

NOT VOTING—17

Ballenger	Kaptur	Ortiz
Boehlert	Lipinski	Paul
Filner	Majette	Slaughter
Gephardt	Matsui	Tauzin
Hinojosa	Meek (FL)	Towns
Jones (NC)	Norwood	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1551

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 523, I was in my congressional district on official business. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 10.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 10, the Clerk be authorized to make technical changes and conforming changes to the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL NOVEMBER 19, 2004, TO FILE SUPPLEMENTAL REPORT ON H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. HOSTETTLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until November 19, 2004, to file a supplemental report on H.R. 10.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

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

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Gutierrez moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 2845 be instructed to recede from its amendment to the bill (particularly sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054, 3055, and 3056 of its amendment) and concur therein.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Indiana (Mr. HOSTETTLER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. Speaker, I rise to offer a motion to instruct the conferees on H.R. 10 with instructions that the House recede to the Senate and strike provisions 3005, 3007, 3009 and 3032 from the bill. These provisions are poison pills that will slow the process of reforming our Nation's intelligence agencies and do nothing to make us safer.

My motion further instructs House conferees to recede to the Senate by striking sections 3051 through 3056 from H.R. 10 relating to driver's licenses, identification cards and accepting the corresponding driver's licenses provisions from the Senate-passed bill.

Mr. Speaker, instead of making us safer, enactment of these provisions would impose severe hardship on aliens by subjecting at least 1 million immigrants to deportation without any administrative hearing or due process, no review; permit the United States to outsource torture by sending an individual to a country where he or she is likely to be tortured; install a number of new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States; and prohibit habeas corpus review.

Mr. Speaker, once again, let me remind my colleagues of the very relevant details. None of these provisions were included in the recommendations made by the bipartisan 9/11 Commission, and they are extremely divisive. Insistence on these provisions could greatly complicate the task of conferring with the Senate and producing a bill implementing the 9/11 Commission recommendations. I urge my colleagues to support this motion to instruct.

Speaking on section 3005, it is very problematic, Mr. Speaker. Among other things, it would bar the use of matricula consular identification cards, a policy that the Bush administration has opposed. Not only would this affect undocumented immigrants, it would also affect Canadians. Section 3005 makes it impossible for Canadians, who currently do not have a passport to be legally in the United States, to establish their identity when encountered by Federal employees.

Last month, this Chamber, Mr. Speaker, overwhelmingly rejected an attempt to overturn the Department of Treasury regulations that permit matricula consular identification cards to be used in banking transactions. The House stripped the provision from the bill by adopting an amendment to H.R. 5025 that was offered by the gentleman from Ohio (Mr. OXLEY), the House Committee on Financial Services chairman. The House adopted the Oxley amendment on September 14 by a vote of 222 to 177. Clearly, we should not revisit this. It has been visited not once, but at least on three occasions.

Section 3006. This section greatly expands the use of expedited removal in the United States. It would be especially harmful for women and children who are escaping a range of gender-related persecutions such as rape, sexual slavery, trafficking, honor killings, since persons scarred by such trauma often require time before they can step forward to express their claim.

I would like to think that most people in this Chamber would agree that this would cause untold grief to women and children who will no longer be able to obtain the relief to which Congress believes they are entitled, victimizing them once they are raped, victimizing them once again. This amendment in the Committee of the Whole was carried on the Smith amendment, and then we unfortunately had to revisit it for political purposes where it was defeated or it would not even be in my motion.

Furthermore, this section would reverse several decades of policy with respect to persons fleeing the tyranny in Cuba, eviscerating protections that currently are available to Cubans arriving in the United States. Section 3006 would mean that any Cuban who sets foot on United States soil would have to be placed in expedited removal. Like all others, they would be subject to mandatory detention and swift removal from the United States. This will mean that many Cubans would be returned to the dictatorship of Fidel Castro without so much as a hearing.

Section 3007 is nothing short of an assault on asylum. It would make sweeping changes to asylum law that the drafters erroneously contend would stop terrorists from being granted asylum. Section 3007 would create new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States. This, in turn, would result in bona fide refugees being returned to their persecutors.

It ignores the fact that asylum applicants, particularly survivors of torture, rape or forced abortion or sterilization, may not be comfortable telling this information to a uniformed male inspector officer at an airport.

Section 3009 is particularly disturbing, Mr. Speaker. If this section is enacted, the constitutionally compelled remedy of habeas corpus will be eliminated, and a plainly inadequate

court of appeals review will be substituted that will leave many noncitizens without any forum to raise legitimate claims of governmental error and misconduct. At the same time, the section creates an extremely high burden for obtaining a stay of deportation, inviting government to race to deport noncitizens before a Federal court can rule on the merits of the case.

Section 3032. Supporters of section 3032 falsely contend that it would prevent the United States from deporting persons to countries where they are likely to be tortured. However, nothing could be further from the truth. In fact, under this section, as it was amended in the Committee of the Whole by the Hostettler amendment, the United States still could outsource torture by sending individuals to countries where they are likely to be tortured.

It merely provides that in order to do so the United States Government would be required to seek what amounts to a note from the torturing government, that torturing government to promise us that they will not torture that individual anymore before we send them back.

Who among our colleagues will be willing to stake their lives or the lives of their loved ones on the promise of the Government of Sudan or the Government of Syria or the People's Republic of China or North Korea or Cuba or Saudi Arabia that they will not torture someone if we send them back after they try to get asylum here?

Mr. Speaker, our country is far better than this. This provision is unacceptable. The administration expressed the President's opposition to permitting the government to outsource torture to foreign governments in the administration's statement of administration policy on H.R. 10. The President of the United States is against this provision. Members should know that a vote against this motion to instruct would be a vote against the very wishes of the President of the United States.

Mr. Speaker, I, at this point, would like to end my comments.

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

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

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

Mr. HOSTETTLER. Mr. Speaker, there has been much discussion on H.R. 10, the legislation that has been considered by the House over the last several days, and this motion to instruct would strike several provisions in the legislation that are vitally important to securing the American people. But, Mr. Speaker, I would offer into the RECORD a letter by a group called the 9/11 Families for a Secure America.

The letter was written to the gentleman from Wisconsin (Chairman SEN-

SENBRENNER) of the Committee on the Judiciary, and it is made up of a group of families who lost loved ones or were victimized on September 11 as a result of the attacks on our country. No one could speak more eloquently than they about the need for change to our immigration policy in that they write:

"We are writing to express the support and thanks of 9/11 Families for a Secure America for the provisions in title 3 of H.R. 10, the 9/11 Recommendations Implementation Act," and those are the provisions that this motion to instruct would seek to eliminate.

Reading further, "These provisions would go a long way toward closing the loopholes that allowed 19 terrorists, all of whom had violated our immigration laws in one way or another, to enter and move freely around our country while they honed their plot to murder our loved ones.

"We are heartened by the inclusion in the bill of provisions that require both U.S. citizens and aliens to prove their identity upon entry with secure, verifiable documents, preclude acceptance by Federal employees of consular ID cards, insist that DHS, Department of Homeland Security, expand its use of expedited removal and prevent illegal aliens from abusing our judicial process to delay deportation and increase the number of the Border Patrol and ICE, or Immigrations and Customs Enforcement, agents.

□ 1600

"All of these provisions fall well within the scope of the 9/11 Commission's recommendations and so should be enacted and implemented as quickly as possible.

"Our efforts over the past 3 years to get elected officials to recognize and address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress because our elected leaders are either blinded by special interests or afraid of being vilified by them. We commend you and the House Republican leadership for your willingness to address immigration reform in H.R. 10 while the sponsors of every other so-called 9/11 bill completely ignored it.

"It is incomprehensible to us that any reasonable person could believe that immigration reform plays no legitimate role in our response to the attacks. We are outraged that terrorists and murderers are able to frustrate efforts to deport them by claiming that they will be tortured upon being returned home. Even worse, when they have committed their heinous crimes overseas and are thus not easily prosecutable here in America, their use of the Convention Against Torture allows them to escape justice.

"We are strongly supportive of section 3031 and section 3032 of H.R. 10, which would end this intolerable abuse of our immigration laws. Members of Congress have promised us repeatedly over the last 3 years that they would

honor our loved ones who were murdered 3 years ago by enacting reforms to ensure that Americans will never again face the same horror. We hope you will honor those promises by supporting the immigration provisions already in the bill and by opposing any efforts to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

"Sincerely, the Board of Directors of 9/11 Families For a Secure America."

Mr. Speaker, I do not know of anyone who can more eloquently speak to the importance of maintaining these provisions in the House bill in H.R. 10, when in other proposals, as the families would say themselves, that every other so-called 9/11 bill has completely ignored the central focus of the 9/11 tragedy, which is that individuals from outside our country came into our country, abused the process, and murdered our citizens.

Mr. Speaker, I submit the letter I read earlier for the RECORD.

9/11 FAMILIES FOR A
SECURE AMERICA,

New York, NY, September 28, 2004.

Hon. JAMES SENBRENNER,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SENBRENNER: We are writing to express the support and thanks of 9/11 Families for a Secure America for the provisions in Title III of H.R. 10, the 9/11 Recommendations Implementation Act. These provisions would go a long way toward closing the loopholes that allowed 19 terrorists—all of whom had violated our immigration laws in one way or another—to enter and move freely around our country while they honed their plot to murder our loved ones.

We strongly urge the Members of the Judiciary Committee to retain the immigration provisions included in H.R. 10. We believe that implementation of Title III would improve homeland security dramatically and help to ensure that no other American families have to experience the devastating grief, the debilitating loss, and the overwhelming rage that we have known every day for more than three years now.

We are heartened by the inclusion in the bill of provisions that: require both U.S. citizens and aliens to prove their identity upon entry with secure, verifiable documents; preclude acceptance by Federal employees of consular ID cards; insist that DHS expand its use of expedited removal and prevent illegal aliens from abusing our judicial process to delay deportation; and increase the numbers of Border Patrol and ICE agents.

All of these provisions fall well within the scope of the 9/11 Commission's recommendations, and so should be enacted and implemented as quickly as possible. Our efforts over the past three years to get elected officials to recognize and address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress because our elected leaders are either blinded by special interests or afraid of being vilified by them. We commend you and the House Republican Leadership for your willingness to address immigration reform in H.R. 10, while the sponsors of every other so-called "9/11 bill" completely ignored it. It is incomprehensible to us that any reasonable person could believe that immigration reform plays no legitimate role in our response to the attacks.

We are outraged that terrorists and murderers are able to frustrate efforts to deport

them by claiming that they will be tortured upon being returned home. Even worse, when they have committed their heinous crimes overseas and are thus not easily prosecutable here in America, their use of the Convention Against Torture allows them to escape justice. We are strongly supportive of sections 3031 and sections 3032 of H.R. 10, which would end this intolerable abuse of our immigration laws.

There is, however, one glaring omission in H.R. 10. The 9/11 Commission specifically recommended enhanced cooperation with and training of state and local law enforcement officers on immigration law, yet H.R. 10 includes no mention of this recommendation. We hope you will bring up the CLEAR Act, H.R. 2671, for a full committee markup as soon as possible in order to complete the 9/11 Commission's work.

Members of Congress have promised us repeatedly over the last three years that they would honor our loved ones who were murdered three years ago by enacting reforms to ensure that Americans will never again face the same horror. We hope you will honor those promises by supporting the immigration provisions already in the bill and by opposing any effort to protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

Sincerely,

BOARD OF DIRECTORS,

9/11 Families for a Secure America.

Peter Gadiel & Jan Gadiel, Kent, CT, Parents of James, age 23, WTC, North Tower, 103rd Floor.

Monica Gabrielle, North Haven, CT, Wife of Rich Gabrielle, WTC, South Tower.

Will Sekzer, Detective Sergeant (retired) NYPD, Sunnyside, NY, Father of Jason, age 31, WTC, North Tower, 105th Floor.

Diana Stewart, New Jersey, only wife of Michael Stewart.

Bill Doyle, Staten Island, NY, Father of Joseph.

Sally Regenhart, Al Regenhart (Detective Sergeant, NYPD, Retired), Parents of Firefighter Christian Regenhart, Bronx, NY.

Bruce DeCell, Staten Island, NY, Father in law of Mark Petrocelli, age 29, WTC, North Tower, 105th Floor.

Grace Godshalk, Yardley, PA, Mother of William R. Godshalk, age 35, WTC, South Tower, 89th Floor.

April D. Gallop, Virginia, Pentagon Survivor.

Lynn Faulkner, Ohio, Husband of Wendy Faulkner, South Tower.

Joan Molinaro, Staten Island, NY, Mother of Firefighter Carl Molinaro.

Colette Lafuente, Poughkeepsie, NY, Wife of Juan LaFuente, WTC visitor.

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

Mr. GUTIERREZ. Mr. Speaker, how much time do the proponents have?

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Illinois has 22½ minutes remaining.

Mr. GUTIERREZ. Mr. Speaker, I yield 6 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, instead of passing one strong bill to make our country safer, the House bill has two divergent parts: the first part is the core bill, which includes a watered-down version of the intelligence reform provisions in the 9/11 Commission report. The second part is a campaign bill, which has some useful features, but also contains partisan controversial provisions, such as expanded depor-

tation, unlimited detention, unnecessary environmental waivers, and unchecked databases designed to paint Democrats as weak on terrorism in the weeks before an election.

Several of these egregious provisions were eliminated on the House floor, but the re-vote on the Smith amendment persuaded me that the bill's sponsors were not seeking common ground, but were making 30-second attack ads. I voted in committee to report the bill in order to move the process forward, and I will work my heart out in conference to strengthen the intelligence reform provisions and conform the other provisions to what the 9/11 Commission recommended.

Let me focus on what strengthening the intelligence provisions means. Our first priority in the conference report should be to strengthen the National Intelligence Director, called the NID. I agree with the statement of administration policy on H.R. 10 that "H.R. 10 does not provide the NID sufficient authorities to manage the intelligence community effectively."

H.R. 10's budget authorities are weaker than S. 2845; and, stunningly, they are weaker than current statutes and executive orders which allow for the transfer and reprogramming of funds by the Director of Central Intelligence. Under H.R. 10, money is simply passed through the NID to the various intelligence agencies. Unless the NID has the power to manage and control the budgets of these agencies, he or she will not be able to integrate our intelligence capabilities effectively.

Moreover, the President is not the NID's only customer. We must ensure that the NID addresses the needs of the Departments of Defense, State, Homeland Security, and the war fighters when budgets are built and executed. Our efforts must not lead to the dismemberment of the National Foreign Intelligence Program, the NFIP, or we will end up with less integration than we presently have.

To be crystal clear, Mr. Speaker, neither bill, let me underscore this, neither bill includes the budgets for tactical intelligence. And no one is recommending that they be included. To repeat: no one has recommended that the budgets of our tactical intelligence agencies be included in the structure we are building under this legislation.

The NID also needs greater personnel management authorities. S. 2845 provides this authority, but H.R. 10 does not. The leaders of the intelligence community must believe they work for the NID in addition to their Department Secretaries. Consultation on appointments, which is what H.R. 10 includes, is insufficient. The NID must at least have the power to concur in key appointments. To enable the NID to create a joint culture, he or she must also be able to transfer people to centers and other multidisciplinary teams.

Congress solved the problem of a weak Chairman of the Joint Chiefs of Staff 20 years ago by mandating joint

assignments for promotion and creating a joint career track. The same must be done for the NID. After all, the NID is our attempt to create Goldwater-Nichols jointness for the intelligence community, just as we have done for the military.

Third, the director of the NCTC, the National Counterterrorism Center, must have significant stature. Presidential appointment and Senate confirmation of the NCTC director is critical to give that post the stature and accountability that it requires. The President and the Senate overwhelmingly support this.

Fourth, the conference report should include the provision of S. 2845 to create a trusted information-sharing network so government agencies can connect the dots about the terrorists. Simply declaring the need, as H.R. 10 does, is woefully insufficient.

And finally, it is imperative to develop mechanisms to ensure that actions of the NID and NCTC do not encroach upon our civil liberties. We must create an independent privacy and civil liberties board, which was supported on a bipartisan basis in the House Permanent Select Committee on Intelligence and then stripped in the Committee on Rules, recommended by the 9/11 Commission and included in S. 2845. These intelligence provisions began here in the House with H.R. 4104, but they stalled here because our leadership pursued a partisan path and because the President's endorsement of S. 2845 was not followed up with constructive effort in the House.

We know how to do this right, Mr. Speaker, and we must. We can never replace the loved ones we lost on September 11, but we can honor them and the bravery of those who came to their rescue by uniting in this conference in the next several weeks to enact real reform. I pledge to do my part.

Mr. HOSTETTLER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the majority whip of the House.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time. I also want to thank all my colleagues, many of whom voted for this bill just moments ago on both sides of the aisle, for the work they put into this, to the time they have spent on this, to the important discussion of how we secure our borders more carefully, how we maintain our security in a greater way, and how we look at intelligence-gathering and -sharing differently than we needed two generations ago, in the late 1940s, when this was done the last time. This makes our work very important as we move forward.

The work of the conferees will be challenging. We have given them a strong product with a strong vote. I think this motion to reinstruct in several areas just simply reaches too far. I spoke earlier today about the importance of what do we do, what do we do with people who come to this country

and have criminal backgrounds from another country.

These are not people we think are criminals or might have been criminals. These are people who we know are criminals or we know are terrorists. These people may come from countries that are not very great countries. What we did today was change the bill so that we would not be forced to send them back to that country, if in fact we can figure out how to detain them in an appropriate way here.

I gave the example this morning of a person, and this is an absolute case of someone who, in Jordan, was convicted of conspiring to bomb an American school. That person came to America. He then sought sanctuary on the basis that he should not be sent back to Jordan because they use punishments we would find inappropriate. And we all agree on that. But under our current law, the only thing to do was to let him then go to an American community to live.

Well, an American community is full of American schools. So here we have someone who is guilty of conspiring to kill American kids in a school in Jordan, and our only current remedy appears to be, according to the courts, to send him to a community in America to live, which is full of schools that have American kids.

This motion to instruct says we should eliminate that language and go back to the current environment, where the only choice is for that person to go into the American community. In this case, that was a terrorist, Mr. Speaker. In other cases we know of someone who was a murderer, or a pedophile, or a rapist. We need better ways to deal with people who abuse the open arms that America has traditionally had.

That is just one area of many that this motion to instruct specifically addresses. So if in fact you vote for this motion, you are voting to maintain the status quo. And I think my friends would almost all agree the status quo, in that instance, as I described it, is not an acceptable alternative for us to have.

We are searching for alternatives here that work better. I hope we let this process go on. I hope we let our conferees work on this hard job in the best way they can. I hope we defeat this motion to instruct.

Mr. GUTIERREZ. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I first want to thank the distinguished gentleman from Illinois for yielding me this time and for his leadership.

I am delighted the majority whip was just on the floor, because I really want to make the point that when we look at the questions of immigration, and I think a lot of these points on the motion to instruct the gentleman has offered refer to immigration issues, but they also refer to issues of asylum and

refugees. When we sit with our constituents and we explain what America has stood for over the years, its principles based upon not only immigration but the questions of allowing people to come and seek refuge and allowing people to seek asylum in the course of running away from persecution and torture and the devastation of a despotic government, you find commonality.

That is, I think, what we are trying to do with the motion to instruct as the conferees move forward. We are trying to find the kind of commonality that, frankly, the White House has asked us to find, and I might be very straightforward and say the families of the 9/11 victims have asked us to state and to find. We know that immigration concerns raise their ugly head all the time. H.R. 10 is, frankly, not the vehicle to engage in that discussion without the proper hearings and understanding that would work best.

I just want to refer again to the administration's position on H.R. 10. It clearly says that the administration strongly opposes the overbroad expansion of expedited removal authorities. The administration has concerns with the overbroad alien identification standards that are proposed by the bill and believes they are unrelated to security concerns.

□ 1615

This is the same administration that signed into law the Department of Homeland Security and has as its head Secretary Tommy Ridge. The President goes on to say, signed by my good friend Alberto Gonzalez, the counsel to the President as relates to the issue of torture. Unfortunately, the two Smith amendments did not succeed. And so I think it is important for the conferees to hear again what the President said and the President said in this letter by way of his counsel, "The President did not propose and does not support this provision and a provision that would permit the deportation of certain foreign nationals to countries where they are likely to be tortured."

Some would say that that has been corrected. It has not. Because what the Hostettler language says, with all due respect to my good friend, is that we will ask the countries not to torture this individual, but it is to be asked by the Secretary of State when, in fact, that is not a true protection because we know that we have asked many things, and we have received none.

I frankly believe that we are losing the focus that the 9/11 families would offer to us. As I look at the language in the 9/11 Commission report on the immigration and law enforcement issues, they have indicated that this is an important concept and that we should begin looking at securing identification in the United States. But the fundamental question that was asked by the families on H.R. 10 to be adopted by this commission, by a bipartisan commission, Chairman Kean and Vice Chairman Hamilton, was to fix the in-

telligence system to give us one director of intelligence with budgetary authority.

I would only say that some of the provisions that the gentleman is asking us to consider striking or a motion to instruct in order for intelligent decisions to be made really go to the full understanding of the American public, their compassion, their sensitivity, their belief in the Statue of Liberty's principles of people coming over. This is not to say that we do not deport terrorists. It is not to say that we do not detain them. It simply suggests that we should not water down the protections that we have that undermine the values of this particular Nation as well as the legal principles that we have of judicial review and as well as the protections we have had for those seeking asylum and those who are seeking to be a refugee.

The expedited procedures, Mr. Speaker, are not procedures that provide any security. I will say this as I close. All of these provisions are subject to mistake, a mistake that can cost someone their liberty, can cost someone their possible life, and certainly mistaken identity is rampant as we try to fix this security system. I need not speak about Yusuf Islam, Cat Stevens, who came to this country just a few months ago and met with White House officials on the faith-based initiative. Lo and behold, he was deplaned in Maine, his daughter sent on, he was sent back because of a mistake.

I would ask my colleagues to look seriously at this motion to instruct. It will not undermine the conferees. It will give them guidance for what may be a consensus position on H.R. 10 for all of us to vote on.

Mr. HOSTETTLER. Mr. Speaker, I yield myself such time as I may consume to talk specifically about one of the sections that are being considered for removal as a result of the motion to instruct, section 3005, which addresses the importance of verifiable documentation for aliens and their identification.

First of all, we need to understand what the section does not do. It does not prevent aliens from presenting other foreign documents to open bank accounts in this country. And it does not prevent aliens from presenting other documents in addition to the documents listed. Thus, an alien could also present a driver's license so long as the alien presents a designated document.

What the section does do, however, it requires aliens to present secure documents. It prevents the aliens from using consular identification cards, as we have heard about earlier, issued by foreign agents to aliens present in the United States.

Mr. Speaker, I would like to say that those foreign agents in the United States issue them only to their nationals, but we will learn later that that is in fact not the case, and that they will issue them for purposes of getting into

the secure sections of airports or onto Federal facilities. Those documents should be secure, and they should be safe from fraud.

The FBI has told our Subcommittee on Immigration, Border Security, and Claims that the most commonly issued of those documents is the Mexican matricula consular. The matricula consular has been accepted in this country for over 100 years, documentation that would allow a Mexican citizen while legally present in the United States to have contact information with their government, namely, a consular office in the United States. That has happened for, as I said, a long time in this country.

But the concern that we have is the newly issued Mexican matricula consular is not reliable. It is vulnerable to forgery and, most significantly, poses a terrorist threat. We had then Assistant Director of the FBI's Office of Intelligence Steve McCraw testify before our committee. He concluded that domestic acceptance of the matricula cards in the United States poses a law enforcement and national security risk. He stated that the criminal threat stems from the fact that the matriculas can be a perfect breeder document for establishing a false identity which can facilitate a wide range of crimes, including money laundering. He told of individuals who were arrested with multiple matriculas, each with the same photo but different names, and some of whom had matching driver's licenses to go with the identities proposed on the matricula cards. He concluded that the terrorist threat posed by these cards is the "most worrisome" to the FBI.

He went on to say, "The ability of foreign nationals to use foreign cards to create a well-documented but fictitious identity in the United States provides an opportunity for terrorists to move freely within the United States without triggering name-based watch lists, those watch lists that we think are going to save us from the next round of 9/11 attacks. But these kind of cards will actually keep individuals from being cross-referenced on these lists. These lists are disseminated to local police officers." Nor is the danger posed by those documents only as breeder documents. For other documentation, notwithstanding their vulnerability to fraud and abuse, consular ID cards can be presented to board an airliner. We know of cases like that.

I said earlier, Mr. Speaker, that it is suggested that these cards, especially the matricula consular, they are the most prevalent of the consular ID cards, but quite honestly, there are several foreign governments who are witnessing, observing the success of the issuance and acceptance of these consular identification cards by Mexico, the matricula consular, and they seek to follow them in issuing their own. They are supposed to go to individuals who are nationals of these particular respective foreign governments.

But we know that these cards have been issued to non-Mexican nationals in the United States, including at least one Iranian.

Mr. Speaker, at the U.S. Air Force Academy, during a particular set of arrests, employees with matricula cards were found to be employees of the Air Force Academy, but they were not Mexican nationals. They were Guatemalans. The Mexican government had either issued a matricula consular to a non-national or these cards had been so easily created by fraudulent means that they were able to obtain cards very similar to the real cards.

It is critical, Mr. Speaker, that these insecure documents not be accepted for identification purposes to enter secure areas, such as boarding an airplane. That is why we cannot strip out any of the provisions in title III and especially section 3005.

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

Mr. GUTIERREZ. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I heard the distinguished gentleman reading and listing a litany of speculative uses of the matricula card that he is speaking of. Let me just say that one of the things that he also said is that the card has been used for 100 years, and there has been no evidence over the 100 years of that kind of use.

But we are not in disagreement over the underlying principle that we can ultimately provide ways of securing and standardizing any card. I have spoken to law enforcement officers in my own community that have not seen any abuse of the use of such cards, and I think the opposition of the White House for these extraneous immigration provisions is just that. We have seen no evidence, we have had no hearings and we have no standards that can be set by adding these provisions on without more study.

I would just simply ask my colleagues to support the motion to instruct.

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

Let me, first of all, read from the 9/11 Commission because I think it is pertinent at this point. In section 3051 through 3056, in paragraph 3, it says, "Far from calling for sweeping anti-immigration legislation, the commission understood that we should reach out to immigrant communities. Good immigration services are one way of doing so that is valuable in every way, including intelligence-gathering. Congress needs to pass meaningful reforms proposed by the 9/11 Commission and not insist," and I hope the gentleman from Indiana read the 9/11 report; it says "not insist on a divisive anti-immigrant agenda that the commission rejected and has nothing to do with preventing another attack."

Not one of those individuals that committed the heinous act on 9/11 had

a matricula consular. As a matter of fact, they were issued by the government of the United States of America, and they either entered this country illegally through borders, not south of here but through the Canadian border, and through other means, legally and illegally, into this country. So let us stop trying to confuse one thing with the other.

Anyone listening to the gentleman from Indiana would think that the government of Mexico issues a matricula consular, and all of a sudden you skip and jump and you are in the United States of America, and you get a Social Security card, you get all of the benefits of being here, and you have got a passport, and you are free. If an INS agent, and I would like the gentleman from Indiana to answer that, if an INS agent stops someone with a matricula consular and says, I want identification from you, prove you are legally here in the United States of America, and gives them a matricula consular, answer the question, will that person not or will that person be deported? He knows that person will be immediately deported from the United States of America because we do not recognize that as a legal means of staying in the United States. It is not a passport. It is not a visa. It does not entitle that person to legally be in the United States of America, and the gentleman from Indiana knows that. He is too smart. He knows too much about this issue to be fuzzy or wary on this issue. You cannot stay in this country with a matricula consular.

What does it allow us to do? It allows an immigrant to open up a bank account so they can send money back, hopefully in a good way, back to their loved ones in their countries. That is what it allows them to do. It allows them to take their American citizen children and enroll them in school. It allows them to communicate.

Anybody listening to the gentleman from Indiana would think the Los Angeles Police Department have lost their minds, the New York Police Department have lost their minds, the Chicago Police Department have lost their minds. They like the matricula consular, as do hundreds of police departments across this country, because it ensures the safety and allows them to gather intelligence and information and allows people to cooperate with them. That is safety on our streets and intelligence-gathering. Let me just say, because this matricula consular, anybody thinks you get one, and it is magic. I go to a job, I say: Here, I have got my matricula consular, give me a job. You know, you cannot get a job with a matricula consular.

Lastly, let me say this. He skips over one important part. You have got to be in the United States of America to have a matricula consular, so you must have evaded something. Why do you want a matricula consular if you are already legally in the United States of America? To open up a banking account. That is the purpose. Let me just

say that people, hundreds, and the gentleman knows this, hundreds of people die crossing the border between Mexico and the United States. They drown in the Rio Grande, or they die in the desert. The terrorists know, come through Canada. If we put 90 percent of our resources, that is why they are not going to come through. They are going to find other means. We should look for every possible way to stop them, but this is not going to stop them.

As the commission says in their own report, don't use a divisive, anti-immigrant agenda the commission rejected and has nothing to do with preventing. This is the 9/11 Commission report. We should not do that, because it has nothing to do with preventing.

Lastly, you want to deal with the issue of undocumented workers. You and I will both agree and sign on a piece of paper, and we will have the Justice Department notarize it. There are 10 million undocumented workers in the United States of America. This Congress has not shown the political will nor has it put forward the requisite resources to deport them, nor will it ever.

□ 1630

This country needs and thrives on their work, and we all know it. So if we really want to deal with the immigration problem, then let us get an immigration bill, at least start with what the President, George Bush, said on January 7. Let us begin a national debate and an honest discussion of the undocumented workers that live in this country and let us integrate them so that the FBI, the CIA, our police departments have their fingerprints where they work, where they bank. And then, after we have eliminated those 10 million, because we know who they are and where they work and where they bank and where their children go to school and where they live, then we can reduce the number of people down to maybe the real terrorists that hide among them.

Let us do that honestly. But let us not use another anti-immigrant attack within a bill, H.R. 10, which does such a disservice to the families of the lost ones of 9/11.

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

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

If I can just speak briefly about the gentleman's comments with regard to an individual who is in this country that presents only a matricula consular card for identification, according to former intelligence director for the FBI, Steve McCraw, his testimony before our subcommittee said that really the only people that need to use a matricula consular exclusively for identification purposes are illegal aliens, simply because those that are in the country, that are present in the country legally, have other forms of secured documentation such as a passport or a visa or the like.

But the gentleman suggested in his comments that if a person supplies exclusively a matricula consular card to a law enforcement agent that they will be immediately deported. Mr. Speaker, they will not be immediately deported if the gentleman's other provisions in this motion to instruct are taken out, and that is portion 3006, which calls for expedited removal.

If the gentleman is saying that he wants those people immediately deported that only supply a matricula consular card for identification, I would accept, under unanimous consent, to have section 3006 stripped out of his motion to instruct. I do not think that is going to happen because the gentleman does wish to remove expedited removal provision from the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GREEN), a member of the Committee on the Judiciary.

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to step back for a moment and just talk briefly about the situation we find ourselves in. In the months after 9/11, in fact, in the days after 9/11, we instantly heard certain names of terrorists, Osama bin Laden, obviously, and a few others. And I think we were misled into believing that somehow these were the only problems that we had, that these individuals were the extent of our terrorist problem.

What we have learned in the months since then and what we have learned through the 9/11 Commission's work and its predecessor, the Joint Committee of Inquiry here in Congress, is that any terrorist operation is built upon a network. It is not one individual or even a couple of individuals, but there is a whole network of individuals who each plays a specific role, has a specific job, whether it be identity documents or scoping out buildings or providing training or providing intelligence or recruiting or whatever it may be.

What we have learned, I think, in these months since the tragic days of September 11 is that if we are going to be successful in protecting this Nation, we cannot focus solely on the trigger man or the guy who plants the bomb or the guy who drives that rigged truck, because we can remove those individuals and more may pop up.

Instead, we have to go over every link in the chain. We have to go after those who provide material support, who provide the shadows in which terrorists hide, who scope out the building and provide the intelligence and the diagrams, who provide the transportation, who provide the forged documents, who put the trigger men in place to do their terrible deeds.

The 9/11 Commission was very clear in saying that its report was not legislation. It understood that its report would need to go through the legisla-

tive process, and it has. And I believe the legislation that this body produced, H.R. 10, not only carries the spirit and concepts of the 9/11 report, but based upon the experience that we have all had and all that we have learned, I think it adds a lot to it.

It is only the House version of this bill that goes after every part in that network. It is only the House version of the bill and, in particular, the provisions that came out of the Committee on the Judiciary that are aimed at breaking each of the links in making sure that we go after the recruiters of terrorists, those who provide the military training, those who recruit and, as well, the ranks of terrorist organizations.

We have to go after them as surely as we go after those who have placed that bomb. If we do not, we cannot win.

And I think we also recognize that by the very nature of terrorist operations, we cannot wait until after the terrible act has occurred. We have to disrupt it. We have to prevent it. We have to break that chain. We have to disrupt that network. We have to find those who give material support to terrorism, whether it be the military training or the logistics. We have to remove them. Unless we remove those individuals, we cannot succeed.

So the question I think we have before us today with this motion to instruct is whether or not we are going to take a very narrow approach, which is what some would suggest, and I would argue the Senate bill would do, which is incomplete, which does not get after every link in the chain, which does not really go after the network, which does not have the material support provisions in it; or whether or not we are going to be serious, whether or not we are going to take that comprehensive approach that I can, as a young father, be proud of because I know that it makes this country a safer place for my kids to grow up in.

Make no mistake, when this legislation is signed by the President, there will be some time that passes before we are able to take up some of the new steps that the other side would have us remove. The clock is ticking. We have heard a number of terrorism experts refer to this as a race against time. I agree, it is. We have to get this right. We have to be bold. We have to go after that network. We have to go after every link in the chain. We have to remove them. We have to prevent them from coming into place.

We have to send a signal to those who would recruit terrorists. We have to send a signal to those who would become recruits. They are our enemy just as surely as the man or the woman that pulls the trigger. That is the experience, I think, that this world has had in the sad months since September 11.

I urge my colleagues to avoid the motion to instruct because it falls short. It does not do the job. It does not go after the network. It will not break the links in the chain.

I have said it before. I think, as we all look back on the years leading up to 9/11, I think we have to agree that a storm was gathering in the terrorist world and too many of our leaders, and this is not a partisan comment, too many of our leaders looked the other way. The question is now whether, 10 years from now, 15 years from now, whether or not our successors will look back at this Congress and say either they did the right thing, they took a bold comprehensive approach, or, let us hope not, they looked the other way and they fell short.

I urge my colleagues to vote against this motion to instruct.

Mr. HOSTETTLER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I want to thank our chairman for the excellent work he has done this session as we have looked at immigration issues and have worked hard to be certain that we address the things that are of great concern to the American people and to our constituents.

And it is of concern that we have this motion to instruct to strip apart H.R. 10. And, of course, our opponents of H.R. 10 and our colleagues across the aisle are using impassioned talk to generate emotion on this issue, but what we have contained in H.R. 10 and in the provisions that they are wanting to lift out of that bill, wanting to move away, are just good, solid, common-sense legislation.

I disagree with my colleague across the aisle. He was talking about law enforcement officials and asking if they had lost their minds. I do not think they have. The ones in my district definitely have not.

They are very concerned about this, and I have been working with them since my days in the Tennessee Senate, working to address the driver's license issue and how that affects the American people. And they would choose to remove that from H.R. 10, and it is important.

We have got to be certain, as we look at our Nation's security, that we take very careful steps not to reward individuals who are going to choose to break the law to get here. We have to have great respect for the rule of law and be certain that we continue to have policies that require and reward those that respect the law.

Section 3052 that they are wanting to pull out does address the driver's license situation, having legal documents for driver's licenses. It is not a mandate. It does not set up a national database, and this section has been worked on very carefully. The gentleman from Virginia (Mr. TOM DAVIS) out of the Committee on Government Reform, and the gentlewoman from Michigan (Mrs. MILLER), who was secretary of state, have worked diligently on this issue to be certain that we know that the people who are getting a driver's license, a valid government

I.D., are here in this country lawfully, that they have an official passport to be here lawfully. And it gives guidance to our States so that States can continue to have reciprocity for the use of those driver's licenses.

The provisions that are contained in 3052 are good, solid, common-sense provisions. It is something that our States, every single State in this great Nation, will know that they can depend on, that other citizens will know that they can depend on, that the individuals that work the TSA, that are looking at driver's licenses, that are allowing people to get on planes, they will know that this is a valid document and that the person who holds that document in their hand is who they say they are and that they are here and having presence in this country legally.

I would encourage my colleagues to oppose the motion to instruct. I would encourage my colleagues to support H.R. 10, the provisions that have been worked on, the provisions we have worked on with our State legislators so that we help them, help them to have the assurance that the documentation that is before them is real, it is valid; and so that the immigrant community knows that we are honoring those that choose to obey our laws, to work hard and to come here seeking hope, opportunity, and freedom.

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

First of all, I will insert into the RECORD, since obviously the majority has not read it, a statement of administration policy dated October 7, 2004, from the White House, George Bush's White House. In it, it says on page 2, paragraph 3: "The administration strongly opposes the overbroad expansion of expedited removal . . . The administration has concerns with the overbroad alien identification standards proposed by the bill that are unrelated to security concerns."

□ 1645

This is the President of the United States of America, the leader of your party that you went to New York and nominated, who is going to debate Senator JOHN KERRY tonight.

So if you are right, Senator JOHN KERRY could say tonight to President Bush, You have standards that are less secure because you believe that people should be expedited and should not be expedited.

You believe they should not be, that the matricula consular somehow allows illegal criminals, murderers, rapists and others to roam around our country; that you oppose their quick and immediate deportation; that you are giving harbor to terrorists in the United States of America.

If we are to believe what the Republican majority has just said, and President Bush has contradicted your position in his letter of official policy, then somebody is wrong and somebody is right here. But I do not think your col-

league, the President of the United States, is weak on national defense. I do not think the Republican majority is saying to the President of the United States that he thinks it is a good idea to have murderers and rapists and other criminal elements freely being able to roam the United States of America. Yet, indeed, if you are right, that is what the President supports, because we have his official document of the administration policy, and he says remove this kind of language from the document, that we support it.

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

Mr. Speaker, I appreciate the gentleman's comments from Illinois with regard to his support of the President. It looks like Illinois this year may be in fact in play, the electoral college.

But I do want to remind the gentleman that we do have three branches of government, and we have all been sent here to represent our various constituencies with regard to these very important issues of national security.

Going back to the letter that I have submitted for the RECORD from the 9/11 Families for a Secure America, I know that the gentleman is very impassioned about his support for immigration, and I very much appreciate it. We are a Nation of immigrants. But I think it is important for us to refocus on what actually took place on 9/11 and what the American people are asking us to do.

The 9/11 Families for a Secure America said, "Our efforts over the past 3 years to get elected officials to recognize and to address the current immigration crisis have taught us that even the most reasonable and sensible immigration reform proposals languish in Congress." They do not languish in the House of Representatives, after we defeat this motion to instruct "because our elected leaders are either blinded by special interests or afraid of being vilified by them."

Mr. Speaker, if 9/11 repeats itself, and I have said this to our neighbors to the north in Canada who have had representatives from their government, from their legislative bodies, come and speak to us about issues important to immigration, issues important to both of our countries, if the tragedy of 9/11 repeats itself in this country, then my colleague from Illinois and others from Canada and Mexico will long for, will yearn for, the good-old-days when we considered what will then be considered minimalist reforms to our immigration policy.

To not require that anyone receive relief under the Convention Against Torture, the gentleman talks about expedited removal and the concern that he has with regard for that. Our amendment changed the underlying bill to allow for Convention Against Torture and asylum claims to go ahead unimpeded by the new provision that calls for expedited removal. So we will not be sending individuals who have a very reasonable fear of being tortured

and abused in their home countries if they are returned. Those that really do have a reason to fear for their safety in another country and for their abuse there will be able to obtain relief in this country.

But for those that abuse the immigration process, as the 19 did who perpetrated 9/11, we must maintain these immigration provisions in the bill so that we deal with that very important problem and we do not allow 9/11 to repeat itself and do not come to a point in the future where the American people require us to do much more difficult things, make much more difficult decisions, and cause us to greatly restrict the influx of immigrants into our country.

In the words of families affected most directly by 9/11, these are reasonable and sensible immigration reform proposals. They should not be stripped out. I beg my colleagues not to vote for the motion to instruct, but in fact vote against the motion to instruct.

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

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

Mr. Speaker, let me just say the following. In the same letter from the George Bush administration, it states: "The administration has concerns with overbroad alien identification standards proposed by the bill and unrelated security concerns, and believes that the States, as in the Senate bill, should work these things out." So there are provisions for securing driver's licenses and making sure that they are secure. We have that in the Senate bill.

The gentleman keeps speaking about the 9/11 families. I have an open letter from the 9/11 families, the same families that came to testify before the Congress of the United States, in which they say "recommendations." "We have heard that the House bill to implement 9/11 Commission recommendations also includes provisions to expand the U.S. PATRIOT Act and reform immigration law in ways not recommended by the commission and which we are against." This is the 9/11 families.

Look, anybody listening to this debate would think that if tomorrow somebody who works in Washington State picking apples, and I think the gentleman from Indiana and I would agree that most of the workers in the field of agriculture in Washington State are undocumented here in this country, without legal documentation, picking our apples, let us use that as one example, do you think if you do not give them a driver's license, they are going to stop coming? Do you think if you take away the matricula consular and they cannot get a bank account, they are not coming? Do you think if we pass every other kind of ID requirement, they will stop coming?

They are going to keep coming, as long as in this country there are apple growers who need their work and Americans like you and I that were

born here who will not do the work. So let us face it, these are obscuring the real issues we have before us.

I would suggest to the gentleman that he says that maybe the State of Illinois is in play in the electoral college. We just elected a Democratic Governor in the State of Illinois and the former Republican, how ironic, the former Republican Governor of the State of Illinois is currently under indictment by the Federal Government. Do you want to know why? For issuing bogus driver's licenses and taking bribes for them. That is a fact.

Unfortunately, let us have a debate on immigration policy that is really about immigration and security concerns that are really about security.

Mr. Speaker, for the RECORD I include the statement of administration policy.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of H.R. 10 and appreciates the efforts of the House Leadership and Committees to bring this legislation quickly to the Floor. The Administration looks forward to working with the House and Senate in conference as they resolve their differences on intelligence reform legislation so that it can be enacted as soon as possible. The Administration looks forward to working with Congress to address its concerns with the bill, including those described below, and to ensure prompt enactment of necessary legislation to create a strong National Intelligence Director (NID) with full budget authority and other authorities to manage the Intelligence Community, and to provide statutory authority for the newly created National Counterterrorism Center (NCTC).

The Administration appreciates that H.R. 10 has been revised to clarify the authorities of the NCTC and the definition of national intelligence. The Administration is also pleased that H.R. 10 would prevent disclosure of sensitive information about the intelligence budget. Disclosing to the Nation's enemies, especially during wartime, the amounts requested by the President, and provide by the Congress, for the conduct of the Nation's intelligence activities would be a mistake.

Legislation proposed by the President provides the NID with full budget authority, including clear authority to determine the national intelligence budget, strong transfer and reprogramming authorities, explicit authority to allocate appropriations, and the ability to influence the execution of funds by national intelligence agencies. The Administration is concerned that H.R. 10 does not provide the NID sufficient authorities to manage the Intelligence Community effectively.

The Administration looks forward to working with the House to improve a number of provisions relating to appointments. In particular, the Director of the NCTC should be appointed by the President, and the appointment of certain other officers as proposed in H.R. 10 may raise constitutional issues.

The Administration remains concerned about other provisions that create new bureaucratic structures and layers in the office of the NID and elsewhere that would hinder, not help, the effort to strengthen U.S. intelligence capabilities and preserve constitutional rights.

The Administration commends and supports provisions of H.R. 10 that promote the development of a secure information sharing environment under the direction of the NID

while also providing flexibility concerning its design and implementation. We look forward to working with Congress to address some concerns with the degree of specificity of provisions concerning interoperable law enforcement and intelligence data systems.

In addition to provisions concerning the NID, the NCTC, and other core issues responsive to the Administration's proposal, H.R. 10 contains a number of additional provisions, some of which are discussed below.

The Administration strongly supports those provisions of Title II that ensure the Intelligence Community and others in the war on terror have all the necessary tools to prevent terrorist attacks—including provisions to prevent attack by "lone wolf" terrorists and enhanced provisions to deny material support to terrorists, prevent attacks using weapons of mass destruction, and further dry up sources of terrorist financing. These and other additional antiterrorism tools would help keep America safer.

The Administration also supports those provisions of Titles II and III that will better protect our borders from terrorists, while still maintaining our traditions as a welcoming Nation. In particular, the Administration supports efforts to allow visa revocations as a basis for deportation and provisions concerning the judicial review of immigration orders, as in Section 3009. The Administration strongly opposes the overbroad expansion of expedited removal authorities. The Administration has concerns with the overbroad alien identification standards proposed by the bill that are unrelated to security concerns. The Administration welcomes efforts in Congress to address the 9/11 Commission's recommendations concerning uniform standards for preventing counterfeiting of and tampering with drivers licenses and birth certificates, but believes that additional consultation with the States is necessary to address important concerns about flexibility, privacy, and unfunded mandates.

Section 3001 acts to close a security gap by eliminating the Western Hemisphere exception for U.S. citizens. The Administration intends to work with the Congress to ensure that these new requirements are implemented in a way that does not create unintended, adverse consequences.

The Administration strongly opposes section 3032 of the bill. The Administration remains committed to upholding the United States' obligations under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. Consistent with that treaty, the United States does not expel, return, or extradite individuals to countries where the United States believes it is more likely than not they will be tortured. The Administration is willing to work with the Congress on ways to address the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), insofar as it may constrain the detention of criminal aliens, while they are awaiting removal, or limit the government's authority to detain dangerous aliens who would be removed from the United States but for the fact that they are afforded protection under the Convention Against Torture.

Title IV contains a number of provisions that purport to establish the policy of the United States on foreign policy issues, require the Executive branch to negotiate certain international agreements, direct how the President will use the voice and vote of the United States in international institutions, direct the content of diplomatic communications with foreign governments, direct the make-up of U.S. delegations to multilateral meetings and negotiations, and require that plans and strategies to achieve specified foreign policy objectives be submitted to the Congress. These provisions are

inconsistent with the President's constitutional authority with respect to foreign relations, diplomacy, and international negotiations. Therefore, these provisions should be eliminated or cast in precatory rather than mandatory terms.

In Title V, the Administration commends the provisions that add to the Secretary of Homeland Security's flexibility in providing first responder grant funds to certain high-risk areas, but has concerns about border state funding mandates which reduce that flexibility. The Administration opposes provisions in Title V that would create inequities in personnel policy between the FBI and other law enforcement agencies, and looks forward to working with the Congress on a separate and comprehensive reform of law enforcement pay and benefits. The Administration also opposes provisions that would encumber the Federal rulemaking process with duplicative and burdensome new requirements.

The Administration opposes Section 5043 of the bill, which would eliminate the level playing field established for all three branches of government by the Government-Wide Ethics Reform Act of 1989, creating a new regime of non-uniform ethics laws. The financial disclosure process should be modernized to reflect changed circumstances. The Administration urges Congress to adopt the bill to modernize government-wide financial disclosure submitted by the Office of Government Ethics to the Speaker on July 16, 2003.

The Administration is also very concerned about the dozens of new reporting requirements contained in the bill. The Administration will continue to work with the Congress to eliminate or reduce the burden created by unnecessary or duplicative statutory reporting requirements, while respecting the responsibilities of the Congress.

The Administration is also concerned about provisions in Title V that would, taken together, construct a cumbersome new bureaucracy, duplicate existing legal requirements, and risk unnecessary litigation. The Administration urges the House to delete or significantly revise these problematic provisions.

The Administration notes that the Committee bill did not include Section 6 ("Preservation of Authority and Accountability") of the Administration's proposal; the Administration strongly supports inclusion of this provision in the House bill. The Administration's proposal also provides necessary additional authorities for the NID to be able to effectively operate the Office of NID; however, H.R. 10 does not provide the NID with these additional authorities. The legislation should also recognize that its provisions would be executed to the extent consistent with the constitutional authority of the President: to conduct the foreign affairs of the United States; to withhold information the disclosure of which could impair the foreign relations, the national security, deliberative processes of the Executive, or the performance of the Executive's constitutional duties; to recommend for congressional consideration such measures as the President may judge necessary or expedient; and to supervise the unitary executive.

Finally, the Administration has concerns with a number of other provisions in the bill and looks forward to working with Congress to address them as the bill proceeds.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Representative GUTIERREZ's motion to instruct on H.R. 10, I must oppose this motion to instruct.

This motion specifically instructs the conferees to remove sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054,

3055, and 3056, something I agree with. However, his motion to instruct also calls conferees to recede from the entire House amendment and thus accept Senate bill, S. 2845, which has some very unacceptable provisions. One such provision exposes the funds we spend on the intelligence community.

Even though he references immigration provisions, which forced me to vote against the House bill, his motion to instruct has the purpose of accepting the entire Senate bill. This is something I cannot agree to.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The question is on the motion to instruct offered by the gentleman from Illinois (Mr. GUTIERREZ).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on this motion are postponed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4200, RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2005

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 108-769) on the resolution (H. Res. 843) waiving points of order against the conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 831 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 831

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of October 8, 2004, providing for consideration or disposition of a conference report to accompany the bill (H.R. 4200) to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The SPEAKER pro tempore. The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), 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, last night the Committee on Rules met and passed this resolution waiving clause 6(a) of rule XIII requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules against certain resolutions reported from the Committee on Rules.

The waiver authorized by this resolution applies to any special rule reported on the legislative day of Friday, October 8, 2004, providing for the consideration or disposition of a conference report to accompany the bill H.R. 4200, the Defense authorization conference report for fiscal year 2005. I would advise my colleagues that adoption of this resolution is made necessary because the work of the conferees on the Defense authorization conference report has taken longer than anticipated.

I believe it is imperative that the House considers the proposed conference report on Defense authorization as soon as possible. The last thing we would ever want would be for the necessary armor and weaponry needed by our Armed Forces to be held up or delayed in any way.

My friend from Texas has always been a strong supporter of our military. I trust he, too, would prefer to rapidly approve the Defense authorization conference report; and to that end, I urge my colleagues to support this rule.

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

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

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

Mr. FROST. Mr. Speaker, I have always been proud to support the Defense authorization bill in the House, and this year is no exception. The conference report on the Department of Defense Authorization Act helps ensure the safety of our fighting men and women around the world. It provides them with the tools they need to fight the war on terror, and it provides much-needed benefits that will improve the quality of life for them and their families.

Mr. Speaker, I strongly support moving the conference agreement forward because of its importance to our national security and to our troops in the field.

While I will not oppose this martial law rule which will allow the House to