

While this shocked many, this level of ineptitude has gone on for years in the INS. INS blames the delays on antiquated, inaccurate and untimely and inefficient paper-based processing systems, while I believe the problem lies with the antiquated, inaccurate and untimely INS. The management structure, the authority structure, the technology all need a comprehensive overhaul, which is exactly what is before us with the Immigration Reform and Accountability Act.

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

#### WELFARE REFORM

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

Mr. TIERNEY. Mr. Speaker, it is interesting to note the fact that 495 Members of Congress have bachelor's degrees. It is interesting to note the fact that 127 Members of Congress have masters degrees. It is interesting to note the fact that 224 Members of Congress hold law degrees.

The House is soon going to begin debate on reforming our welfare system. As we do so, I urge my colleagues to recognize the direct correlation between education and earning potential.

What this Congress needs to do is to ensure that educational opportunities can count as work for at least 2 years for those individuals on welfare.

That is why I, along with the gentleman from New Jersey (Mrs. ROUKEMA), have introduced H.R. 4210, the Working From Poverty to Promise Act, which would, among other things, allow for expanded educational opportunities to count as work full-time for 24 months.

In the long run, we need individuals to become independent with stable family lives, while also meeting the labor needs of our increasingly sophisticated economy. We can ill afford to be shortsighted in our reform by forcing people into low-wage jobs with no potential for advancement. That simply continues the cycle of dependency.

The business community in my region has concluded that it too has benefited when people are prepared to work at a level adequate to fulfill the challenging and advanced positions and to make their companies profitable.

Mr. Speaker, the President's plan which is embodied by the House majority would be much improved if amended to let welfare recipients have real opportunity through education and job training.

#### PROPOSED TANF REAUTHORIZATION

(Ms. WATSON of California asked and was given permission to address the House for 1 minute.)

Ms. WATSON of California. Mr. Speaker, I strongly oppose the President's proposal to increase TANF work requirements. The proposed 40-hour

work week will cripple the State's ability to continue to move TANF recipients out of poverty and into self-sufficiency. It will require States to make work.

Despite recent trends, poverty has grown in my State of California. Hispanics and African Americans have higher rates of poverty in California than anywhere else in the country. Furthermore, most poor families in California are working. Simply working more hours is not the solution. Education is.

Research has shown that welfare recipients who are able to attend community college increase their median earnings by 43 percent. More than half of the people on welfare in Los Angeles lack a high school diploma. Clearly, the educational needs of these people are not being met.

TANF reauthorization needs to address the educational needs of welfare recipients. Simply working more hours is not the solution.

□ 1030

#### PROVIDING FOR CONSIDERATION OF H.R. 3231, BARBARA JORDAN IMMIGRATION REFORM AND ACCOUNTABILITY ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 396 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 396

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3231) to replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the

House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

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

Mr. Speaker, H. Res. 396 is a structured rule providing for considering of H.R. 3231, the Barbara Jordan Immigration Reform and Accountability Act of 2002. The bill provides for 1 hour of general debate equally divided by the chairman and ranking minority member of the Committee on the Judiciary.

This rule waives all points of order against consideration of the bill and provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the bill, as amended and makes in order only those amendments printed in the report of the Committee on Rules accompanying the resolution.

H. Res. 396 provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

H. Res. 396 waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I urge my colleagues to join me in approving this rule, so that the House can begin its consideration of H.R. 3231, the Barbara Jordan Immigration Reform and Accountability Act. I am a co-sponsor of this bill, and I hope that when the House approves this bill, the Senate will take prompt action as well, so that before the end of this year President Bush can sign into law strong INS reform legislation. If

so, we will have taken a big step towards enabling the Federal Government to effectively manage our Nation's immigration policy for the first time in nearly 70 years.

Since 1933, when immigration enforcement and service were consolidated under the management of the INS, it has failed to fulfill both of these missions. The INS has not adequately deterred or eliminated illegal immigration, and it has ill-served legal immigrants applying for residence or work visas. It is only through the drastic, structural reforms proposed by H.R. 3231 that we can begin to improve both immigration service and enforcement, and thereby serve America's citizens and immigrants.

H.R. 3231 will split the INS into two distinct, but equal, agencies so that each may concentrate on a single mission. The Bureau of Citizenship and Immigration Services, BSIC, will facilitate the legal immigration process, while the Bureau of Immigration Enforcement, BIE, will deter and remove illegal immigrants. Furthermore, this bill elevates the importance of immigration policy in the executive branch's hierarchy by creating an Associate Attorney General within the Department of Justice, whose sole responsibility will be immigration affairs.

Every year more than one million people settle in the United States. Most come legally after waiting years for visas or work permits and following the lengthy red tape trail to legal status. They come for the opportunity to live the American dream, to join loved ones, or to seek jobs, freedom, prosperity, and security. In turn, we only ask that they abide by our laws and respect the principles outlined in the Declaration of Independence and the Constitution.

The majority of immigrants adhere to these conditions, and as a Nation essentially founded by immigrants, we welcome them to our shores. Immigrants have contributed to our growth as a democratic and capitalistic Nation, and we recognize that immigration is a historic and vital facet of American life. It is only natural then that we should work to facilitate their admittance to the United States. Yet for years we have failed in this regard.

A report by the General Accounting Office in June 2001 indicated that, despite significant increases in funding, the backlog for all immigration applications had increased four-fold since 1994. In some instances, applicants must wait 2 years before the INS can review their application and render a decision. As the backlog of cases stood at 4.9 million applications and petitions at the end of fiscal year 2001, we can expect these delays to probably worsen.

By establishing the BSIC and mandating that its sole responsibility be the processing of immigration applications, we can improve applicant service and decrease the time required for

processing applications. Further, the agency will be able to spend more time and resources on verifying applications and conducting security and backgrounds checks. Thus, the United States will be more able to effectively identify and stop individuals who have questionable intentions or background from entering the U.S. and threatening our national security.

While most immigrants reside in the U.S. legally, others enter illegally, furtively entering through borders and ports of entry or overstaying a legal visa or work permit. This willful disregard of our laws should not be overlooked, and we must dedicate resources to deterring illegal immigration or finding and deporting those who enter nonetheless. This is no longer an issue of immigration, and instead it is one firmly rooted in law enforcement and national security.

The enforcement failures of the INS can be characterized as ineffective at best and catastrophic at worst. Every single one of the September 11 hijackers was able to enter the United States legally, and while three overstayed their visas, the INS did not have the capacity to track, find and deport visa violators. In the wake of this tragedy, we also discovered that more than 1,000 foreign students could not be located for interviews after the tragic attacks. Finally, it is worth noting that reports estimate that as many as 400,000 individuals who have been ordered deported are still living in the U.S.

While this information is startling, these are just a few of the notable incidents in a long string of enforcement failures by the INS. We must restore our ability to adequately detect non-compliance and fraud. This goal will be enhanced by the establishment of a single agency, focusing on enforcing our immigration laws and removing violators. The BIE will be better able to protect our borders and stop illegal crossings. Further, as approximately 40 percent of the illegal immigrants come to the U.S. on legal and temporary visas, the agency will be able to better track and monitor visa over-stayers and provide swift removal. While the BIE cannot single-handedly correct all of our immigration problems, it can correct many of these problems and provide a greater level of security to our Nation and its citizens.

Since the 1930s, the INS has been charged with implementing national immigration policy. Time and time again, the INS has failed the American people and the Congress. And it has disappointed our immigrants and contributed to the weakening of our national security. With each shocking revelation of a new oversight, failure or mistake by the INS, we have expressed our shock and bewilderment. With each report highlighting the inefficiencies of the agency, as well as the numerous deficiencies, we have urged change. Yet today is the day that we will actually begin this long overdue

process. Today, we consider a bill that will truly reform an agency that has become too accustomed to inadequacy, inconsistency, and failure.

Mr. Speaker, I want to commend my friend and colleague, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for his strong and able leadership in moving this bill through his committee promptly and bringing it to the floor today. I know that he worked with others on the committee to forge a strong bipartisan consensus behind the structural reforms that H.R. 3231 calls for, and he deserves the lion's share of credit for bringing us to this point in the process.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend, the gentleman from Georgia (Mr. LINDER), for yielding me time.

Mr. Speaker, I rise today to voice my support of the Barbara Jordan Immigration Reform and Accountability Act of 2002. Before I launch into my remarks, I would like to preface them by asking the question, What would Barbara Jordan do? I wish I could give the rule that we will presently consider the type of support that I would offer for the Barbara Jordan Immigration Reform and Accountability Act. However, the Committee on Rules' refusal to allow a number of thoughtful substantive amendments to be considered by the House this morning does give me some small reason to pause.

That fact notwithstanding, I want to commend the authors of this bill, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Pennsylvania (Mr. GEKAS) and the ranking members, the gentleman from Michigan (Mr. CONYERS) and the gentlewoman from Texas (Ms. JACKSON-LEE). They have produced a bipartisan bill that is sure to improve the performance and accountability of the way this Nation handles its immigration procedures. I should better say that they hope it will do that.

My next sentence, Mr. Speaker, I am sure will be music to the ears of the multitudes who sometimes run up against the brick wall known as the INS. This bill abolishes the Immigration and Naturalization Service and replaces it with two separate bureaus: the Bureau of Citizenship and Immigration Services and the Bureau of Immigration Enforcement.

Please do not get me wrong, Mr. Speaker. There were thousands and thousands of hard-working INS employees, many of whom I have the privilege to represent and my offices, particularly those in Florida, interface with on a day to day basis. They are extremely responsive with the limited technology that they have and the limited ability to try to handle the massive number of changes. So to the hard-working INS rank-and-file employees, I

would ask my colleagues to back off of them a bit and to go after those people who really have caused the problem, sometimes some of us politicians.

It is unfortunate, however, that the leadership of the INS over the past generations has made it into literally the laughing stock of the Federal bureaucracy. While I am convinced you will find no harder working employees than the rank and file at the INS, I am equally convinced that many of these people are justifiably confused and frustrated by management and structural and institutional paralysis at their agency.

The bill we consider today makes a number of changes that I hope will help pave the way for a system and structure that the American people can be proud of and one that treats visitors to our country fairly, keeping in mind the very serious responsibilities of safety and security for our citizens. The Barbara Jordan immigration reform bill establishes the office of the Associate Attorney General for the purpose of immigration affairs. Under the measure, the Associate Attorney General would be appointed by the President and confirmed by the Senate. The Associate Attorney General will be hired to have a minimum of 5 years managing a large and complex organization and will be responsible for coordinating the administration of natural immigration policy and overseeing and supervising the work of the directors of the immigration services and enforcement bureaus and reconciling any conflicting policies between the bureaus.

While the legislation was passed out of the Judiciary Committee by an overwhelming majority, I cannot, however, ignore the very cogent dissenting views offered by my friends, the gentlewoman from California (Ms. LOFGREN) and the gentleman from North Carolina (Mr. WATT), and others.

□ 1045

They argue that the bill, as it currently stands, will not substantially reform the agency. The bill simply reconfigures the INS by splitting authority over the two essential elements of INS, immigration and enforcement, into two bureaucracies instead of one. While their view is shared by some of us, I am hoping the amendments to be offered later today will perfect some of the shortcomings that currently exist.

Additionally, although the title of the bill suggests that we are reforming both immigration structure and policies, it fails to address many substantive issues that many Members, myself included, would have liked to have seen more fully explored. For example, the amendment I intended to offer, which was not given a waiver and not made in order, would have added some substantive meat to the legislation, adjusting the immigration status of eligible Haitian aliens by granting them permanent resident status in the United States, those that are here since 1995.

The amendment would have been a critical first step in rectifying grievous inequities in current INS policy. They grant one type of treatment for refugees from certain countries and a different, second-class, if not third-class type of treatment to migrants from other countries.

No later than yesterday, the Miami Herald and the Sun Sentinel in Fort Lauderdale editorialized that this policy is discriminatory. It needs to stop. And we offered an amendment that would stop it, and of course, it was ruled as not germane. I do not know what could be any more germane, and I do not know where a waiver obtains in the Committee on Rules, but I rather suspect that we did not want to offer this measure so as how not to impinge on this so-called reform that we are headed down the road to.

Mr. Speaker, we cannot as a democratic Nation continue to condone an immigration policy that favors immigrants from some nations while discriminating against those from others. I have always believed that legal immigration is one of the sources of America's greatness, as our country has prided itself on its diversity, its strength through that diversity.

We are a Nation of immigrants, and those who enter our borders legally should be afforded equal opportunity to excel and prosper, and there is evidence that that has been the case in this great country. They should enjoy the benefits that those of us born here take for granted.

As I said, Mr. Speaker, I do support the base bill on the floor today and I think the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) have done an outstanding job, and I urge my colleagues to do likewise. I only wish that the Committee on Rules had permitted a few more amendments to make in order those things that would make this bill a lot more meaningful.

I do end by saying what I said at the outset, Mr. Speaker, and that is, we have named this bill the Barbara Jordan Immigration Reform and Accountability Act of 2002. Like many people in this room, I knew Barbara Jordan, and I ask the question, what would Barbara Jordan do?

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

Mr. LINDER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me the time, and I certainly appreciate the opportunity to participate in this debate with my friend from Miami and my friend from Georgia.

I just want to go through a few charts today because I believe that what is driving this debate is maybe negligence, maybe incompetence, maybe a combination of things at INS that has certainly caused it to fall very, very, very short of its mission

and even to the extent of endangering national security. Some have even suggested that INS actually stands for ignoring national security. Why would they do this?

Here is a question that was asked to the former Deputy Attorney General George Terwilliger, and this comes from a March 10, 2002, quote. "Do you think the INS has a handle on who it lets in and who is here and whether they have left?" His answer, as a very informed person, "No. No, they do not have a handle on it."

Another statistic from the House Committee on the Judiciary, the Census Bureau estimates that at least 8 million undocumented illegal immigrants reside in the United States of America. I want to give my colleagues a picture of 8 million. The State of Georgia, Georgia has 8.1 million people. So what we are saying is a State the size of Georgia would have a total population of undocumented illegal immigrants. That is outrageous, atrocious, and unacceptable.

Are they ignoring national security? In March 2002, the INS mailed a letter to a Florida flight school informing them that Mohammed Atta and another hijacker had been approved for student visas. Of course, Mr. Atta was not around to receive his visa at that time because, as my colleagues recall, he had driven a plane into the World Trade Center in September. Ignoring national security; if the INS officials were following their own policies, Mohammed Atta would never have been allowed to enter the United States of America in the first place if they just followed their own policies.

Are they ignoring national security? There are over 300,000 criminal and deportable illegal immigrants ordered removed by immigration judges that have fled; 6,000 of those are from countries identified as al Qaeda strongholds; 300,000 criminals that have been ordered to leave. I would say, yes, it does appear that national security has been ignored.

Is it incompetence? The INS had a backlog of 4.9 million applications and petitions at the end of fiscal year 2001. Now, it has already been said the gentleman from Georgia (Mr. LINDER), that in his office and in many congressional offices around the country they get more INS complaints than they get IRS complaints. And I see it in Savannah, Georgia.

People come in all the time and they cannot get their visas approved, they cannot get other things stamped and taken care of. We, I believe, have a very good, local, competent office, and I agree with the gentleman from Florida (Mr. HASTINGS), there are lots of very, very good employees who do an excellent job, but I think structurally the deck is stacked against them. Their hands are tied to do what they really want to do, what they know they should do, and what they can do.

Last year, the Justice Department handled over 4,200 allegations of misconduct against INS personnel. It is

time for a change. We can do that. This legislation today is a very significant first step to clean up a long overdue process. When the government is no longer responsive and no longer efficient, no longer doing what it is meant to do, it is time for Congress to step in and change, and that is what we are doing here today.

Support this rule and support the legislation.

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

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from Arizona (Mr. KOLBE).

(Mr. KOLBE asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. KOLBE. Mr. Speaker, I rise in opposition to the underlying bill that this rule offers for consideration, the Barbara Jordan Immigration Reform and Accountability Act. I appreciate the work of the Committee on the Judiciary and the Committee on Rules to bring a bill to the floor, but I think this effort falls seriously short of the real reform that is needed.

Unfortunately, the bill that we have before us today simply rearranges the boxes on the existing organization chart of the INS. It separates two divergent functions within the INS, immigration service and benefits. But it does not do much more than already exists. Instead of having the two functions joined at the top by the INS Commissioner who reports to the Attorney General, they are joined at the top by an Associate Attorney General who reports to the Attorney General.

My colleagues may be interested in knowing that on November 4 of last year, the Attorney General and the INS Commissioner announced that under their own reorganization plan, "clear and separate chains of command for the agency's service function and enforcement function are created." So, this bill would add nothing to what has already been done administratively.

The bill also purports to give each function its own budget and its own dedicated employees. As a member of the Subcommittee on Commerce, Justice, State and Judiciary that has responsibility for the INS and Department of Justice budget, I can tell my colleagues that for some time now we have already separated the budget of the service and the enforcement functions of the INS. So nothing new is accomplished here, either.

It is no surprise that the Department of Justice is now supporting this bill because it does not impose any changes on them. The only difference that I can see is that we will change the INS Commissioner's title to Associate Attorney General. The same people at the INS will be doing the same things they are doing today and the same things they were doing prior to September 11.

What would have been different if this proposed bill had been law prior to September 11?

The same people will be patrolling our borders and reporting to the same sector chiefs. The same people will be issuing visas and adjudicating immigration claims.

But to implement the supposed reform is going to cost the American taxpayers an additional \$1.1 billion. Why? Because it would eliminate \$1 billion of revenues that immigrants pay now through fees that are used for border enforcement or drug interdiction. We would have to replace it with general revenue funds.

Mr. Speaker, the irony today is that there is a proposal for real INS reform. It was submitted to Congress 5 years ago. It was the recommendation of the commission chaired by the late Congresswoman Barbara Jordan. I would have liked to offer the commission's recommendation as an amendment, but this rule does not permit that.

The commission's proposal has been vetted and studied for years, 5 years by the commission and at least 5-years that it has been before Congress. These recommendations, my amendment, would fundamentally restructure INS by recognizing three core immigration functions and rationalizing them into three specific departments with expertise in these areas.

Let me read just a couple of excerpts from a letter written by Robert Hill and Bruce Morrison, a Republican and Democrat, who cochaired the Jordan Commission Working Group on Structural Reform of the INS:

"Coordination of functions would be better under H.R. 4108," that was the bill I have introduced that now I propose to offer as an amendment. "Coordination of functions would be better under H.R. 4108 than under the Judiciary Committee bill. Under the committee bill, administration of immigration benefits would continue to be split between Justice, Labor, and State, as under current law. All the fragmentation found by the commission would continue. Your bill addresses this problem with its consolidation of benefits adjudication in the State Department . . ."

Quoting further, "Immigration law enforcement belongs in the Justice Department . . . The Justice Department is the wrong place for adjudicating immigration benefits."

Mr. Speaker, I would place in the RECORD at this point the rest of this letter.

APRIL 18, 2002.

Hon. JIM KOLBE,  
*House of Representatives,*  
*Washington, DC.*

DEAR CONGRESSMAN KOLBE: As former members of the U.S. Commission on Immigration Reform (the "Jordan Commission"), we are writing to express our views on the INS Reorganization Act of 2002 (H.R. 4108), which you introduced on April 9, 2002. We understand that your bill encompasses the Jordan Commission's recommendations for comprehensive restructuring of responsibility for immigration functions within the government. We also understand that you may seek to offer your bill as a substitute for the well-intentioned, but more limited reforms con-

tained in H.R. 3231 reported by the House Judiciary Committee.

In this context, we offer some suggestions on why the more complete separation of agency responsibilities reflected by your bill received support from the Commission. We continue to believe that this more fundamental reform is far preferable.

From 1992 to 1997, we served together as members of the Jordan Commission and co-chaired its working group on management reform, which developed the recommendations on restructuring reported to Congress on September 30, 1997. We come from opposite ends of the political spectrum. Bob Hill served as an appointee of President Reagan in the White House, the State Department and the Justice Department. Bruce Morrison was a Democratic Member of Congress and served in the Clinton Administration. We have both had extensive experience representing clients in immigration matters. On this issue, our experience leads us to consensus, much as it did for the diverse membership of the Commission.

The Jordan Commission reached its recommendation for restructuring after years of extensive investigation. We held more than 40 public hearings, consultations and round-table discussions with government officials and outside experts, as well as recent immigrants and refugees themselves. In every forum there was serious, ongoing discussion of the problems confronting the government agencies responsible for administering the immigration system as well as those confronting the individuals, employers, and practitioners subjected to it. Based on this input, we set criteria for evaluating competing restructuring proposals. These included: (1) consolidation and streamlining of government operations; (2) unambiguous allocation of responsibility and accountability for core functions; (3) effective separation of law enforcement and benefits adjudication; (4) maximum utilization of existing strengths and elimination of weaknesses or redundancies; and (5) enhancement of policy formulation, implementation and coordination.

Immigration law enforcement belongs in the Justice Department. Everyone agrees that the enforcement of our immigration laws—at the border and within the country—should be handled by a separate bureau within the Justice Department. We all seek to have this enforcement carried out with the kind of professional standards and effectiveness we have long associated with the Criminal Division, the U.S. Attorneys, and the FBI. INS enforcement activities, while given high priority within the agency, have never had the status within Justice that comes to other law enforcement functions. This should change.

The Justice Department is the wrong place for adjudicating immigration benefits. The main distinction between the Committee bill and yours is the placement of the second major INS function—adjudication of benefit applications. The Commission considered and rejected the idea of keeping this function in the Justice Department. Although initially Justice was viewed by most members as the presumptive choice, they were ultimately persuaded otherwise. The reasons were the fundamental objection to locating the enforcement and benefits functions in one agency, and that the Justice Department did not have the capacity to take on the State Department's international visa functions. Some argued that the two functions are complementary and must be coordinated by a single government official. But we saw that as little different from the INS structure that has so clearly failed. Instead we concluded that the very qualities of approach and status that make Justice the

right home for immigration enforcement make it the wrong place for benefits adjudication. In fact, the general rule in the federal government is for serious violations of law regarding federal benefits and programs to be handled by law enforcement agencies, not the agency administering the benefit.

The State Department is the best place to locate the benefits function. The need to take benefits administration out of Justice was an easier choice for the Commission than the choice of a new location. But closer examination pointed strongly to State. That Department has the greatest institutional capacity and presence, as well as professional capabilities to undertake the work of establishing and administering a consolidated worldwide adjudication system. It issues more than half a million immigrant visas and more than seven million non-immigrant visas each year to applicants around the world. It issues millions of passports to American citizens through its existing passport offices in fifteen U.S. cities. It determines citizenship claims of foreign residents and registers the births of U.S. citizens overseas. And, at the National Visa Center in Portsmouth, New Hampshire, it annually processes three-quarters of a million immigrant cases and the annual diversity visa "lottery."

Placing immigration benefit administration at the State Department would strengthen both the function and the Department. Many advocates favor a separate agency or department to oversee a consolidated immigration function. The Commission rejected that idea both as impractical and as continuing the role conflicts between extending benefits and pursuing lawbreakers. But one concern of those advocates—the need for a leading voice on immigration policy—is answered by the State Department. Migration issues are international in character and they require understanding and cooperation among many nations. State can and should play the key role in the broad questions of migration policy, as it now does in refugee matters. As one of the four most powerful cabinet departments in the government, its influence at the White House can elevate immigration policy issues on any Administration's policy agenda. And the strong interests of U.S. families and companies in immigration policy will give the State Department an involvement with domestic constituents that can only help its policy and political strength.

Coordination of functions would be better under H.R. 4108 than under the Judiciary Committee bill. Under the Committee bill, administration of immigration benefits would continue to be split between Justice, Labor, and State, as under current law. All the fragmentation found by the Commission would continue. Your bill addresses this problem with its consolidation of benefits adjudication in the State Department. When respondents in proceedings before the Justice Department have benefit claims, they will be as well protected by seeking State Department processing, as they will be going to another office at Justice.

In over four years since the Commission's final report to Congress, we have both observed the continuing deterioration of a system collapsing under its own weight. We have also had time to reflect upon the proposals we made for revitalizing that system. Those proposals are not perfect, but we remain persuaded that they provide the best option for effective reform available particularly in the wake of September 11. For that reason, we are both pleased to support your bill, H.R. 4108 and offer our assistance in anyway you believe will be of help in your efforts to enact it into law.

Sincerely,

BRUCE A. MORRISON,

*Morrison Public Affairs Group.*

ROBERT CHARLES HILL,  
Arent, Fox, Kintner,  
Plotkin & Kahn.

Mr. KOLBE. Southern Arizona, which I represent, knows firsthand that the INS has failed to fulfill its duties. The people of Arizona have to deal with the consequences, such as treating injured illegal immigrants, environmental degradation, and the strain on law enforcement.

I simply cannot go back to my State, to the people of southern Arizona and say that we have reformed the INS with this bill because, sadly, it just does not do it. It is an illusion of reform.

We need to go back to committee. We need to consider real reform for the INS. Unfortunately, this bill just does not do it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) a member and a very diligent and effective member of the Committee on Rules for his leadership.

We have a period of time to engage in general debate and comment on a number of amendments that have been allowed for in this bill. So I rise today to discuss this bill in the overall context of the ability of the House of Representatives to be a problem solver and to ensure that the bill is reflective of the intensity of hard work that has gone on throughout the days and months and years that the light has been shone on the INS.

This bill is a bill that has brought about one of the most effective series of conversations and negotiations between the chairman, ranking member, subcommittee chairman, and ranking member of the Subcommittee on the Judiciary.

□ 1100

It has been an effective process. This bill is a bill that takes into consideration both positions of Democrats and Republicans.

In April of 2001, I filed H.R. 1562, a bill called the Immigration Restructuring and Accountability Act of 2001. In that bill it included an Office of Children's Affairs. The INS was designed to have two entities, a service entity and an enforcement entity, and that was to be headed by an associate Attorney General. If we look at the bill before us, we find that that exact same structure is in 3231. So the good news about this rule and legislation is that H.R. 1562 was in large part adopted by H.R. 3231.

So I believe that the message today should be that those of us who realize that service is the responsibility of this

Congress and this Nation and an obligation to our country to protect the citizens or those within its boundaries, that the work we do today with restructuring the INS by abolishing the INS and creating this new agency is to answer those two concerns and to be able to service those who legitimately are attempting to access legalization. And we do it in a bipartisan manner by merging the provisions of H.R. 1562 and H.R. 3231.

This rule includes an opportunity to improve the bill. It has in it an amendment authored by the gentlewoman from Wisconsin (Ms. BALDWIN), in which I have joined, to ask the question and provide the opportunity for unaccompanied minors to be able to have counsel. It asks the question on an amendment that I have offered about the money stream, and that is a question that Members ask: Will we effectively be able to reform this agency, rebuild this agency, with enough funding? So I immediately ask the question, and hope my colleagues will vote for it, for a study to determine whether the fee-based funding of the service part of our legislation will be sufficient.

In addition, this bill provides for an opportunity to discuss several amendments that will talk about proficiency, as the manager's amendment includes. We are particularly proud of the Office of Children's Affairs, which points to the fact that children come unaccompanied, but children are especially important and dear and, therefore, they need particularly special attention.

I would have hoped that the rule could have included a number of other amendments. I am always of the inclination that it is important to have a vigorous debate and discussion on legislation that comes to the floor of the House. So I would say to the gentleman from Florida (Mr. HASTINGS) that I know very well what Congresswoman Barbara Jordan would have wanted, and that is an opportunity for fairness for the Haitians. And I say to the gentleman from Florida (Mr. HASTINGS) that we are still going to commit ourselves to working on that legislation.

But, in fact, as we debate this, I hope that it will be well-known that this bill is a bill of compromise and a bill of collaboration. This is a Democratic bill with, of course, the collaboration and work of the leadership of this House working together to make this a good bill for the country.

Mr. Speaker, I rise in support of the rule governing H.R. 3231 on the floor today. This is a good rule not because it is a structured rule, but because it allows amendments that are germane, that improve the bill in a careful and constructive manner. I want to thank both my full committee chairman and my full committee ranking member, and the subcommittee chairman, GEORGE GEKAS, on the hard work that we put in to finally crafting a compromise in order to reach agreement on H.R. 3231. The bill that you have before you today is bipartisan legislation to comprehensively overhaul the beleaguered Immigration and Naturalization Service, INS. On April 10, 2002, the

legislation overwhelmingly passed the Judiciary Committee with a vote of 32 to 2.

In the 106th Congress and in the 107th Congress I have introduced H.R. 1562, the Immigration Restructuring and Accountability Act of 2001. I have been a champion for years when it comes to restructuring the INS. I have been arguing for years that while we need to separate out the services and enforcement function of the INS, we still need to have a strong leader at the top, and we do in this bill. We need to have an Office of Children's Affairs, and we do in this bill. We need to have a general counsel that will be housed in the Associate Attorney General's office. We do in this bill. We need to have more accountability that would require field offices and service centers of the two proposed immigration bureaus to directly and consistently follow all directives and guidelines from the bureau directors. Due to an amendment that we adopted in committee that I offered, we now have that in this bill. The need for overhauling the INS is undeniable. Americans regularly hear of the agency's latest blunder and observe an agency stumbling from one crisis to the next, with no coherent strategy of how to accomplish its missions.

We need to have an Office of Immigration Statistics that keeps adequate records of both service and enforcement statistics, and we do in this bill. I hope that Members come to the floor and support the Roybal-Allard amendment which adds clarity to this language.

Our legislation builds on the Commission's conclusions by abolishing the INS and creating two separate bureaus in the Justice Department to handle the dual immigration functions—one led by a law enforcement professional to enforce our immigration laws and one led by an expert in benefits adjudication to provide immigration benefits to legal aliens.

A new Associate Attorney General who handles only immigration affairs supervisors and resolves conflicts between the two bureaus, thereby raising these issues to the level and attention that they deserve within the Department of Justice.

There will also be an Office of Children Affairs established in the Associate Attorney General's office raising the concern and importance of children's issues in the immigration system. This is very important to me as we have a mechanism in place that deals with the proper placement of unaccompanied minor alien children who come into custody of the Department of Justice. We need to ensure that the interests of the child are considered in decisions and actions relating to their care and custody, and that every effort is made to reunite these children with family members in the United States or abroad.

More importantly, I am cosponsoring an amendment with Congresswoman TAMMY BALDWIN that would require the Director of the Children's Affairs office to develop a plan that would ensure that unaccompanied minor children have legal representation. This is a topic that is dear to my heart. There have been too many instances where children have immigrated to the United States and have been without guardians and without hope. They have been mistreated and misplaced. It is only fitting that the Congress see if somehow this new director can look into providing them with proper legal representation.

Services under INS have been abysmal and continue to deteriorate. I also am a cosponsor

with Congresswoman LOFGREN of an amendment that would allow the Attorney General to enter into contracts with private sector firms to develop and implement an overall technology solution to the INS current problems. I hope this amendment is made in order.

Lastly, I have an amendment that requires the GAO to conduct a study to examine whether the Bureau of Immigration Services can survive as an agency without specific language that authorizes appropriations and solely has this bureau relying on fees. This is a worthwhile amendment.

I urge adoption of this legislation.

Mr. LINDER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, one of the reasons that we need restructuring of the INS is to keep the Mohammed Attas out of the United States. Reports state that Mohammed Atta, an Egyptian citizen, piloted the first plane that crashed into the World Trade Center.

Let us take a look at the INS record of Atta. On June 3, 2000, Atta was admitted to the United States solely for the purpose of being a visitor, a tourist. On July 6, just a month later, after being admitted, he started his flight training in Venice, Florida. INS regulations prohibit him from doing that flight training. That is a student status. It is not, I repeat, is not a tourist status event.

On August 29, 2000, after he had begun training, the flight school, pursuant to INS regulations, applied for a student visa for Atta from the INS. On September 19, 2000, Atta changed his status from nonimmigrant visitor to nonimmigrant student. By this time, he was already flying. In December 2000, before an approval of this application to be a student pilot arrived, he departed the country for travel to Madrid. We can only imagine what he went there for.

Should Atta have been admitted? Let us look at the facts. First, there was evidence before the inspector that Atta obtained a visa by fraud by concealing from the State Department when he applied for the visitor's visa abroad that he actually was coming to the U.S. for flight training. The inspector's notes on January 10 show that Atta admitted that he had been in flight training for 5 to 6 months, almost the entire period authorized for his previous stay, to enter and immediately undertake the business of learning to fly, and now we know learning to kill.

There is also evidence from the inspector's notes that Atta admitted he was returning to attend flight school. The commissioner himself testified before the House Committee on the Judiciary that Atta's unapproved application for training visa was abandoned upon his departure from the United States. According to INS regulations, if the inspector thought that Atta was coming to the United States to go to flight school, he should have sent him back to get a proper approval.

Nevertheless, Atta was admitted on January 10, 2001, as a visitor. Six

months later, even after Atta had left the United States a second time, Atta's flight training visa application was approved. This application was approved 11 months after it was filed, despite the fact that he had departed the United States on two occasions.

Mr. Speaker, I think it is pretty obvious. This man should not have been admitted once, not twice, and certainly not three times. Does this mean we have a need for immigration reform? You bet.

I plan on supporting this reform. I plan on offering additional amendments, because we can never, never again tolerate the ineptness in the INS that allowed this man to come here, not once, not twice, but a third time, and to train and kill Americans on September 11.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to urge my colleagues to support the previous question and the rule.

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

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

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution and on the question of the Chair's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 384, nays 36, not voting 14, as follows:

[Roll No. 111]

YEAS—384

Ackerman	Bishop	Cannon
Aderholt	Blumenauer	Cantor
Akin	Blunt	Capito
Allen	Boehert	Capps
Andrews	Boehner	Capuano
Armey	Bonilla	Cardin
Baca	Bonior	Carson (OK)
Bachus	Bono	Castle
Baird	Boozman	Chabot
Baker	Borski	Chambliss
Baldwin	Boswell	Clay
Ballenger	Boucher	Clement
Barcia	Boyd	Clyburn
Barr	Brady (PA)	Coble
Barrett	Brady (TX)	Collins
Bartlett	Brown (FL)	Combest
Barton	Brown (OH)	Condit
Bass	Brown (SC)	Cooksey
Bentsen	Bryant	Costello
Bereuter	Burr	Cox
Berkley	Burton	Coyne
Berman	Buyer	Cramer
Berry	Callahan	Crane
Biggert	Calvert	Crenshaw
Bilirakis	Camp	Cubin



Culberson	Johnson (CT)	Platts	Weiner	Whitfield	Wu	Dingell	Kind (WI)	Ramstad
Cummings	Johnson (IL)	Pombo	Weldon (FL)	Wicker	Wynn	Doggett	King (NY)	Regula
Cunningham	Johnson, E. B.	Pomeroy	Weldon (PA)	Wilson (NM)	Young (AK)	Dooley	Kingston	Rehberg
Davis (CA)	Johnson, Sam	Portman	Weller	Wilson (SC)	Young (FL)	Doolittle	Kirk	Reyes
Davis, Jo Ann	Jones (NC)	Price (NC)	Wexler	Wolf		Doyle	Klecza	Reynolds
Davis, Tom	Jones (OH)	Pryce (OH)				Dreier	Knollenberg	Riley
Deal	Kanjorski	Putnam		NAYS—36		Duncan	LaFalce	Rivers
DeFazio	Kaptur	Quinn	Abercrombie	Hastings (FL)	Mink	Dunn	LaHood	Roemer
DeGette	Keller	Radanovich	Becerra	Hinchey	Oliver	Edwards	Lampson	Rogers (KY)
Delahunt	Kelly	Rahall	Carson (IN)	Kucinich	Owens	Ehlers	Langevin	Rogers (MI)
DeLauro	Kennedy (MN)	Ramstad	Clayton	LaFalce	Pallone	Ehrlich	Lantos	Rohrabacher
DeLay	Kennedy (RI)	Regula	Conyers	Lee	Payne	Emerson	Larsen (WA)	Ros-Lehtinen
DeMint	Kerns	Rehberg	Davis (IL)	Lofgren	Sanchez	Engel	Larson (CT)	Ross
Deutsch	Kildee	Reyes	Dingell	Lynch	Serrano	English	Latham	Rothman
Diaz-Balart	Kilpatrick	Reynolds	Doggett	McGovern	Slaughter	Eshoo	LaTourette	Roukema
Dicks	Kind (WI)	Riley	Fattah	McKinney	Stark	Etheridge	Levin	Roybal-Allard
Dooley	King (NY)	Rivers	Filner	McNulty	Waters	Evans	Lewis (CA)	Royce
Doolittle	Kingston	Roemer	Gephardt	Meek (FL)	Watt (NC)	Everett	Lewis (GA)	Rush
Doyle	Kirk	Rogers (KY)	Gutierrez	Miller, George	Woolsey	Fattah	Lewis (KY)	Ryan (WI)
Dreier	Klecza	Rogers (MI)				Ferguson	Linder	Ryun (KS)
Duncan	Knollenberg	Rohrabacher		NOT VOTING—14		Flake	Lipinski	Sabo
Dunn	Kolbe	Ros-Lehtinen	Baldacci	Honda	Sanders	Fletcher	LoBiondo	Sandlin
Edwards	LaHood	Ross	Blagojevich	Hulshof	Smith (WA)	Foley	Lowey	Sawyer
Ehlers	Lampson	Rothman	Crowley	Leach	Spratt	Forbes	Lucas (KY)	Saxton
Ehrlich	Langevin	Roukema	Davis (FL)	Rangel	Trafigant	Ford	Lucas (OK)	Schiff
Emerson	Lantos	Roybal-Allard	Holt	Rodriguez		Fossella	Luther	Schroock
Engel	Larsen (WA)	Royce				Frelinghuysen	Lynch	Scott
English	Larson (CT)	Rush				Frost	Maloney (CT)	Sensenbrenner
Eshoo	Latham	Ryan (WI)		□ 1133		Gallagher	Maloney (NY)	Serrano
Etheridge	LaTourette	Ryun (KS)		Messrs. DAVIS of Illinois, ABER-		Ganske	Manzullo	Sessions
Evans	Levin	Sabo		CROMBIE, and CONYERS, and Mrs.		Gekas	Markey	Shadegg
Everett	Lewis (CA)	Sandlin		MEEK of Florida, Mrs. CLAYTON, and		Gephardt	Mascara	Shaw
Farr	Lewis (GA)	Sawyer		Ms. SLAUGHTER changed their vote		Gibbons	Matheson	Shays
Ferguson	Lewis (KY)	Saxton		from “yea” to “nay.”		Gilchrest	Matsui	Sherman
Flake	Linder	Schaffer		Mr. BENTSEN changed his vote from		Gillmor	McCarthy (MO)	Sherwood
Fletcher	Lipinski	Schakowsky		“nay” to “yea.”		Gilman	McCarthy (NY)	Shimkus
Foley	LoBiondo	Schiff				Gonzalez	McCollum	Shows
Forbes	Lowey	Schroock				Goode	McCrery	Shuster
Ford	Lucas (KY)	Scott		So the previous question was ordered.		Goodlatte	McDermott	Simmons
Fossella	Lucas (OK)	Sensenbrenner		The result of the vote was announced		Gordon	McHugh	Simpson
Frank	Luther	Sessions		as above recorded.		Goss	McInnis	Skeen
Frelinghuysen	Maloney (CT)	Shadegg		The SPEAKER pro tempore (Mr.		Graham	McIntyre	Skelton
Frost	Maloney (NY)	Shaw		LATOURETTE). The question is on the		Granger	McKeon	Slaughter
Gallely	Manzullo	Shays		resolution.		Graves	Meehan	Smith (MI)
Ganske	Markey	Sherman		The question was taken; and the		Green (TX)	Meeks (NY)	Smith (NJ)
Gekas	Mascara	Sherwood		Speaker pro tempore announced that		Green (WI)	Menendez	Smith (TX)
Gibbons	Matheson	Shimkus		the ayes appeared to have it.		Grucci	Mica	Snyder
Gilchrest	Matsui	Shows				Gutknecht	Millender-	Solis
Gillmor	McCarthy (MO)	Shuster		RECORDED VOTE		Hall (OH)	Hall (OH)	Souder
Gilman	McCarthy (NY)	Simmons		Mr. HASTINGS of Florida. Mr.		Hall (TX)	Miller, Dan	Stark
Gonzalez	McCollum	Simpson		Speaker, I demand a recorded vote.		Hansen	Miller, Gary	Stearns
Goode	McCrery	Skeen		A recorded vote was ordered.		Harman	Miller, Jeff	Strickland
Goodlatte	McDermott	Skelton		This will be a 5-minute vote, followed by a 5-		Hart	Mink	Stump
Gordon	McHugh	Smith (MI)		minute vote on adoption of the Jour-		Hastings (WA)	Mollohan	Stupak
Goss	McInnis	Smith (NJ)		nal.		Hayes	Moore	Sullivan
Graham	McIntyre	Smith (TX)		The vote was taken by electronic de-		Hayworth	Moran (KS)	Sununu
Granger	McKeon	Snyder		vice, and there were—ayes 388, noes 34,		Hefley	Moran (VA)	Sweeney
Graves	Meehan	Solis		not voting 12, as follows:		Herger	Morella	Tanner
Green (TX)	Meeks (NY)	Souder				Hill	Murtha	Tauscher
Green (WI)	Menendez	Stearns				Hilleary	Myrick	Tauzin
Greenwood	Mica	Stenholm				Hilliard	Nadler	Taylor (NC)
Grucci	Millender-	Strickland				Hinojosa	Napolitano	Terry
Gutknecht	McDonald	Stump				Hobson	Neal	Thomas
Hall (OH)	Miller, Dan	Stupak				Hoefel	Nethercutt	Thompson (CA)
Hall (TX)	Miller, Gary	Sullivan				Hoekstra	Ney	Thompson (MS)
Hansen	Miller, Jeff	Sununu				Holden	Northup	Thune
Harman	Mollohan	Sweeney				Hooley	Norwood	Thurman
Hart	Moore	Tancred				Horn	Nussle	Tiahrt
Hastings (WA)	Moran (KS)	Tanner				Hostettler	Oberstar	Tiberi
Hayes	Moran (VA)	Tauscher				Houghton	Obey	Tierney
Hayworth	Morella	Tauzin				Hoyer	Ortiz	Toomey
Hefley	Murtha	Taylor (MS)				Hunter	Osborne	Towns
Herger	Myrick	Taylor (NC)				Hyde	Ose	Turner
Hill	Nadler	Terry				Inslee	Otter	Udall (CO)
Hilleary	Napolitano	Thomas				Isakson	Owens	Udall (NM)
Hilliard	Neal	Thompson (CA)				Issa	Oxley	Upton
Hinojosa	Nethercutt	Thompson (MS)				Istook	Pallone	Velazquez
Hobson	Ney	Thornberry				Jackson (IL)	Pascarell	Visclosky
Hoefel	Northup	Thune				Jackson-Lee	Pastor	Vitter
Hoekstra	Norwood	Thurman				(TX)	Paul	Walden
Holden	Nussle	Tiahrt				Jefferson	Payne	Walsh
Hooley	Oberstar	Tiberi				Jenkins	Pelosi	Wamp
Horn	Obey	Tierney				John	Pence	Watkins (OK)
Hostettler	Ortiz	Toomey				Johnson (CT)	Peterson (MN)	Watts (OK)
Houghton	Osborne	Towns				Johnson (IL)	Peterson (PA)	Waxman
Hoyer	Ose	Turner				Johnson, E. B.	Petri	Weiner
Hunter	Otter	Udall (CO)				Johnson, Sam	Phelps	Weldon (FL)
Hyde	Oxley	Udall (NM)				Jones (NC)	Pickering	Weldon (PA)
Inslee	Pascarell	Upton				Jones (OH)	Pitts	Whitfield
Isakson	Pastor	Velazquez				Kanjorski	Platts	Wicker
Israel	Paul	Visclosky				Kaptur	Pombo	Wilson (NM)
Issa	Pelosi	Vitter				Keller	Pomeroy	Wilson (SC)
Istook	Pence	Walden				Kelly	Price (NC)	Wolf
Jackson (IL)	Peterson (MN)	Walsh				Kennedy (MN)	Pryce (OH)	Woolsey
Jackson-Lee	Peterson (PA)	Wamp				Kennedy (RI)	Putnam	Wu
(TX)	Petri	Watkins (OK)				Kerns	Quinn	Wynn
Jefferson	Phelps	Watson (CA)				Kildee	Radanovich	Young (AK)
Jenkins	Pickering	Watts (OK)					Rahall	Young (FL)
John	Pitts	Waxman						

## NOES—34

Condit	Kolbe	Schaffer
Costello	Kucinich	Schakowsky
Deutsch	Lee	Stenholm
Farr	Lofgren	Tancred
Filner	McGovern	Taylor (MS)
Frank	McKinney	Thornberry
Greenwood	McNulty	Waters
Gutierrez	Meek (FL)	Watson (CA)
Hastings (FL)	Miller, George	Watt (NC)
Hinchey	Oliver	Wexler
Honda	Sanchez	
Kilpatrick	Sanders	

## NOT VOTING—12

Baldacci	Leach	Smith (WA)
Blagojevich	Portman	Spratt
Holt	Rangel	Trafficant
Hulshof	Rodriguez	Weller

□ 1143

Mr. DEUTSCH changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PORTMAN. Mr. Speaker, on rollcall No. 112, I was unavoidably detained. Had I been present, I would have voted "aye."

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

## RECORDED VOTE

Mr. McNULTY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 372, noes 47, answered "present" 1, not voting 14, as follows:

[Roll No. 113]

## AYES—372

Abercrombie	Brown (OH)	Cummings
Ackerman	Brown (SC)	Cunningham
Akin	Bryant	Davis (CA)
Allen	Burr	Davis (FL)
Andrews	Burton	Davis (IL)
Armey	Buyer	Davis, Jo Ann
Baca	Callahan	Davis, Tom
Bachus	Calvert	Deal
Baker	Camp	DeGette
Barcia	Cannon	Delahunt
Barr	Cantor	DeLauro
Barrett	Capito	DeLay
Bartlett	Capps	DeMint
Barton	Cardin	Deutsch
Bass	Carson (IN)	Diaz-Balart
Becerra	Carson (OK)	Dicks
Bentsen	Castle	Dingell
Bereuter	Chabot	Doggett
Berkley	Chambliss	Dooley
Berman	Clay	Doolittle
Berry	Clement	Doyle
Biggert	Clyburn	Dreier
Bilirakis	Coble	Duncan
Bishop	Collins	Dunn
Blumenauer	Combest	Edwards
Blunt	Condit	Ehlers
Boehlert	Conyers	Ehrlich
Boehner	Cooksey	Emerson
Bonior	Cox	Engel
Bono	Coyne	Eshoo
Boozman	Cramer	Etheridge
Boswell	Crenshaw	Evans
Boucher	Crowley	Everett
Boyd	Cubin	Farr
Brady (TX)	Culberson	Fattah

Ferguson	Lantos	Riley
Flake	Larson (CT)	Rivers
Fletcher	Latham	Roemer
Foley	LaTourette	Rogers (KY)
Forbes	Lee	Rogers (MI)
Ford	Levin	Rohrabacher
Frank	Lewis (CA)	Ros-Lehtinen
Frelinghuysen	Lewis (GA)	Ross
Frost	Lewis (KY)	Rothman
Gallegly	Lipinski	Roukema
Ganske	LoBiondo	Roybal-Allard
Gekas	Lofgren	Royce
Gephardt	Lowey	Rush
Gibbons	Lucas (KY)	Ryan (WI)
Gilchrest	Lucas (OK)	Ryun (KS)
Gilman	Luther	Sanders
Gonzalez	Lynch	Sandlin
Goode	Maloney (CT)	Sawyer
Goodlatte	Maloney (NY)	Saxton
Gordon	Manzullo	Schakowsky
Goss	Markey	Schiff
Graham	Mascara	Schrock
Granger	Matheson	Scott
Graves	Matsui	Sensenbrenner
Green (TX)	McCarthy (MO)	Serrano
Green (WI)	McCarthy (NY)	Sessions
Greenwood	McCollum	Shadegg
Grucci	McCrery	Shaw
Gutierrez	McGovern	Shays
Hall (OH)	McHugh	Sherman
Hall (TX)	McInnis	Sherwood
Hansen	McIntyre	Shimkus
Harman	McKeon	Shows
Hart	McKinney	Shuster
Hastings (FL)	Meehan	Simmons
Hastings (WA)	Meek (FL)	Simpson
Hayes	Meeks (NY)	Skeen
Hayworth	Menendez	Skelton
Herger	Mica	Slaughter
Hill	Millender-	Smith (MI)
Hilleary	McDonald	Smith (NJ)
Hinchey	Miller, Dan	Smith (TX)
Hinojosa	Miller, Gary	Snyder
Hobson	Miller, Jeff	Solis
Hoeffel	Mink	Souder
Hoekstra	Mollohan	Spratt
Holden	Moran (VA)	Stearns
Honda	Morella	Stenholm
Hoolley	Murtha	Strickland
Horn	Myrick	Stump
Hostettler	Nadler	Sullivan
Houghton	Napolitano	Sununu
Hoyer	Neal	Sweeney
Hunter	Nethercutt	Tanner
Hyde	Ney	Tauscher
Inslee	Northup	Tauzin
Isakson	Norwood	Taylor (NC)
Israel	Nussle	Terry
Issa	Obey	Thomas
Istook	Ortiz	Thornberry
Jackson (IL)	Osborne	Thune
Jackson-Lee	Ose	Thurman
(TX)	Otter	Tiahrt
Jefferson	Owens	Tiberi
Jenkins	Oxley	Tierney
John	Pascrell	Toomey
Johnson (CT)	Pastor	Towns
Johnson (IL)	Paul	Turner
Johnson, Sam	Payne	Udall (CO)
Jones (NC)	Pelosi	Upton
Jones (OH)	Pence	Vitter
Kanjorski	Peterson (PA)	Walden
Kaptur	Petri	Walsh
Keller	Phelps	Wamp
Kelly	Pickering	Watkins (OK)
Kennedy (RI)	Pitts	Watts (OK)
Kerns	Platts	Waxman
Kildee	Pombo	Weiner
Kilpatrick	Pomeroy	Weldon (FL)
Kind (WI)	Portman	Weldon (PA)
King (NY)	Price (NC)	Wexler
Kingston	Pryce (OH)	Whitfield
Kirk	Putnam	Wilson (NM)
Kleczka	Quinn	Wilson (SC)
Knollenberg	Radanovich	Wolf
Kolbe	Rahall	Woolsey
LaFalce	Regula	Wynn
LaHood	Rehberg	Young (AK)
Lampson	Reyes	Young (FL)
Langevin	Reynolds	

## NOES—47

Aderholt	Costello	Hefley
Baird	Crane	Hillhard
Baldwin	DeFazio	Johnson, E. B.
Borski	Filner	Kennedy (MN)
Brady (PA)	Fossella	Kucinich
Brown (FL)	Gillmor	Larsen (WA)
Capuano	Gutknecht	McDermott

McNulty	Sabo	Velazquez
Miller, George	Sanchez	Visclosky
Moore	Schaffer	Waters
Moran (KS)	Stark	Watson (CA)
Oberstar	Stupak	Watt (NC)
Olver	Taylor (MS)	Weller
Pallone	Thompson (CA)	Wicker
Peterson (MN)	Thompson (MS)	Wu
Ramstad	Udall (NM)	

## ANSWERED "PRESENT"—1

Tancred

## NOT VOTING—14

Baldacci	English	Rangel
Ballenger	Holt	Rodriguez
Blagojevich	Hulshof	Smith (WA)
Bonilla	Leach	Trafficant
Clayton	Linder	

□ 1152

So the Journal was approved.

The result of the vote was announced as above recorded.

## 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 to include extraneous material on the bill, H.R. 3231.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## BARBARA JORDAN IMMIGRATION REFORM AND ACCOUNTABILITY ACT OF 2002

The SPEAKER pro tempore. Pursuant to House Resolution 396 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3231.

□ 1152

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3231) to replace the Immigration and Naturalization Service with the Agency for Immigration Affairs, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, it is beyond time to restructure one of the worst-run agencies in the Federal Government, the Immigration and Naturalization Service. The INS has long been considered the undesirable and unwanted stepchild of the Justice Department. It carries out neither of its crucial missions well, enforcing our immigration laws and