constituents and the people who are understandably upset about this issue that this Congress has addressed a very serious, urgent issue in a serious and coherent fashion. We haven't.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from California is right. This is an issue about papers. It is about a pretty important paper that has served our country well called the Constitution of the United States. Article I, section 7 says: "All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills."

The "comprehensive amnesty immigration bill" that the Senate passed and didn't message contains \$50 billion in new taxes. They ignore this sacred paper that has been the foundation of our government, and are we supposed to ignore that and thus subject anything they do to endless litigation because they deliberately violated the Constitution? I think not.

Mr. Speaker, I now yield 4 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I rise very much in support of this bill.

Is it exactly like I want? No. Obviously, it is not like what Mr. BERMAN

wants either. And if you don't like the bill, just vote "no," as you have on many immigration bills. But this is what we have today, and the American people want to see us proceed.

This bill reasserts that State and law enforcement can and should help Federal officers on immigration law whenever they reasonably can and if they choose to. What a weird thought. We might get help from our local law enforcement as they do in drug enforcement.

It is a policy that our law enforcement community has conducted successfully for decades in helping this government, the Federal Government, enforce Federal drug and racketeering laws. This is not new.

Why then the outrage and the mass lobbying against it by the pro-illegal immigration crowd, or should I say open border crowd?

Because this bill goes to the heart of our enforcement problem, that is, simply a lack of enforcement. That has been our problem. Across the board, from the borders to the workplace to illegal immigrant crime, we have allowed the odds to become hopelessly stacked against enforcement.

In regards to rounding up criminal illegal aliens, we currently have roughly 5,000 Federal agents trying to apprehend 500,000 illegal aliens with court orders against them. Eighty thousand of them are serious felons, such as murderers, drug dealers, child molesters, and rapists. Vote against this bill if you want those people to stay out on the street. That is all right.

These odds, obviously, are impossible. There is no way we are going to have 5,000 Feds catch 500,000 violent criminals. But if we allow our 700,000 State and local police to volunteer to help, and they are American citizens too, the odds get a lot better. That might start an epidemic of looking at other ways to improve our odds, Mr. Speaker, in fighting overall illegal immigration.

And that undermines the illegal immigration lobby's theme song, which is the lie that we cannot stop illegal immigration. So, well, let's just give up. Let's just give in.

Well, we can stop all these problems if we only have the will. This body needs to have the will. The Senate has to do what it has to do, but we are the people's House. We need to show the gumption to get this done. This legislation proves how using commonsense partnerships between State and Federal authorities to multiply manpower will get the job done.

We are not talking about going after illegal aliens who are otherwise obeying our laws and are just here to work. This bill is targeted only on criminal aliens. Ironically, most of their fellow victims are their fellow immigrants.

Let's make one point absolutely clear. There is nothing in this bill that prevents local police from granting immunity from being reported for deportation to any illegal immigrant crime victim who comes to them for help.

Mr. Speaker, this short bill is the key component in the CLEAR Act that I introduced 3 years ago. It has already passed this House twice as a part of larger legislation. I think my friend from California didn't vote for it, but it did pass this House. Let's send this over to the Senate as a clean, short bill and see what they have got to say about that.

I thank the chairman for yielding me the time.

Mr. CONYERS. Mr. Speaker, before I yield to Mr. BECERRA, I yield myself such time as I may consume.

I always like to hear the gentleman from Georgia describe these bills. He says it only targets violent felons, and I would love to find that place in the bill where that is the case.

Nothing in this bill says that State and local law enforcement are authorized to enforce immigration law but only to focus their efforts on immigrants who are serious felons. In a news release, the gentleman from Georgia said that this bill would provide funding for training and resources for State and local enforcement agencies to voluntarily enforce immigration laws. Nothing in the bill provides any money for training or resources for State and local law enforcement. Not a dime. And that is why I have 25 pages of law enforcement officers that are opposed to the bill. Chiefs of police, mayors, sheriffs are all opposed to this bill. Republicans and Democrats, I might add.

And, of course, I should remind everyone in the body that we can already detain criminals or anyone that commits a criminal act, whether they are an immigrant or a citizen, but the problem is that only the Federal Government can deport anyone. So anybody committing a crime is subject to being detained.

□ 1500

This bill isn't about immigration reform. It is further evidence of a failure of leadership for us to have this body connect with the other body to get a conference going.

The gentleman from California (Mr. BERMAN) offered to make a phone call. I would offer to bring the news of the passage of the immigration bill in the House to the majority leader of the Senate myself. I will deliver it if that would help them get the news that there ought to be a conference.

I think that patently it is obvious that they know about this, and somewhere in the Republican leadership there is a huge desire not to have a conference.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. BECERRA), a former member of the Judiciary Committee.

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me the time and for his leadership.

Mr. Speaker, with 5 days left in this session, with the failure of this House to pass comprehensive immigration reform to accept the challenge posed by

the Senate which did pass comprehensive immigration reform, we are now left with a campaign stunt to try to pass something out of this House so that it can appear that as Members of Congress go home to campaign that we have done something on the issue of our broken immigration system.

Unfortunately, this legislation, like the previous bills that we are debating on this floor, fail to do one very important thing, and that was, ask the very people who this bill would impact most. And that is our local and State law enforcement officers what they think about this.

Because if you would have talked to them, they would tell you, please do not do this. We have had sufficient experience with what the Federal Government wishes to do when it comes to its Federal laws on immigration, and that is, it passes the buck without passing the money. This bill is no different. This passes the buck, but offers not a single cent to enforce the immigration laws that are a Federal responsibility.

For years our State and local governments have been asking Congress to fix the broken immigration laws that we have. Instead, this bill asks State and local police officers to pick up the tab, pick up the slack where the Feds have failed.

Mr. Speaker, you do not need to look very far for proof of that. Take a look at the State Criminal Alien Assistance Program. That is the Federal Government's effort to try to help States deal with the incarceration of criminal aliens.

The President's budget included not a single dime of funding to help States offset the cost of having to incarcerate criminal aliens. The Congress did a little bit better, but still is funding that program for all 50 States at less than one-third of what they are currently spending to incarcerate aliens who should be deported but committed crimes in our country.

What else? Take a look at the Federal Government's enforcement of our laws that prohibit individuals in this country from fraudulently hiring people who do not have permission to work in this country. How many enforcement actions did this government, this Federal Government, take against people who are abusing the laws and taking advantage of the fact that American citizens would like to take those jobs? Three enforcement actions in all of 2004.

State and local law enforcement officers know what happens when those bills are passed: the buck gets passed with it, and no money gets passed along. Mr. Speaker, police officers are also telling us why would we want to have to enforce Federal immigration laws when we have to enforce the local laws to protect our citizenry.

If a crime is committed, why would an immigrant who is already living in the shadows come out of the shadows to report a crime that he or she wit-

nessed, if he or she knows that now we will pick them up on an immigration infraction? This is crazy. But this is what we are left with these last final days.

Mr. Speaker, we can have comprehensive immigration reform. The Senate did it. It is a shame that the House has not decided to follow suit. I would urge Members to vote against this legislation.

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

What we are witnessing in the last few days is an effort to make sure somebody believes that we have sincerely worked on immigration rather than going to conference with the two major bills left.

We tried during the recent recess by holding a series of hearings across 13 States, to make sure people thought that we were working and concerned about immigration. As the newspaper reports show, it failed dismally.

So what we are doing now is to say let's keep the immigrants out. Let's keep them out. Let's keep them out. But let's let them in through the back door. Republicans do not prosecute employers, but then they blame Democrats for talking about other ways to deal with those who are already working here. We all know that letting immigrants in helps corporations and businesses that are using immigrants as the cheapest labor that they can find to benefit their activities.

And the reason we are not at conference is because many in our business world need immigrant labor, and the companies that support the Republican Party that says, get tough on immigrants, are the same ones that then turn their back and do nothing.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, during the debate on this bill and the debate on the two previous border security and law enforcement bills, we have heard time and time again why there not a conference between the Senate and the House on the differing bills that we passed, and that this is just merely a matter of papers, and this can be solved with a couple of phone calls over to the other body.

Well, the constitutional problem cannot be solved with a couple of phone calls. Because the Constitution's mandate that revenue-raising bills originate in the House of Representatives is pretty clear, and it has been there since 1789.

Frankly, the other body has not passed a bill that can be sent to conference because of the revenue-raising provisions that were contained in their bill. They chose to do that; we did not. And it is unfair and probably unconstitutional to blame this House for not rolling over and playing dead over the fact that the Senate bill violates article I, section 7 of the Constitution of the United States.

Having said that, let's get down to the nub of this bill. The nub of this bill specifically authorizes voluntary agreements between the Federal Government and local law enforcement to help in the assistance and enforcement of our immigration laws. Let me say again what we are dealing with is voluntary.

No local government agency or local law enforcement agency is forced to do anything under this piece of legislation in helping the Federal Government enforce our immigration laws.

But if they do do it, they should have statutory authorization. And where are the benefits going to be if there is cooperation between the Federal Government and State and local law enforcement in helping enforce our immigration laws? It is going to be in the immigrant communities themselves. Because most of the crimes that are committed by illegal immigrants in our country are against other immigrants, both legal and illegal.

As a result of the current system, which this bill hopes to encourage to change, we will be able to make those immigrant communities safer. Now, the bill specifically states that nothing in it may be construed to require State or local law enforcement personnel to report the identity of a victim or a witness to a criminal offense to the Department of Homeland Security.

So if one of the bad guys hits an illegal immigrant over the head, the local law enforcement that investigates this does not have to report to DHS the fact that the victim is an illegal immigrant, and nor does that illegal immigrant victim have to be arrested because that person is a victim or a witness, and the arrest would be for an immigration law violation.

State and local law enforcement are not going to be reporting victims of crime. And they know best how to integrate immigration law enforcement into their duties in a way that will increase the safety and well-being of immigrant communities.

Now, many immigrant communities are held hostage by violent alien gangs. Many of those gang members have already been deported for criminal activity and have returned to this country illegally. If State and local law enforcement officers identify such aliens, they can either turn a blind eye or wait until the aliens commit new crimes, or they can apprehend the gang members and turn them over to the Department of Homeland Security to get them out of this country.

Clearly, immigration communities will be safer if those vicious criminals are taken off the streets before they can kill or rob again. And what other circumstances are State and local law enforcement likely to report to DHS? As an example, they may report on illegal aliens they come across in the normal course of carrying out their duties, such as after stopping for speeding a smuggling van carrying illegal immigrants.

Mr. Speaker, this is a good bill. It helps leverage the assets that we have. I am for increasing the number of ICE agents and Border Patrol agents and increasing the number of detention beds, but passing this bill is something that we can do now to increase the effectiveness of law enforcement in dealing with these issues.

Mr. Speaker, I will repeat once again that the communities that will be safer will be the immigrant communities, both the legal immigrants that are present there as well as those that are not legal. Pass the bill.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6095, the "Immigration Law Enforcement Act of 2006." This legislation takes an important step toward greater prosecution of human smugglers, known as "coyotes," and I thank Judiciary Committee Chairman JIM SENSENBRENNER for bringing this legislation before us. This legislation also authorizes State and local cooperation with Federal immigration enforcement efforts, as well as helping to end the catch-and-release of criminal aliens.

I have spoken about the need for increased prosecution of coyotes many times. I have corresponded numerous times with the Attorney General on the subject imploring increased prosecution. Last year I introduced the Criminal Alien Accountability Act that would stiffen the penalties for coyotes and other criminal aliens. My legislation was incorporated in large part into H.R. 4437, the "Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005," which passed the House last December. However, major roadblocks impeding the prosecution of coyotes remain, and they are the lack of acceptance of these cases by U.S. Attorneys and a lack of uniform prosecution guidelines among the U.S. Attorney offices along the southern border.

The U.S. Attorney's Office has stated in the past that it does not have the resources needed to fully prosecute arrested coyotes. For example, the Border Patrol was instructed to release known coyote Antonio Amparo-Lopez, an individual with 21 aliases and 20 arrests. Releasing a criminal such as this is completely unacceptable, and is demoralizing to the Border Patrol agents who work so hard to make the arrests in the first place.

I, along with Chairman SENSENBRENNER, recently met with U.S. Border Patrol Sector Chief Darryl Griffin and U.S. Attorney Carol Lam in San Diego to discuss these problems. Our meetings demonstrated the differences in opinion between those who arrest human smugglers and those who prosecute them. Importantly, we learned that U.S. Attorney offices have varying prosecution guidelines for human smugglers depending on where the office is located. This causes smugglers to use access points in states with weaker prosecution standards, increasing the criminal element in those communities.

H.R. 6095 calls on the Attorney General to adopt uniform guidelines for the prosecution of smuggling offenses. This change could help lessen the burden on borders areas within the United States that currently are overrun by coyote operations, in addition to reducing smuggling in total. Additionally, H.R. 6095 authorizes 20 new U.S. attorneys for each year from FY 2008 through FY 2013 to help prosecute human smuggling offenses.

I will continue to work with others in Congress, the Administration, and the public at large to ensure the prosecution and removal of every criminal alien that is apprehended.

Mr. BACA. I rise today to express strong opposition to the majority's failure to seriously address the important issue of immigration reform.

Congress has had a real opportunity this year to produce meaningful bipartisan comprehensive immigration reform. But instead Republican leaders have decided to play election year politics and cater to their base with bills like these. These bills are further proof that Republicans are not serious about real reform on immigration.

On the other hand, Democrats are serious about immigration reform and border security. If our amendments had been adopted over the last five years, there would be 6,600 more Border Patrol Agents and 2,700 more immigration enforcement agents along our borders.

Republicans instead have held "sham" hearings that produced no results—nothing, zero. Second, they have not moved forward with a House-Senate conference on border security/immigration reform legislation. Finally, they are trying to fool our American public by bringing up these token bills that will not be even considered in the Senate.

These narrow-minded bills would have little impact on closing the numerous security gaps along our borders. Let's not confuse, again and again, the real concern here.

After five years Republicans have nothing to show except for a few votes on band-aid attempts to address a complex issue.

It's time for a new direction.

Mr. ORTIZ. Mr. Speaker, it is deeply offensive for this House to continue on a piecemeal approach to the border security and immigration problem.

The fact is this Congress has not done any heavy lifting to effectively solve our border security crisis.

That's an awful record for the majority party to carry into the election season, so we are forced to deal again with redundant legislation so the majority party can seem to be accomplishing something.

But we aren't accomplishing a single thing.

What we're doing today—in all these bills—is blowing more hot air at voters who are angry that we say we're doing things to improve our border security—but we never pay for them.

Each year since 2001, Democrats have tried to add amendments to defense, homeland security, and emergency supplemental appropriations bills.

Not a single one was passed—if they were, we'd have 6,600 more Border Patrol agents, 14,000 more detention beds, and 2,700 more immigration agents.

On the border, our not funding our promises brings local law enforcement a very large bill—yet another unfunded mandate.

When Border Patrol finds an immigrant lawbreaker—mostly small drug possessions—they take them to the local jail where the local taxpayers foot the bill to hold them.

The same local taxpayers then have to pay for the prosecutors and there aren't enough judges. This is a cycle that won't end.

Now the House Leadership is cutting up legislation we've already passed into many different bills to make it seem like we are working on this issue.

Mr. Speaker, the American people have every right to be angry with this Congress.

Let's use the 9–11 legislation they were embarrassed into passing in December 04 as an example.

Not only did we not fund most of that bill, breaking many of our promises in it we passed virtually the same bill but added extreme provisions to criminalize those here.

In May of 2006, when the Senate passed an astonishingly better bill, the House closed down the process—refused to negotiate a final bill.

Instead, they passed an awful bill last December then spent the summer stalling any negotiation with deceptive "hearings."

If the House Republicans were serious about border security, they would have moved forward with a House-Senate conference on border security and actual immigration reform legislation.

Today—in an effort to appear to have accomplished something, anything related to immigration and border security—we are considering the same bill we passed twice already, just chopped into smaller pieces.

This is what it means to fool people.

So, let us remember the old wisdom: you can fool some of the people some of the time, but thank God, you can't fool all the people all the time.

That, I suppose, is the bad news for the crowd that thinks passing the same bills over and over is good politics.

Good politics these days means paying for the Nation's protection and none of these bills take care of that business.

Mr. BONILLA. Mr. Speaker, I am proud that today Congress will pass vital legislation based upon legislation I drafted, the Fairness in Immigration Litigation Act of 2006, to close an egregious loophole that allows thousands of illegal aliens to remain in our country every week. Passage of this legislation will result in safer communities across our nation.

Currently, the Orantes injunction mandates that the U.S. Government afford all Salvadoran immigrants the benefit of full deportation proceedings and undermines the authority of the Department of Homeland Security to apply expedited removal procedures. The court order was issued in 1988 when El Salvador was in the midst of a bloody civil war and was designed to protect those seeking refuge in the United States. However, on January 16, 1992, a peace accord was signed ending 11 years of civil war and implementing strict human rights restrictions. Today El Salvador enjoys a democratically elected government and a developing economy.

Illegal aliens stream across our border by the hundreds on a daily basis. They present an immediate danger to the lives of people in every Texas community and across the United States of America. For over 14 years I have worked to raise awareness on Capitol Hill about the crisis facing our border communities. I have met with law enforcement officials along the border and discussed this critical issue with my colleagues in Congress, providing those in Washington with a firsthand perspective on how to increase our border security.

However, gangs such as Mara Salvatrucha, otherwise known as MS-13, and members of drug cartels now exploit this loophole in our legal system to thwart our immigration laws and obtain release into our communities. This legislation removes obstacles that prevent our government from effectively enforcing the immigration laws that Congress intended.

The threat of terrorism is real. Each day our border communities witness violence and fear created by ruthless members of drug cartels. We must not allow terrorists and criminals from around the world to abuse loopholes in our legal system, turning our southwest border into a revolving door. The efforts of our law enforcement officials to catch, detain, and deport those who enter illegally must not be obstructed by those looking to abuse the system. I am proud that today Congress will overturn the outdated and obsolete Orantes injunction to protect the integrity of our legal immigration process.

Mr. SMITH of Texas. Mr. Speaker, I support H.R. 6095, the Immigration Law Enforcement Act of 2006.

It's important to Americans that local law enforcement officials are doing everything possible to arrest and prosecute criminals.

And it's important that law enforcement officials know under exactly what circumstances they can lawfully arrest or detain a suspected criminal.

Take for instance the situation in which a police officer has reasonable suspicion to stop an individual and finds out that individual is in the United States in violation of our immigration laws. It's contrary to common sense that the police officer would not be able to arrest that person simply because immigration is a Federal responsibility. But this is the argument of those who oppose this bill.

H.R. 6095 affirms the authority of State and local law enforcement officials to investigate, apprehend, and arrest illegal immigrants.

Several Federal Courts of Appeals, including the Tenth and Fifth Circuits, have agreed that State and local law enforcement officials have the authority to do so.

Unfortunately, opponents of this legislation believe that if a police officer comes in contact with a suspected criminal who has violated immigration law, they should simply let the person go.

This situation was addressed in the 1996 immigration legislation that I authored. Because of that law, the Immigration and Nationality Act contains section 287(g), which allows the Attorney General to enter into written agreements with States and localities to set out provisions under which State and local law enforcement officers can help enforce Federal immigration laws.

But the law does not mean that just because there is no such written agreement, the police don't have the authority to arrest illegal immigrants.

Law enforcement officers should arrest anyone who breaks the law. This bill is necessary to settle the debate once and for all.

I urge my colleagues to support the bill.

Ms. JACKSON-LEE of Texas, Mr. Speaker, I rise in opposition to the Immigration Law Enforcement Act of 2006, H.R. 6095. It will not protect United States borders, strengthen our national security, or address the nation's immigration problems comprehensively. Instead of voting on H.R. 6095 and other bills that raise a few issues on a piecemeal basis, we should

be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

H.R. 6095 presents a sense of Congress that the Attorney General should adopt, not later than three months after the date of the enactment, uniform guidelines for the prosecution of smuggling offenses to be followed by each United States attorney in the United States. It also requires the hiring of additional personnel for prosecuting alien smuggling cases. For each year from FY2008 through FY2013, subject to the availability of appropriations, the Justice Department would be required to increase by not less than 20 the number of attorneys in the offices of United States attorneys employed to prosecute alien smuggling cases.

I find nothing objectionable about these provisions, but I do not believe that they will substantially improve our ability to deal with the alien smuggling problem. It would be more productive to consider an alien smuggling bill that I introduced a few years ago, the Commercial Alien Smuggling Elimination Act of 2003, the CASE Act. It would establish a three-point program that was drafted with assistance from government officials who are involved in the investigation, disruption, and prosecution of commercial alien smugglers.

H.R. 6095 would give State and local police officers the authority to enforce civil immigration laws. I do not want local police forces to enforce immigration law. Immigration violations are different from the typical criminal offenses that police officers normally face. The typical law enforcement activities of local police officers involve crimes such as murders, assaults, narcotics, robberies, burglaries, domestic violence, and traffic violations. It would require extensive training to prepare them to enforce civil immigration provisions.

If police act as immigration agents, undocumented immigrants are likely to be afraid to contact the police when a crime has been committed. If they as victims, witnesses, or concerned residents contact the police, they or their family members could risk deportation. Experience shows that this fear would extend not only to contact with local police, but also to the fire department, hospitals, and the public school system.

H.R. 6095 also would undermine local police's role in enhancing national security. National security experts and State and local law enforcement officers agree that good intelligence and strong community relationships are the keys to keeping our Nation and our streets safe. Undocumented immigrants who might otherwise be helpful to security investigators would be reluctant to come forward for fear of immigration consequences.

H.R. 6095 has an "Ending Catch and Release Act of 2006," title, but the provisions under that title deal with injunctions in federal immigration litigation. "Catch and release" is a reference to the practice of apprehending aliens in the vicinity of the border and then releasing them pending removal proceedings. Apparently, the connection is the permanent injunction in *Orantes-Hernandez v. Gonzalez*, No. 82-1107KN (C.D.Cal. 1982). Homeland Security Secretary Chertoff has claimed that the Orantes injunction interferes with efforts to end the catch and release practice.

I am not aware of any provision in the Orantes injunction that would interfere with ef-

orts to end the catch and release practice. In issuing the injunction, the court found that the former Immigration and Naturalization Service had engaged in a pattern and practice of coercing and otherwise improperly encouraging Salvadorans to waive their rights to a deportation hearing and to seek asylum as a defense to deportation.

H.R. 6095 appears to be an attempt to terminate the Orantes injunction through legislation, but its reach goes beyond the injunction. Among other things, a judge would not be permitted to provide relief in any immigration case without attaching a written explanation of the impact the relief would have on national security, border security, immigration administration and enforcement, and public safety. It also would impose arbitrary, unreasonable time limits on courts attempting to provide prospective relief.

DHS has filed a motion to dissolve the injunction. *Wilfredo v. Gonzales*, No. CV 82-1107MM (C.D.Cal. 2005).

I urge you to vote against the Immigration Law Enforcement Act of 2006.

AUGUST 14, 2006.

HOUSE OF REPRESENTATIVES,
Committee on Homeland Security, Sub-Committee on Immigration, Washington, DC.

DEAR SUB-COMMITTEE MEMBERS: I am writing to respond to your invitation to testify before your sub-committee hearing on Wednesday, August 16th, 2006, at 9:30 a.m., at the Civil Courthouse 201 Caroline St., Houston Texas. First let me say as Chief of the Houston Police Department (HPD) and also as President of the Major Cities Chiefs Association (MCC) that I appreciate and wish to thank you for the honor and privilege of putting into the official congressional record Law Enforcement's comments and concerns on Immigration prior to the full enactment of any legislation on this important subject. I will be submitting as an attachment to my testimony today the MCC's Immigration Committee Recommendations for Enforcement of Immigration Laws by Local Police Agencies (chaired by my Deputy Director Craig E. Ferrell, Jr.), which were adopted on June 7th by the MCC for inclusion in the official congressional record. I also have additional attachments for the sub-committee members, but due to their length I have been told they can not be part of the written record.

Let me begin by giving my reaction to a recent federal legislative amendment aimed at eliminating federal law enforcement funding to local police. In short, both myself and chiefs of major cities across the country are dismayed by any legislative action aimed at excluding the City of Houston and/or other local jurisdictions from receiving needed federal law enforcement funds. These funds are needed to put more officers on the streets of Houston, protect our neighborhoods, investigate and prevent murders, rapes, assaults, robberies, burglaries, and provide for homeland security efforts. It seems clear that some in Congress and the public fervently believe local police should become involved in enforcing federal civil immigration laws. Given these strong beliefs, we are left to wonder why the recent legislative amendments were not written to provide increased federal funding to local police to support such enforcement. Instead the amendments have sought to eliminate funding and penalize not only the City of Houston, but also Harris County, and other local and national jurisdictions, which will be negatively affected by this amendment. The end result of any law enforcement funding exclusion amendment, if it is applied to Houston and

other communities like Houston would be to make our local communities less safe. In other words these amendments would have the opposite effect of their purported purpose.

Illegal immigration is being hotly debated in Congress and in our local communities. Opinions on how to address this complex issue differ greatly and emotions run high. Extremes exist on either side of the debate as represented by the recent mass demonstrations by immigrant groups and their supporters and the funding exclusion amendment and the referendum effort of the group Protect Our Citizens in Houston. Both myself and chiefs of police in MCC representing first responders to over fifty (50) million residents respectfully disagree with any effort to eliminate federal law enforcement funding and in effort to create an unfunded mandate. Illegal immigration is an issue that effects our nation as a whole and any solution should begin first at the federal level with securing the borders and increasing enforcement by federal agencies.

Local enforcement of immigration laws raises complex legal, logistical and resource issues for local communities and their police agencies. The City of Houston's policies and those of most major cities across America reflect the challenges and realities faced by a City and police agency that is responsible for protecting and serving a diverse community comprised of citizens, non-citizens, legal residents, visitors and undocumented immigrants. The City's policies seek to best protect and serve this diverse community as a whole, while taking into account: the reality that the City does not have unlimited resources; its officers are prohibited by state law from racial profiling and arresting persons without warrants and without well established probable cause; is subject to civil liability for violating such laws; and has the clear need to foster assistance and cooperation from the public including those persons who may be undocumented immigrants. In an effort to clarify the City's reasoned and model approach to this issue I have provided the following statements regarding the City's policy and why we oppose the positions represented by the federal fund exclusion amendment and Protect Our Citizens' referendum.

City does not have a sanctuary policy

Currently, the police department is operating under General Order 500-5 [See attached Exhibit 1]. General Order 500-5 was implemented in 1992 by then Chief Nuchia, who is currently serving as a Justice in the Texas Judiciary's First Court of Appeals. The General Order includes the following provisions:

Houston police officers may not stop or apprehend individuals solely on the belief that they are in this country illegally.

Officers shall not make inquiries as to the citizenship status of any person, nor will officers detain or arrest persons solely on the belief that they are in the country illegally.

Officers will contact the [Federal Immigration Authorities] regarding a person only if that person is arrested on a separate criminal charge (other than Class C misdemeanor) and the officer knows the prisoner is an illegal alien."

The department has issued clarifications of our "immigration" policies and implemented changes to the department's enforcement policies to increase cooperation between the department and federal agencies on immigration matters that are criminal in nature. [Exhibit 2] In the summer of 2005, I directed Executive Assistant Chief Thaler, Assistant Chief Perales and Deputy Director/General Counsel Craig Ferrell to meet jointly with representatives of the U.S. Attorney's office

and I.C.E. to discuss the department's response to immigration detainees. Based on those discussions, the department developed procedures to accept and act upon criminal immigration detainees issued by I.C.E. The police department further clarified that our officers are allowed to take into custody any person who the federal authorities state is a criminal suspect and for whom they will authorize detention directly into a federal detention facility. In addition, whenever the department has a person in custody on other criminal charges, the department will not release the person from custody for up to 24 hours after we have received formal notice from federal authorities that they are wanted for criminal violations.

The City is committed to assisting I.C.E. and any other federal agency wherever possible and reasonable to enforce against criminal violations and address criminal matters. The Houston Police Department has always acted to enforce laws relative to criminal violations and criminal matters, accepted criminal warrants and criminal detainees and assisted in criminal investigations, regardless of whether they emanated from other jurisdictions or arose out of federal or state laws. Our officers are currently involved in various federal task forces addressing criminal matters including violent criminal gangs. Because we have and will continue to enforce laws relative to criminal violations against any and all persons, regardless of their immigration status, the department and thus the City does not have a "sanctuary policy" as opponents of our policies have alleged. This is not only the City's or the police department's opinion but also that of Robert Rutt the Deputy Special Agent in Charge for Immigration and Customs Enforcement [I.C.E.]. In a recent Houston Chronicle article he stated that "Houston is not a sanctuary City . . ." In the same article he further acknowledged the police department's significant cooperation with I.C.E. [Exhibit 3]

Concerns with local enforcement of federal immigration law

Local enforcement of federal immigration laws raises many daunting and complex legal, logistical and resource issues for the City of Houston and the diverse community it serves. Like other jurisdictions our policy in this area must recognize the obstacles, pitfalls, dangers and negative consequences to local policing that would be caused by immigration enforcement at the local level.

* * * * *

were detained by the police were later determined to be either citizens or legal immigrants with permission to be in the country. The Katy police department faced suits from these individuals and eventually settled their claims out of court.

Because local police officers currently lack clear authority to enforce immigration laws, are limited in their ability to arrest without a warrant, are prohibited from racial profiling and lack the training and experience to enforce complex federal immigration laws, it is more likely the City/police department will face the risk of civil liability and litigation if we actively enforced federal immigration laws.

UNDERMINES TRUST AND COOPERATION OF
IMMIGRANT COMMUNITIES

Major urban areas throughout the nation are comprised of significant immigrant communities. In some areas the immigrant community reaches 50-60 percent of the local population. Local agencies are charged with providing law enforcement services to these diverse populations with communities of both legal and illegal immigrants. The reality is that undocumented immigrants are a

significant part of the local populations major police agencies must protect, serve and police. The City of Houston faces the same challenges.

Local officers have worked very hard to build trust and a spirit of cooperation with immigrant groups through community based policing and outreach programs and specialized officers who work with immigrant groups. We have a clear need to foster trust and cooperation with everyone in these immigrant communities. Assistance and cooperation from immigrant communities is especially important when an immigrant, whether documented or undocumented, is the victim of or witness to a crime. These persons must be encouraged to file reports and come forward with information. Their cooperation is needed to prevent and solve crimes and maintain public order, safety, and security in the whole community. Local police contacts in immigrant communities are important as well in the area of intelligence gathering to prevent future terrorist attacks and strengthen homeland security.

Immigration enforcement by local police would likely negatively effect and undermine the level of trust and cooperation between local police and immigrant communities. If the undocumented immigrant's primary concern is that they will be deported or subjected to an immigration status investigation, then they will not come forward and provide needed assistance and cooperation. Distrust and fear of contacting or assisting the police would develop among legal immigrants as well. Undoubtedly legal immigrants would avoid contact with the police for fear that they themselves or undocumented family members or friends may become subject to immigration enforcement. Without assurances that contact with the police would not result in purely civil immigration enforcement action, the hard won trust, communication and cooperation from the immigrant community would disappear. Such a divide between the local police and immigrant groups would result in increased crime against immigrants and in the broader community, create a class of silent victims and eliminate the potential for assistance from immigrants in solving crimes or preventing future terroristic acts.

Ms. FOXX. Mr. Speaker, today I rise in strong support of H.R. 6095, the Immigration Law Enforcement Act of 2006 and to affirm the inherent authority of State and local law enforcement to assist in the implementation of our immigration laws.

This year, I had the privilege to participate in two Government Reform Subcommittee field hearings in North Carolina on this very subject, one of which took place in my district.

Illegal immigration has consistently been the No. 1 topic prompting my constituents to write and call my office. It is also the No. 1 problem expressed to me by many of the local officials I represent.

In recent years, State and local governments have had to make extraordinary adjustments to accommodate illegal immigration. Over 300,000 illegal aliens are estimated to reside in North Carolina, and that number is increasing. As a whole, our counties and communities, now saturated with illegal aliens, are spending billions of dollars on public health, public education, law enforcement and social services for people who are residing here illegally. Every dollar spent on an illegal alien is a dollar diverted away from a law abiding, tax-paying citizen. Illegal immigration affects virtually every aspect of life in America.

Few States have had to struggle with this burden as much as North Carolina, where the

illegal immigration population is rapidly approaching half a million. North Carolina is currently one of the six major destination States for illegal aliens and has one of the five highest ratios of illegal immigrants to legal immigrants. During the 90s, the immigrant population of Forsyth County alone exploded by 515 percent, meaning that two-thirds of the county's foreign-born population had entered in just 10 years.

My State's government estimates that Medicaid costs due to illegal immigration have doubled in 5 years. The State is spending over \$200 million annually to educate the children of illegal aliens, more than a 2,000 percent increase in 10 years. Across the State, the criminal justice system is disrupted as courts and law enforcement struggle, particularly in rural counties, to find translators to assist in investigations and court proceedings for foreign-speaking defendants.

Too many stresses and strains are being put on State and local governments at once and there is a clear need for government officials at all levels to decisively reverse these trends.

It is in cities like Winston-Salem, as well as smaller communities, that the presence of illegal aliens who've committed other crimes is most keenly felt. One solution to these dilemmas that has been growing in use since it was first tried in 2002 is known as the "287(g) cross-designation training" program. By the authority of section 287(g) of the Immigration and Nationality Act, the Department of Homeland Security can enter into assistance agreements with State and local agencies. The 287(g) training and certification gives local law enforcement a vital tool in combating the growing problems from illegal immigration. Many illegal aliens who've committed crimes in America can now be held and processed for deportation or Federal prosecution through use of the 287(g) program. State and local officers can even interview suspects and prison inmates to determine if immigration laws have been violated; they can process and fingerprint them for such violations; and they can prepare documents for deportation and refer criminal aliens to ICE for potential Federal prosecution.

It is the constitutional responsibility of the Federal Government to protect the borders and enforce our laws. Given the scope of the problem of illegal immigration, the Federal Government should move quickly to provide authority to State and local law enforcement to combat illegal immigration. We will never get a handle on this growing problem if we don't.

Mr. DINGELL. Mr. Speaker, I rise in strong opposition to the three bills being considered today in House. The rush to bring these bills to the floor for a vote makes it clear that the majority has one thing on its mind, election year political concerns. As far as I can tell, these bills were not given hearings or marked up in committee. In fact, two of these bills were just introduced this week. Members have had very little time to look at these bills, and to consider the ramifications should these bills be enacted into law. This is no way to craft good, solid legislation.

These bills represent a half-hearted attempt at beefing up immigration enforcement and border security. Instead of taking a rifle shot approach to the immigration issue, the House and Senate should have went to conference on the immigration bills that passed each

chamber. Unfortunately, rather than coming together and hashing out differences, the two Chambers began holding field hearings about why their Chamber's bill was better than the other Chamber's bill. It is time to stop these antics and appoint conferees so we can create a good bill.

Mr. Speaker, given the fact that we have had very little time to consider this legislation, and that we cannot even offer amendments on the floor to try and do what the committees could not, I will vote "no" and urge my colleagues to do the same.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

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. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GUTIERREZ. Mr. Speaker, I am in its present form.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on the motion.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, after line 12, insert the following:

(2) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010. Over the last two years, the Republican Congress has left our Nation short 5,000 detention beds, and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(3) Alien smuggling continues to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back to the House in a form agreed to by the two Committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the nation's immigration problem comprehensively.

Page 3, line 13, strike "(2)" and insert "(4)".

Page 3, line 17, strike "(3)" and insert "(5)".

Page 3, line 21, strike "(4)" and insert "(6)".

Page 4, line 3, strike "(5)" and insert "(7)".

Page 4, after line 25, insert the following:

(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals;

(4) by 25,000 the number of detention beds;

(5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. GUTIERREZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized.

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit for the same reason that I made a point of order against the gentleman from Illinois' previous motion to recommit.

Clause 7 of rule XVI precludes amendments on a subject different from that under consideration.

□ 1515

H.R. 6095 reaffirms the inherent authority of State and local law enforcement to voluntarily investigate, identify, apprehend, arrest, detain or transfer to Federal custody aliens in the United States in order to assist in the enforcement of immigration laws, and clarifies guidelines for the prosecution of smuggling offenses. It also ends the practice of catch and release by DHS to ensure that immigration laws are enforced in the manner in which they were intended.

This motion to recommit pertains to a subject matter different from the legislation under consideration. It is the same motion to recommit that the gentleman from Illinois made to the previous bill by increasing the number of U.S. marshals by 250, which is on page 2, line 15 of the motion to recommit.

The U.S. marshals do not have a role in enforcing the immigration law. Thus, the motion to recommit expands the scope of the bill and is non-germane, and it fails the test of germaneness contained in clause 7 of rule XVI.

The SPEAKER pro tempore. Do other Members wish to be heard on the point of order?

The Chair recognizes the gentleman from Illinois.

Mr. GUTIERREZ. Mr. Speaker, I would argue that it is germane to the bill. When you take the whole bill subject to consideration, and we look at

representing a number of different immigration reform proposals, and my sections address those same exact matters. All day, Mr. Speaker, we have been hearing from the proponents of this and other immigration bills argue that the various immigration reform proposals included in this bill are viable alternatives to much more comprehensive immigration reform legislation that has stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to many other immigration reform proposals this House has considered over the past 2 years. Republicans are trying to pretend that the 109th Congress has not debated the immigration issues on many other occasions other than today. That is simply wrong. This House has debated the subject matter of this bill many times.

My motion certainly suggests a better way to handle the subject matter on this bill, which is to go to conference with the comprehensive bills that the two Houses have already passed. The subject matter of this bill is immigration reform. The subject matter of my motion to recommit is also immigration reform. The only difference is that my proposal would actually require Congress to do something.

Republicans are addressing the immigration issue with press releases. I am saying the more responsible way to address the subject matter of this bill is to go to conference and actually pass a law.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend.

Mr. SENSENBRENNER. Mr. Speaker, the gentleman's comments are not addressing the point of order which I have raised.

The SPEAKER pro tempore. The gentleman from Illinois must confine his remarks to the point of order.

Mr. GUTIERREZ. Well, it seems to me that it is germane, Mr. Speaker. We have heard on repeated occasions that what we are considering is the first step. We have heard that repeatedly here today. We have other bills, and simply what my motion to recommit instructs us that we go to conference to take it into consideration into the totality.

We agree, Mr. SENSENBRENNER and I, if we were actually to sit around a table and use regular order, we would find that we have much agreement on securing our borders, on a number of the issues that have been raised here today. No one on this side of the aisle is pretending to stand up for gang members and drug dealers. We want them out of the country also.

But we also understand that like Mr. Tom Ridge, of Homeland Security, and Congressman SENSENBRENNER referred to the current Homeland Secretary in his statement, we have statements from the former Director of Homeland Security that we need to deal with. So I think it is germane, Mr. Speaker.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule.

The bill is confined to matters of immigration. The motion to recommit addresses matters unrelated to immigration. For the reasons stated by the Chair earlier today, the motion is not germane.

The point of order is sustained.

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. Yes, I am.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order on his motion to recommit as well.

The SPEAKER pro tempore. The gentleman from Wisconsin reserves a point of order.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes moves to recommit the bill H.R. 6095 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendments:

Page 3, after line 12, insert the following:

(2) Alien smuggling is a continuing threat to our Nation's security, leaving the United States vulnerable to terrorist attacks.

(3) Alien smuggling continues to be a threat to the security of the United States because of, among other things, the following:

(A) The 9/11 Act of 2004 provided for 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010, which provision has not been implemented. Over the last two years, the Nation has been left short 5,000 detention beds, and nearly 500 immigration agents short of the authorized amount in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to combat alien smuggling.

(B) From 1993 to 2000, there were added, on average, 642 new immigration agents per year. Despite the fact that 9/11 highlighted the heightened need for these resources, from 2001 to 2006, there were added, on average, only 411 new immigration agents, to the detriment of efforts to combat alien smuggling.

(4) Since 2001, the Congress has not enacted legislation to address the 9/11 Commission recommendations to combat alien smuggling.

Page 3, line 13, strike "(2)" and insert "(5)".

Page 3, line 17, strike "(3)" and insert "(6)".

Page 3, line 21, strike "(4)" and insert "(7)".

Page 4, line 3, strike "(5)" and insert "(8)".

Page 4, after line 25, insert the following:

(d) ADDITIONAL RESOURCES TO PROTECT AGAINST ALIEN SMUGGLING BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals to assist the courts in immigration matters;

(4) by 25,000 the number of detention beds;

(5) by 1,000 the number of investigators of fraudulent schemes and documents which

violate sections 274A, 274C, 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against the motion to recommit. It is the same point of order that I made on the previous motion to recommit. The motion to recommit violates clause 7 of rule XVI and on page 3, lines 1 and 2, it has the same defect of increasing the number of U.S. marshals who do not have jurisdiction over immigration violations.

The SPEAKER pro tempore. Does any Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Speaker, my motion to recommit states that the assets would go to the immigration matters that are in the jurisdiction of the Judiciary Committee. It has no reference at all about going to conference. I think those are very germane differences.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

Does the gentleman from Wisconsin insist on his point of order?

Mr. SENSENBRENNER. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The point of order is withdrawn.

Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. REYES. Mr. Speaker, before being elected to represent a border district in Congress, I served for 26½ years in the United States Border Patrol, including 13 years as sector chief in McAllen and El Paso, Texas. I have years of experience of patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and working to do everything in our power to strengthen America's borders and to reduce illegal immigration. So I know from firsthand personal experience what works and what doesn't when it comes to border security and to immigration law enforcement.

Given my background, Mr. Speaker, I attended many of the hearings on the border security and immigration that were called by the majority this summer, along with my Republican colleagues. It is obvious from the bill before us today, however, that though the Republicans held these hearings, they did not actually do very much listening. Rather than charging our already overburdened local law enforcement agencies with enforcing immigration law, which is, I might point out, a Federal responsibility, we need to give the

Department of Homeland Security the resources that they need to do their job.

With this motion to recommit, we help rectify the failure of the Republican leadership to fulfill the recommendations of the 9/11 Commission, which, by the way, Mr. Speaker, is 5 years overdue.

Specifically, over the next 4 years, we would authorize a total of 8,000 new Border Patrol immigration agents, 1,000 additional immigration detention officers, 1,000 more U.S. marshals and 100,000 new detention beds.

The idea that we have here, Mr. Speaker, is simple. If we are really serious about helping to stop illegal immigration, we have to give the Department of Homeland Security the personnel and the detention space that they so desperately need today.

Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea what Congress really needs to do to help keep Americans safe, or they are more interested in scoring cheap political points with the voters back home this election season than in actually protecting our country.

It is now 5 years after the terrorist attacks of 9/11, and the Republican leadership is still wasting our precious time. We need real action now. We don't need more rhetoric. The American people are counting on us, and we cannot fail them yet again. Let's finally give the Department of Homeland Security the resources that they need to keep this great country of ours safe.

I ask all my colleagues to vote in favor of this motion to recommit.

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 motion to recommit guts the bill. There is no question about the fact. My friends on the other side of the aisle do not want to have cooperative agreements between the Federal Government and State and local law enforcement to help enforce the immigration laws.

The bill that was never messaged by the other body prohibits such a practice, and that means that our State and local law enforcement officials have their hands tied behind their back when they see violations of immigration laws. They have to see a crime actually committed, which means that if the other side has their way, you are going to have victims, and we don't want that. We want to make sure that the immigration laws are enforced, and we need the help, voluntarily, of State and local law enforcement to be able to do that.

The motion to recommit also guts the ability to ensure vigorous enforcement against alien smugglers, and it

also guts the ability to end the catch and release of illegal immigrants caught along our borders. Now, in the letter from Secretary Chertoff of the Department of Homeland Security that I introduced into the RECORD earlier in this debate, clearly shows the problem that has occurred as a result of an injunction against expedited removal of Salvadorans.

Now, what nationality are the people in the MS-13 gangs? Largely Salvadorans. So to get rid of MS-13, we have got to pass this bill and vote down the motion to recommit.

Now, this motion is ineffectual, because only the Appropriations Committee can actually fund increases in any account, whether it is the Department of Homeland Security or anyplace else.

Led by Republicans, the House and Senate Appropriations Committee have done a stellar job in increasing the funding for new agents. Over this year and next, our appropriators will increase Border Patrol strength by 2,700 agents. This is close to the maximum number of new agents who can realistically be recruited and adequately trained in this time span.

Now, the other side can have a pie-in-the-sky number, thousands or hundreds of thousands and the like, but we have a limited capacity to recruit and train new agents, and the appropriators are very close to the max in doing this.

Vote down this pernicious motion; pass the bill.

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.

Mr. REYES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 2-minute votes on passage of the bill, passage of H.R. 4830, and motion to suspend the rules on S. 2832, if ordered.

The vote was taken by electronic device, and there were—yeas 196, nays 226, not voting 10, as follows:

[Roll No. 467]

YEAS—196

Abercrombie	Blumenauer	Chandler
Ackerman	Boren	Clay
Allen	Boswell	Cleaver
Andrews	Boucher	Clyburn
Baca	Boyd	Conyers
Baird	Brady (PA)	Cooper
Baldwin	Brown (OH)	Costa
Barrow	Brown, Corrine	Costello
Bean	Butterfield	Cramer
Becerra	Capps	Crowley
Berkley	Capuano	Cuellar
Berman	Cardin	Cummings
Berry	Cardoza	Davis (AL)
Bishop (GA)	Carnahan	Davis (CA)
Bishop (NY)	Carson	Davis (FL)

Davis (IL)	Lantos	Rangel
Davis (TN)	Larsen (WA)	Reyes
DeFazio	Larson (CT)	Ross
DeGette	Lee	Rothman
Delahunt	Levin	Royal-Allard
DeLauro	Lewis (GA)	Ruppersberger
Dicks	Lipinski	Rush
Dingell	Lofgren, Zoe	Ryan (OH)
Doggett	Lowey	Sabo
Doyle	Lynch	Salazar
Emanuel	Maloney	Sánchez, Linda T.
Engel	Markey	Sanchez, Loretta
Eshoo	Marshall	Sanders
Etheridge	Matheson	Schakowsky
Farr	Matsui	Schiff
Fattah	McCarthy	Schwartz (PA)
Filner	McCollum (MN)	Scott (GA)
Ford	McDermott	Scott (VA)
Frank (MA)	McGovern	Serrano
Gonzalez	McIntyre	Sherman
Gordon	McKinney	Skelton
Green, Al	McNulty	Slaughter
Green, Gene	Meehan	Smith (WA)
Grijalva	Meek (FL)	Snyder
Gutierrez	Meeks (NY)	Solis
Harman	Melancon	Spratt
Hastings (FL)	Michaud	Stark
Herseth	Millender-Stark	Stupak
Higgins	McDonald	Tanner
Hinchey	Miller (NC)	Tauscher
Hinojosa	Miller, George	Taylor (MS)
Holden	Mollohan	Thompson (CA)
Holt	Moore (WI)	Tierney
Honda	Moran (VA)	Towns
Hooley	Murtha	Udall (CO)
Hoyer	Nadler	Udall (NM)
Inslee	Napolitano	Van Hollen
Israel	Neal (MA)	Velázquez
Jackson (IL)	Oberstar	Vislosky
Jackson-Lee (TX)	Obey	Wasserman
Jefferson	Olver	Schultz
Johnson, E. B.	Ortiz	Waters
Jones (OH)	Owens	Watson
Kanjorski	Pallone	Watt
Kaptur	Pascrell	Waxman
Kennedy (RI)	Pastor	Weiner
Kildee	Payne	Wexler
Kilpatrick (MI)	Pelosi	Woolsey
Kind	Peterson (MN)	Wu
Kucinich	Pomeroy	Wynn
Langevin	Price (NC)	
	Rahall	

NAYS—226

Aderholt	Davis (KY)	Hayworth
Akin	Davis, Jo Ann	Hefley
Alexander	Davis, Tom	Hensarling
Bachus	Deal (GA)	Herger
Baker	Dent	Hobson
Barrett (SC)	Diaz-Balart, L.	Hoekstra
Bartlett (MD)	Diaz-Balart, M.	Hostettler
Barton (TX)	Doolittle	Hulshof
Bass	Drake	Hunter
Beauprez	Dreier	Hyde
Biggert	Duncan	Inglis (SC)
Bilbray	Edwards	Issa
Bilirakis	Ehlers	Istook
Bishop (UT)	Emerson	Jenkins
Blackburn	English (PA)	Jindal
Blunt	Everett	Johnson (CT)
Boehner	Feeney	Johnson (IL)
Bonilla	Ferguson	Johnson, Sam
Bonner	Fitzpatrick (PA)	Jones (NC)
Bono	Flake	Keller
Boozman	Foley	Kelly
Boustany	Forbes	Kennedy (MN)
Bradley (NH)	Fortenberry	King (IA)
Brady (TX)	Fossella	King (NY)
Brown (SC)	Fox	Kingston
Brown-Waite, Ginny	Franks (AZ)	Kirk
Burgess	Frelinghuysen	Kline
Burton (IN)	Gallely	Knollenberg
Buyer	Garrett (NJ)	Kolbe
Calvert	Gerlach	Kuhl (NY)
Camp (MI)	Gibbons	LaHood
Campbell (CA)	Gilchrest	Latham
Cannon	Gillmor	LaTourette
Cantor	Gingrey	Leach
Capito	Gohmert	Lewis (CA)
Carter	Goode	Lewis (KY)
Castle	Goodlatte	Linder
Chabot	Granger	LoBiondo
Chocola	Graves	Lucas
Coble	Green (WI)	Lungren, Daniel E.
Cole (OK)	Gutknecht	Mack
Conaway	Hall	Manzullo
Crenshaw	Hart	Marchant
Culberson	Hastings (WA)	McCaul (TX)
	Hayes	

McCotter Pombo Simpson
 McCrery Porter Smith (NJ)
 McHenry Price (GA) Smith (TX)
 McHugh Pryce (OH) Sodrel
 McKeon Putnam Souder
 McMorris Radanovich Stearns
 Rodgers Ramstad Sullivan
 Mica Regula Sweeney
 Miller (FL) Rehberg Tancredo
 Miller (MI) Reichert Taylor (NC)
 Miller, Gary Renzi Terry
 Moran (KS) Reynolds Thomas
 Murphy Rogers (AL) Thornberry
 Musgrave Rogers (KY) Tiahrt
 Myrick Rogers (MI) Tiberi
 Neugebauer Rohrabacher Turner
 Northup Ros-Lehtinen Upton
 Norwood Royce Walden (OR)
 Nunes Ryan (WI) Wamp
 Nussle Ryun (KS) Weldon (FL)
 Osborne Saxton Weldon (PA)
 Otter Schmidt Schwarz (MI)
 Oxley Senzenbrenner Weller
 Paul Sessions Westmoreland
 Pearce Whitfield Wicker
 Pence Shadegg Wilson (NM)
 Peterson (PA) Shaw Wilson (SC)
 Petri Shays Wolf
 Pickering Sherwood Young (AK)
 Pitts Shimkus Young (FL)
 Platts Shuster Simmons

NOT VOTING—10

Boehlert Harris Thompson (MS)
 Case Moore (KS) Walsh
 Cubin Ney
 Evans Strickland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Acting SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1552

Messrs. BRADY of Texas, DENT, SAXTON, BROWN of South Carolina, Mrs. MYRICK, Mr. HALL, Mr. TIBERI, Ms. GRANGER and Mrs. EMERSON changed their vote from “yea” to “nay.”

Mr. CLAY changed his vote from “nay” to “yea.”

So the motion to recommit 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 2-minute vote.

The vote was taken by electronic device, and there were—yeas 277, nays 140, not voting 15, as follows:

[Roll No. 468]

YEAS—277

Aderholt Bilirakis Brady (TX)
 Akin Bishop (GA) Brown (OH)
 Alexander Bishop (NY) Brown (SC)
 Bachus Bishop (UT) Brown-Waite,
 Baird Blackburn Ginny
 Baker Blunt Burgess
 Barrett (SC) Boehner Burton (IN)
 Barrow Bonilla Butterfield
 Bartlett (MD) Bonner Buyer
 Barton (TX) Bono Calvert
 Bass Boozman Camp (MI)
 Bean Boren Campbell (CA)
 Beauprez Boswell Cannon
 Berry Boustany Cantor
 Biggert Boyd Capito
 Bilbray Bradley (NH) Cardoza

Castle Israel
 Chabot Issa
 Chandler Istook
 Chocola Jenkins
 Coble Jindal
 Cole (OK) Johnson (CT)
 Conaway Johnson (IL)
 Cooper Johnson, Sam
 Costa Jones (NC)
 Cramer Kanjorski
 Crenshaw Kaptur
 Culberson Keller
 Davis (AL) Kelly
 Davis (FL) Kennedy (MN)
 Davis (KY) King (IA)
 Davis (TN) King (NY)
 Davis, Jo Ann Kingston
 Davis, Tom Kirk
 Deal (GA) Kline
 DeFazio Knollenberg
 Dent Kuhl (NY)
 Doolittle LaHood
 Drake Latham
 Dreier LaTourrette
 Duncan Leach
 Edwards Lewis (CA)
 Ehlers Lewis (KY)
 Emerson Linder
 English (PA) Lipinski
 Etheridge LoBiondo
 Everrett Lucas
 Feeney Lungren, Daniel
 Ferguson E.
 Fitzpatrick (PA) Mack
 Flake Manullo
 Foley Marchant
 Forbes Marshall
 Ford Matheson
 Fortenberry McCarthy
 Fossella McCaul (TX)
 Foxx McCotter
 Franks (AZ) McCrery
 Frelinghuysen McHenry
 Gallegly McHugh
 Garrett (NJ) McIntyre
 Gerlach McKeon
 Gibbons McMorris
 Gilchrest Rodgers
 Gillmor McNulty
 Gingrey Melancon
 Gohmert Mica
 Goode Miller (FL)
 Goodlatte Miller (MI)
 Gordon Miller (NC)
 Granger Miller, Gary
 Graves Mollohan
 Green (WI) Moran (KS)
 Gutknecht Moran (VA)
 Hall Murphy
 Harman Murtha
 Hart Musgrave
 Hastings (WA) Myrick
 Hayes Neugebauer
 Hayworth Northup
 Hefley Norwood
 Hensarling Nunes
 Hergert Nussle
 Herseth Obey
 Higgins Osborne
 Hobson Otter
 Hoekstra Oxley
 Holden Paul
 Hoolley Pearce
 Hostettler Pence
 Hulshof Peterson (MN)
 Hunter Peterson (PA)
 Hyde Petri
 Inglis (SC) Pickering

NAYS—140

Abercrombie Cleaver Engel
 Ackerman Clyburn Eshoo
 Allen Conyers Farr
 Andrews Costello Fattah
 Baca Crowley Filner
 Baldwin Cuellar Frank (MA)
 Becerra Cummings Gonzalez
 Berkeley Davis (CA) Green, Al
 Berman Davis (IL) Green, Gene
 Blumenauer DeGette Grijalva
 Boucher Delahunt Gutierrez
 Brady (PA) DeLauro Hastings (FL)
 Brown, Corrine Diaz-Balart, L.
 Capps Diaz-Balart, M.
 Capuano Dicks Holt
 Cardin Dingell Honda
 Carnahan Doggett Hoyer
 Carson Doyle Inslee
 Clay Emanuel Jackson (IL)

Jackson-Lee Meeks (NY) Sanders
 (TX) Michaud Schakowsky
 Jefferson Millender Schiff
 Johnson, E. B. McDonald Scott (VA)
 Jones (OH) Miller, George Serrano
 Kennedy (RI) Moore (WI) Sherman
 Kildee Nadler Slaughter
 Kilpatrick (MI) Napolitano Smith (WA)
 Kind Neal (MA) Snyder
 Kolbe Oberstar Solis
 Kucinich Olver Stark
 Langevin Ortiz Tierney
 Lantos Owens Towns
 Larsen (WA) Pallone Udall (NM)
 Larson (CT) Pascrell
 Lee Pastor Van Hollen
 Levin Payne Velázquez
 Lewis (GA) Pelosi Wasserman
 Lofgren, Zoe Price (NC) Schultz
 Lowey Rangel Waters
 Lynch Reyes Watson
 Maloney Ros-Lehtinen Watt
 Markey Rothman Waxman
 Matsui Roybal-Allard Weiner
 McCollum (MN) Ruppertsberger Wexler
 McDermott Rush Wilson (NM)
 McGovern Sabo Woolsey
 McKinney Sánchez, Linda Wynn
 Meehan T.
 Meek (FL) Sanchez, Loretta

NOT VOTING—15

Boehlert Harris Reynolds
 Carter Moore (KS) Strickland
 Case Ney Thompson (MS)
 Cubin Pitts Walsh
 Evans Rehberg Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining on this vote.

□ 1556

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BORDER TUNNEL PREVENTION ACT OF 2006

The SPEAKER pro tempore. The pending business is the vote on passage of H.R. 4830, on which the yeas and nays are ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

This will be a 2-minute vote.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 10, as follows:

[Roll No. 469]

YEAS—422

Abercrombie Bilirakis Burgess
 Ackerman Bishop (GA) Burton (IN)
 Aderholt Bishop (NY) Butterfield
 Akin Bishop (UT) Buyer
 Alexander Blackburn Calvert
 Allen Blumenauer Camp (MI)
 Andrews Blunt Campbell (CA)
 Baca Boehner Cannon
 Bachus Bonilla Cantor
 Baird Bonner Capito
 Baker Bono Capps
 Baldwin Boozman Capuano
 Barrett (SC) Boren Cardin
 Barrow Boswell Cardoza
 Bartlett (MD) Boucher Carnahan
 Barton (TX) Boustany Carson
 Bass Boyd Carter
 Bean Bradley (NH) Castle
 Beauprez Brady (PA) Chabot
 Becerra Brady (TX) Chandler
 Berkeley Brown (OH) Chocola
 Berman Brown (SC) Clay
 Berry Brown, Corrine Cleaver
 Biggert Brown-Waite, Clyburn
 Bilbray Ginny Coble