

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 roundtable 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)  
 Cummings Johnson (IL)  
 Cunningham Johnson, E. B.  
 Davis (CA) Johnson, Sam  
 Davis, Jo Ann Jones (NC)  
 Davis, Tom Jones (OH)  
 Deal Kanjorski  
 DeFazio Kaptur  
 DeGette Keller  
 Delahunt Kelly  
 DeLauro Kennedy (MN)  
 DeLay Kennedy (RI)  
 DeMint Kerns  
 Deutsch Kildee  
 Diaz-Balart Kilpatrick  
 Dicks Kind (WI)  
 Dooley King (NY)  
 Doolittle Kingston  
 Doyle Kirk  
 Dreier Kleczka  
 Duncan Knollenberg  
 Dunn Kolbe  
 Edwards LaHood  
 Ehlers Lampson  
 Ehrlich Langevin  
 Emerson Lantos  
 Engel Larsen (WA)  
 English Larson (CT)  
 Eshoo Latham  
 Etheridge LaTourette  
 Evans Levin  
 Everett Lewis (CA)  
 Farr Lewis (GA)  
 Ferguson Lewis (KY)  
 Flake Linder  
 Fletcher Lipinski  
 Foley LoBiondo  
 Forbes Lowey  
 Ford Lucas (KY)  
 Fossella Lucas (OK)  
 Frank Luther  
 Frelinghuysen Maloney (CT)  
 Frost Maloney (NY)  
 Gallegly Manzullo  
 Ganske Markey  
 Gekas Mascara  
 Gibbons Matheson  
 Gilchrest Matsui  
 Gillmor McCarthy (MO)  
 Gilman McCarthy (NY)  
 Gonzalez McCollum  
 Goode McCrery  
 Goodlatte McDermott  
 Gordon McHugh  
 Goss McLinnis  
 Graham McIntyre  
 Granger McKeon  
 Graves Meehan  
 Green (TX) Meeks (NY)  
 Green (WI) Menendez  
 Greenwood Mica  
 Gucci Millender  
 Gutknecht McDonald  
 Hall (OH) Miller, Dan  
 Hall (TX) Miller, Gary  
 Hansen Miller, Jeff  
 Harman Mollohan  
 Hart Moore  
 Hastings (WA) Moran (KS)  
 Hayes Moran (VA)  
 Hayworth Morella  
 Hefley Murtha  
 Herger Myrick  
 Hill Nadler  
 Hilleary Napolitano  
 Hilliard Neal  
 Hinojosa Nethercutt  
 Hobson Ney  
 Hoefel Northup  
 Hoekstra Norwood  
 Holden Nussle  
 Hooley Oberstar  
 Horn Obey  
 Hostettler Ortiz  
 Houghton Osborne  
 Hoyer Ose  
 Hunter Otter  
 Hyde Oxley  
 Isakson Pascrell  
 Israel Pastor  
 Issa Paul  
 Istook Pelosi  
 Jackson (IL) Pence  
 Jackson-Lee Peterson (MN)  
 (TX) Peterson (PA)  
 Jefferson Petri  
 Jenkins Phelps  
 John Pickering  
 Pitts

Platts Weiner  
 Pombo Weldon (FL)  
 Pomeroy Weldon (PA)  
 Portman Weller  
 Price (NC) Wexler  
 Pryce (OH)  
 Putnam  
 Quinn  
 Radanovich  
 Rahall  
 Ramstad  
 Regula  
 Rehberg  
 Reyes  
 Reynolds  
 Riley  
 Rivers  
 Roemer  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roukema  
 Roybal-Allard  
 Royce  
 Rush  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sandlin  
 Sawyer  
 Saxton  
 Schaffer  
 Schakowsky  
 Schiff  
 Schrock  
 Scott  
 Sensenbrenner  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Shows  
 Shuster  
 Simmons  
 Simpson  
 Skeen  
 Skelton  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Snyder  
 Solis  
 Souder  
 Stearns  
 Stenholm  
 Strickland  
 Stump  
 Stupak  
 Sullivan  
 Sununu  
 Sweeney  
 Tancredo  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Thune  
 Thurman  
 Tiahrt  
 Tiberi  
 Tierney  
 Toomey  
 Towns  
 Turner  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Velazquez  
 Visclosky  
 Berman  
 Berry  
 Biggart  
 Bilirakis  
 Bishop  
 Blumenauer  
 Blunt  
 Boehlert  
 Boehner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (NM)  
 Wilson (SC)  
 Wolf  
 NAYS—36  
 Abercrombie  
 Becerra  
 Carson (IN)  
 Clayton  
 Conyers  
 Davis (IL)  
 Dingell  
 Doggett  
 Fattah  
 Filner  
 Gephardt  
 Gutierrez  
 Baldacci  
 Blagojevich  
 Crowley  
 Davis (FL)  
 Holt  
 Hastings (FL)  
 Hinchey  
 Kucinich  
 LaFalce  
 Lee  
 Lofgren  
 Lynch  
 McGovern  
 McKinney  
 McNulty  
 Meek (FL)  
 Miller, George  
 Honda  
 Hulshof  
 Leach  
 Rangel  
 Rodriguez  
 Wu  
 Wynn  
 Young (AK)  
 Young (FL)  
 Mink  
 Oliver  
 Owens  
 Pallone  
 Payne  
 Sanchez  
 Serrano  
 Slaughter  
 Stark  
 Waters  
 Watt (NC)  
 Woolsey  
 Sanders  
 Smith (WA)  
 Spratt  
 Traficant  
 NOT VOTING—14  
 Sanders  
 Smith (WA)  
 Spratt  
 Traficant  
 □ 1133  
 Messrs. DAVIS of Illinois, ABER-CROMBIE, and CONYERS, and Mrs. MEEK of Florida, Mrs. CLAYTON, and Ms. SLAUGHTER changed their vote from “yea” to “nay.”  
 Mr. BENTSEN changed his vote from “nay” to “yea.”  
 So the previous question was ordered.  
 The result of the vote was announced as above recorded.  
 The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.  
 The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.  
 RECORDED VOTE  
 Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.  
 A recorded vote was ordered.  
 The SPEAKER pro tempore. This will be a 5-minute vote, followed by a 5-minute vote on adoption of the Journal.  
 The vote was taken by electronic device, and there were—ayes 388, noes 34, not voting 12, as follows:  
 [Roll No. 112]  
 AYES—388  
 Abercrombie  
 Ackerman  
 Aderholt  
 Akin  
 Allen  
 Andrews  
 Armey  
 Baca  
 Bachus  
 Baird  
 Baker  
 Baldwin  
 Ballenger  
 Barcia  
 Barr  
 Barrett  
 Bartlett  
 Barton  
 Bass  
 Becerra  
 Bentsen  
 Bereuter  
 Berkeley  
 Berman  
 Berry  
 Biggart  
 Bilirakis  
 Bishop  
 Blumenauer  
 Blunt  
 Boehlert  
 Boehner  
 Bonilla  
 Bonior  
 Bono  
 Boozman  
 Borski  
 Boswell  
 Boucher  
 Boyd  
 Brady (PA)  
 Brady (TX)  
 Brown (FL)  
 Brown (OH)  
 Brown (SC)  
 Bryant  
 Burr  
 Burton  
 Buyer  
 Callahan  
 Calvert  
 Camp  
 Cannon  
 Cantor  
 Capito  
 Capps  
 Capuano  
 Cardin  
 Carson (IN)  
 Carson (OK)  
 Castle  
 Chabot  
 Chambliss  
 Clay  
 Clayton  
 Clement  
 Clyburn  
 Coble  
 Collins  
 Combust  
 Conyers  
 Cooksey  
 Cox  
 Coyne  
 Cramer  
 Crane  
 Crenshaw  
 Crowley  
 Cubin  
 Culberson  
 Cummings  
 Cunningham  
 Davis (CA)  
 Davis (FL)  
 Davis (IL)  
 Davis, Jo Ann  
 Davis, Tom  
 Deal  
 DeFazio  
 DeGette  
 Delahunt  
 DeLauro  
 DeLay  
 DeMint  
 Diaz-Balart  
 Dicks  
 Dingell  
 Doggett  
 Dooley  
 Doolittle  
 Doyle  
 Dreier  
 Duncan  
 Dunn  
 Edwards  
 Ehlers  
 Ehrlich  
 Emerson  
 Engel  
 English  
 Eshoo  
 Etheridge  
 Evans  
 Everett  
 Farr  
 Ferguson  
 Flake  
 Fletcher  
 Foley  
 Forbes  
 Ford  
 Fossella  
 Frank  
 Frelinghuysen  
 Frost  
 Gallegly  
 Ganske  
 Gekas  
 Gibbons  
 Gilchrest  
 Gillmor  
 Gilman  
 Gonzalez  
 Goode  
 Goodlatte  
 Gordon  
 Goss  
 Graham  
 Granger  
 Graves  
 Green (TX)  
 Green (WI)  
 Greenwood  
 Gucci  
 Gutknecht  
 Hall (OH)  
 Hall (TX)  
 Hansen  
 Harman  
 Hart  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Herger  
 Hill  
 Hilleary  
 Hilliard  
 Hinojosa  
 Hobson  
 Hoefel  
 Hoekstra  
 Holden  
 Hooley  
 Horn  
 Hostettler  
 Houghton  
 Hoyer  
 Hunter  
 Hyde  
 Isakson  
 Israel  
 Issa  
 Istook  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 Jenkins  
 John

Kind (WI)  
 King (NY)  
 Kingston  
 Kirk  
 Kleczka  
 Knollenberg  
 LaFalce  
 LaHood  
 Lampson  
 Langevin  
 Lantos  
 Larsen (WA)  
 Larson (CT)  
 Latham  
 LaTourette  
 Levin  
 Lewis (CA)  
 Lewis (GA)  
 Lewis (KY)  
 Linder  
 Lipinski  
 LoBiondo  
 Lowey  
 Lucas (KY)  
 Lucas (OK)  
 Luther  
 Maloney (CT)  
 Maloney (NY)  
 Manzullo  
 Markey  
 Mascara  
 Matheson  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McCollum  
 McCrery  
 McDermott  
 McHugh  
 McLinnis  
 McIntyre  
 McKeon  
 Meehan  
 Meeks (NY)  
 Menendez  
 Mica  
 Millender  
 Hall (OH)  
 Hall (TX)  
 Hansen  
 Harman  
 Hart  
 Hastings (WA)  
 Hayes  
 Hayworth  
 Hefley  
 Herger  
 Hill  
 Hilleary  
 Hilliard  
 Hinojosa  
 Hobson  
 Hoefel  
 Hoekstra  
 Holden  
 Hooley  
 Horn  
 Hostettler  
 Houghton  
 Hoyer  
 Hunter  
 Hyde  
 Isakson  
 Israel  
 Issa  
 Istook  
 Jackson (IL)  
 Jackson-Lee  
 (TX)  
 Jefferson  
 Jenkins  
 John  
 Johnson (CT)  
 Johnson (IL)  
 Johnson, E. B.  
 Johnson, Sam  
 Jones (NC)  
 Jones (OH)  
 Kanjorski  
 Kaptur  
 Keller  
 Kelly  
 Kennedy (MN)  
 Kennedy (RI)  
 Kerns  
 Kildee  
 Kind (WI)  
 King (NY)  
 Kingston  
 Kirk  
 Kleczka  
 Knollenberg  
 LaFalce  
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 Lampson  
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 Larsen (WA)  
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 Levin  
 Lewis (CA)  
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 Lewis (KY)  
 Linder  
 Lipinski  
 LoBiondo  
 Lowey  
 Lucas (KY)  
 Lucas (OK)  
 Luther  
 Lynch  
 Maloney (CT)  
 Maloney (NY)  
 Manzullo  
 Markey  
 Mascara  
 Matheson  
 Matsui  
 McCarthy (MO)  
 McCarthy (NY)  
 McCollum  
 McCrery  
 McDermott  
 McHugh  
 McLinnis  
 McIntyre  
 McKeon  
 Meehan  
 Meeks (NY)  
 Menendez  
 Mica  
 Millender  
 McDonald  
 Miller, Dan  
 Miller, Gary  
 Miller, Jeff  
 Mink  
 Mollohan  
 Moore  
 Moran (KS)  
 Moran (VA)  
 Morella  
 Murtha  
 Myrick  
 Murtha  
 Myrick  
 Nadler  
 Napolitano  
 Neal  
 Nethercutt  
 Ney  
 Northup  
 Norwood  
 Nussle  
 Oberstar  
 Obey  
 Ortiz  
 Osborne  
 Ose  
 Otter  
 Oxley  
 Pascrell  
 Pastor  
 Paul  
 Pelosi  
 Pence  
 Peterson (MN)  
 Peterson (PA)  
 Petri  
 Phelps  
 Pickering  
 Pitts  
 Platts  
 Pombo  
 Pomeroy  
 Price (NC)  
 Pryce (OH)  
 Putnam  
 Quinn  
 Kerns  
 Kildee  
 Ramstad  
 Regula  
 Rehberg  
 Reyes  
 Reynolds  
 Riley  
 Rivers  
 Roemer  
 Rogers (KY)  
 Rogers (MI)  
 Rohrabacher  
 Ros-Lehtinen  
 Ross  
 Rothman  
 Roukema  
 Roybal-Allard  
 Royce  
 Rush  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sandlin  
 Sawyer  
 Saxton  
 Schiff  
 Schrock  
 Scott  
 Sensenbrenner  
 Sessions  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherman  
 Sherwood  
 Shimkus  
 Shimkus  
 Shows  
 Shuster  
 Simpson  
 Skelton  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Snyder  
 Solis  
 Souder  
 Stark  
 Stearns  
 Strickland  
 Stump  
 Stupak  
 Sullivan  
 Sununu  
 Sweeney  
 Tanner  
 Tauscher  
 Tauzin  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thune  
 Thurman  
 Tiahrt  
 Tiberi  
 Tierney  
 Tierney  
 Toomey  
 Towns  
 Turner  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Velazquez  
 Visclosky  
 Vitter  
 Walden  
 Walsh  
 Walsh  
 Waxman  
 Waxman  
 Young (AK)  
 Young (FL)

NOES—34

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

NOT VOTING—12

|             |           |            |
|-------------|-----------|------------|
| Baldacci    | Leach     | Smith (WA) |
| Blagojevich | Portman   | Spratt     |
| Holt        | Rangel    | Traficant  |
| 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)    |
| Arney       | 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         | McNulty        | Sabo          | Velazquez   |
| Flake         | Larson (CT)   | Rivers        | Miller, George | Sanchez       | Visclosky   |
| Fletcher      | Latham        | Roemer        | Moore          | Schaffer      | Waters      |
| Foley         | LaTourette    | Rogers (KY)   | Moran (KS)     | Stark         | Watson (CA) |
| Forbes        | Lee           | Rogers (MI)   | Oberstar       | Stupak        | Watt (NC)   |
| Ford          | Levin         | Rohrabacher   | Olver          | Taylor (MS)   | Weller      |
| Frank         | Lewis (CA)    | Ros-Lehtinen  | Pallone        | Thompson (CA) | Wicker      |
| Frelinghuysen | Lewis (GA)    | Ross          | Peterson (MN)  | Thompson (MS) | Wu          |
| Frost         | Lewis (KY)    | Rothman       | Ramstad        | Udall (NM)    |             |
| 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         | Meeke (NY)    | Skeen         |                |               |             |
| Hayworth      | Menendez      | Skelton       |                |               |             |
| Herger        | Mica          | Slaughter     |                |               |             |
| Hill          | Millender-    | Smith (MI)    |                |               |             |
| Hilleary      | McDonald      | Smith (NJ)    |                |               |             |
| Hinchev       | 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      |                |               |             |
| Hooley        | 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     | Hilliard       |
| 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

Tancredo

NOT VOTING—14

|             |         |            |
|-------------|---------|------------|
| Baldacci    | English | Rangel     |
| Ballenger   | Holt    | Rodriguez  |
| Blagojevich | Hulshof | Smith (WA) |
| Bonilla     | Leach   | Traficant  |
| 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