

not to change anything they are doing; this is not complimenting anything that they are doing or saying that they are doing it particularly well; but to force some sort of reportorial system back to Congress, that is all this amendment does, so perhaps they will get it in their heads that they have to do better than they are doing now.

The gentlewoman is right, there is a lot of disorganization and incompatibility and inconsistency in terms of what is happening, and yet it has potential.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, we have numerous reports that are required. I sit on the committee, which is why I know this. They never do the reports. They are required by law to submit the reports. We have dozens, hundreds of reports that simply have never been delivered. I hope this is an exception, but I do not have a high level of confidence.

Mr. CASTLE. Mr. Chairman, we can tweak them a little bit if this amendment passes because I do believe, and it has worked, and even with the limitations the gentlewoman has shown, it has worked rather well in some areas where they have actually captured people who have done things that they should not have done. I think it could do a heck of a lot more in terms of terrorism, and it should. I intend to force it. We know this department has some start-up difficulties, and we have to deal with that. Having said that, I think this is a good step in the right direction. If we stand behind it and help it work, it will help us all.

I thank the gentlewoman for her support.

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

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

The amendment was agreed to.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. KING of Iowa) assumed the Chair.

#### MESSAGE FROM THE SENATE

A message from the Senate Ms. CURTIS, one of its clerks, announced that the Senate disagrees to the amendment of the House to the bill (S. 1932) "An Act to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95)." and requests a conference with the House on the disagreeing votes of the two Houses thereon, and

That on December 15, 2005, appoints Mr. GREGG, Mr. DOMENICI, Mr. GRASSLEY, Mr. ENZI, Mr. ALLARD, Mr. SESSIONS, Mr. STEVENS, Mr. SHELBY, Mr. SPECTER, Mr. CHAMBLISS, Mr. MCCONNELL, Mr. CONRAD, Mrs. MURRAY, Mr.

HARKIN, Mr. SARBANES, Mr. INOUE, Mr. BINGAMAN, Mr. BAUCUS, Mr. KENNEDY, and Mr. LEAHY, to be the conferees on the part of the Senate.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The Committee resumed its sitting.

PART B AMENDMENT NO. 6 OFFERED BY MR. GINGREY

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 6 printed in House Report 109-347 offered by Mr. GINGREY of Georgia:

At the end of title I, insert the following new section:

#### SEC. 118. SUSPENSION OF VISA WAIVER PROGRAM.

(a) IN GENERAL.—Notwithstanding any other provision of law, the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187) is hereby suspended until such time as the Secretary of Homeland Security determines and certifies to Congress that—

(1) the automated entry-exit control system authorized under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is fully implemented and functional;

(2) all United States ports of entry have functional biometric machine readers; and

(3) all nonimmigrants, including Border Crossing Card holders, are processed through the automated entry-exit control system.

(b) REPEAL.—Subparagraph (B) of section 217(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1187(a)(3)) is hereby repealed.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Georgia (Mr. GINGREY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I believe that the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 needs to address a loophole in our immigration system. I have introduced this amendment which suspends, not cancels, but suspends temporarily the Visa Waiver Program until the machine-readable and tamper-resistant biometric identification system mandated by the PATRIOT Act to be the cornerstone of the entry-exit system is fully operational.

Until we have the technical and human resources to secure our points of entry, we cannot afford to allow visitors to come to the United States without prescreening them prior to arrival. Despite the fact that the United Kingdom is one of our Nation's closest friends and allies, the London subway bombings earlier this year were executed in large part by British citizens with known ties to terrorism.

We know that terrorists like Zacharias Moussawi and Richard Reid ex-

ploited the Visa Waiver Program to travel to the United States. Do we want individuals like these to fly to America unchecked and to attack our subway system in the name of terrorist groups like al Qaeda under the cloak of the Visa Waiver Program? Do we want French citizens with Islamofascist mindsets to get a free pass through Customs? If not, we need to suspend this program until we are equipped to check the criminal and terrorist backgrounds of every visitor who arrives at a point of entry and to confirm the identity of each visitor using biometric identifiers.

The success and failure of the Visa Waiver Program can trace its roots back to 1986 when it was passed as part of the Immigration Reform Control Act. As many of my colleagues know, what we left undone in 1986 is in large part why we need to consider a new immigration reform law in 2005 that is consistent with the recent reauthorization of the PATRIOT Act. The Visa Waiver Program was only designed to be a temporary program for a small and select group of nations. Today, 27 countries are eligible under visa waivers, opening the door widely, widely, Mr. Chairman, for an unscreened terrorist to attack the United States.

Yesterday, the United States USA PATRIOT and Terrorism Prevention Reauthorization Act of 2005 passed by a vote of 251-174, a strong endorsement for securing our Nation against terrorism. The PATRIOT Act acknowledges the problem of the Visa Waiver Program, and I have introduced this amendment to suspend the program until the solution made possible by the PATRIOT Act can realistically take effect. This is an issue that extends beyond apprehending illegal immigrants and actually works to secure our points of entry from those who desire to attack our Nation.

Mr. Chairman, I include for the RECORD a letter from the 9/11 Families for a Secure America in full support of this amendment.

9/11 FAMILIES FOR A SECURE AMERICA,  
DECEMBER 15, 2005.

Staten Island, NY,

Hon. PHIL GINGREY,  
Cannon House Office Building,  
Washington, DC.

DEAR MR. GINGREY, 9/11 Families for a Secure America fully supports your amendment to H.R. 4437 to suspend the Visa Waiver Program until the automated entry-exit control system authorized by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is fully implemented.

The recent civil disturbances in France make it quite clear that the time is past when citizens of particular countries should be granted blanket permission to enter the United States without first applying for a visa. Many of the nations of Europe, after decades of permitting mass immigration from nations that sponsor terrorism have created a situation where large numbers of Islamic extremists, though closely connected to the terrorism that originates in countries such as Saudi Arabia, are themselves citizens or native born in any of a dozen European nations. The result is that Islamic extremism is no longer limited to persons born

in or citizens of Middle Eastern nations. For this reason, citizens of European countries should be subject to the same visa application process which applies to the other nations of the world.

If Islamic extremists commit another 9/11 it will not make any difference to the victims of that attack that the people responsible carried French passports rather than ones issued by Iran, Saudi Arabia or Lebanon.

Sincerely,

THE BOARD OF DIRECTORS,  
9/11 FAMILIES FOR A SECURE AMERICA  
Bruce DeCell, Sergeant, NYPD (retired),  
Father-in-law of Mark Petrocelli, age 29.  
Bill Doyle, father of Joseph, age 24, WTC  
North Tower.  
Lynn Faulkner, husband of Wendy, WTC  
South Tower.

Peter and Jan Gadiel, parents of James,  
age 23, WTC, North Tower 103rd floor.

Grace Godshalk, mother of William R.  
Godshalk, age 35, WTC South Tower 89th  
floor.

Joan Molinaro, mother of firefighter Carl  
Molinaro.

Will Sekzer, Detective Sergeant (retired)  
NYPD, father of Jason Sekzer, age 31, WTC  
North Tower 105th floor.

Mr. KING of New York. Mr. Chair-  
man, will the gentleman yield?

Mr. GINGREY. I yield to the gen-  
tleman from New York.

Mr. KING of New York. Mr. Chair-  
man, these are issues that must be ad-  
dressed, and I will assure the gen-  
tleman that, as chairman of the Home-  
land Security Committee, that I will  
work on these issues and address the  
very real concerns that you have. I  
would ask in that context you consider  
withdrawing the amendment with that  
pledge I make to you.

Mr. GINGREY. Mr. Chairman, I ap-  
preciate that spirit of cooperation. I  
know there are some concerns about  
the amendment. Indeed, a major air-  
line in my district, in my State, has  
some concern over it, and people who  
are concerned about tourism and the  
economic effects of this amendment.

But I think this is a situation where,  
when we look back and think about  
9/11, it would probably cost our econ-  
omy \$3 trillion if we have another at-  
tack of that magnitude. The cost of  
that, of reduced tourism, would pale in  
comparison to another \$3 trillion cost  
to our economy if that should occur. I  
sincerely appreciate the chairman's  
willingness to cooperate with us, and I  
look forward to working with him on  
this issue.

Mr. Chairman, I ask unanimous con-  
sent to withdraw my amendment.

The Acting CHAIRMAN. Without ob-  
jection, the amendment is withdrawn.

There was no objection.

PART B AMENDMENT NO. 7 OFFERED BY MR.  
CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr.  
Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk  
will designate the amendment.

The text of the amendment is as fol-  
lows:

Part B amendment No. 7 printed in House  
Report 109-347 offered by Mr. CAMPBELL of  
California:

At the end of title III, add the following:

**SEC. 308. COMMUNICATION BETWEEN GOVERN-  
MENT AGENCIES AND THE DEPART-  
MENT OF HOMELAND SECURITY.**

(a) IN GENERAL.—Section 642 of the Illegal  
Immigration Reform and Immigrant Responsibility  
Act of 1996 (8 U.S.C. 1373) is amend-  
ed—

(1) by striking "Immigration and Natu-  
ralization Service" and inserting "Depart-  
ment of Homeland Security" each place it  
appears; and

(2) by adding at the end the following:

“(d) ENFORCEMENT.—

“(1) INELIGIBILITY FOR FEDERAL LAW EN-  
FORCEMENT AID.—Upon a determination that  
any person, or any Federal, State, or local  
government agency or entity, is in violation  
of subsection (a) or (b), the Attorney General  
shall not provide to that person, agency, or  
entity any grant amount pursuant to any  
law enforcement grant program carried out  
by any element of the Department of Jus-  
tice, including the program under section  
241(i) of the Immigration and Nationality  
Act (8 U.S.C. 241(i)), and shall ensure that no  
such grant amounts are provided, directly or  
indirectly, to such person, agency, or entity.  
In the case of grant amounts that otherwise  
would be provided to such person, agency, or  
entity pursuant to a formula, such amounts  
shall be reallocated among eligible recipi-  
ents.

“(2) VIOLATIONS BY GOVERNMENT OFFI-  
CIALS.—In any case in which a Federal,  
State, or local government official is in vi-  
olation of subsection (a) or (b), the govern-  
ment agency or entity that employs (or, at  
the time of the violation, employed) the offi-  
cial shall be subject to the sanction under  
paragraph (1).

“(3) DURATION.—The sanction under para-  
graph (1) shall remain in effect until the At-  
torney General determines that the person,  
agency, or entity has ceased violating sub-  
sections (a) and (b).”.

(b) EFFECTIVE DATE.—The amendments  
made by subsection (a) shall apply to grant  
requests pending on or after the date of  
the enactment of this Act.

The Acting CHAIRMAN. Pursuant to  
House Resolution 610, the gentleman  
from California (Mr. CAMPBELL) and  
the gentlewoman from Texas (Ms.  
JACKSON-LEE) each will control 5 min-  
utes.

The Chair recognizes the gentleman  
from California.

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

Mr. Chairman, there are cities  
around this country that have laws or  
executive orders under which they pro-  
hibit law enforcement officials from re-  
porting to the Department of Home-  
land Security when they encounter,  
through the normal course of law en-  
forcement practice, individuals who  
are aliens, who are foreign nationals  
and who are in this country illegally.  
That, first of all, is a violation of Fed-  
eral law. Both the Illegal Immigration  
Reform and Immigrant Responsibility  
Act of 1996 and the Personal Responsibility  
and Work Opportunity Reconciliation  
Act of 1996 both prohibit cities  
from adopting that sort of ordinance.

But secondly, it is just wrong. We  
have Federal law here, and we have  
people in the ordinary course of their  
law enforcement activities encoun-  
tering people who are foreign nationals  
and in this country illegally, and cities

are passing ordinances making it a  
crime basically for those law enforce-  
ment officials to let Department of  
Homeland Security know that.

The reason this happens is there is no  
enforcement mechanism on this Fed-  
eral law right now. What this amend-  
ment would do is simply provide an en-  
forcement mechanism by making those  
law enforcement agencies in those  
areas not eligible for Federal grants if  
they have such a prohibition which is  
in violation of Federal law.

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

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Ms. JACKSON-LEE of Texas. Mr.  
Chairman, let me say to the gentleman  
from California (Mr. CAMPBELL) that it  
is interesting that we come to the floor  
and try to make like there is a divide  
in the arresting and detaining of crimi-  
nals. Every jurisdiction, outside of the  
Federal jurisdiction, has the right and  
responsibility to arrest criminals,  
whether they be documented or un-  
documented. There is no divide on that  
question. Local law enforcement, local  
sheriffs, local constables, local police,  
can, in fact, arrest criminals, detain  
them and even send them through our  
judicial system.

Your amendment, however, breaks  
the back of our local jurisdiction, and  
it creates an enormous unfunded man-  
date. It would force cash-strapped  
State and local governments to enforce  
civil immigration laws. We want the  
criminals off the street. But you would  
force our local governments to take on  
extra responsibilities without funding.

Let me remind you that the idea of  
enforcement of terrorism really begins  
outside of our borders. That is what we  
are here to talk about, to ensure that  
we have strong border security enforce-  
ment.

I would also offer to say that we hope  
that the DeFazio-Lungren bill passes in  
a few moments because that is what it  
does, it ensures that we protect against  
those who would come inside. That  
would protect the Federal jurisdiction  
and the State. But this amendment  
preempts any State and local laws that  
bar their law enforcement officers from  
assuming the Federal responsibility of  
enforcing civil immigration laws.

But more importantly, what it does  
is it forces local jurisdictions to send  
private information on crime victims,  
possibly a rape victim, who may be an  
undocumented immigrant. And this  
amendment opposes another unfunded  
mandate on State and local govern-  
ments. It undermines effective commu-  
nity policing, increases racial  
profiling. As well, let me suggest that  
it requires local government to give in-  
formation that it might not even have.  
Then you eliminate their opportunities  
to secure their own communities.

And so, frankly, this is a bill that  
most of the law enforcement are  
against, and it is enormously burden-  
some, and it breaks up the responsi-  
bility, or it stops the responsibility of

law enforcement because it is divisive and it is unworkable.

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

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

I appreciate the comments from the gentlewoman from Texas, but let me make it clear what this bill does and does not do, what this amendment does and does not do. It does not require local governments to do anything. All it does is tell them they should not prohibit, they should not actively prohibit their law enforcement officials from giving this information to the Department of Homeland Security. It does not require them to give the information. It says you may not prohibit or you lose Federal funds.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, my colleagues, I welcome the newest Member of the House from California; and I, likewise, welcome this commonsense amendment because in this amendment the gentleman from California encapsulates the challenge facing this House. We claim we are going to enforce existing laws. Let us begin here. Thirty-two cities and counties have not been cooperating. They say let us carve out an exception. Two states in our Union are sanctuaries, Oregon and Maine.

Ladies and gentlemen, if border security is national security, if we have found that we have illegally in this Nation over 80,000 convicted felons from other cultures, why should it be difficult for local law enforcement agencies to themselves obey the law? "Yes" on this amendment. It puts some teeth in the bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, would the author please tell me what is broken that needs fixing? Where is the local agency not, I mean, as you say in your bill, you shall not provide any person, agency or entity, pursuant, any grant, even any formula grants. You are going to just bring law enforcement to a standstill here. You are going to create the biggest bureaucracy in the world.

I represent a lot of local governments. I do not know any of them that do not share this information. But I also know that there are times when local law enforcement has undercover agents who are undocumented. I found that out from previous experiences where they may not want to tell anybody that is an undercover agent. And is that the kind of thing? I mean, this is not the law that the local city councils adopt. This is the way law enforcement does their business. And with your amendment, I see that the Attorney General has now to determine whether that city or county receives any formula funds of any amount, and that they cannot receive those amounts in the future. What are you

going to do about Katrina? What are you going to do about all those cities that you are trying to bail out with the floods? I think this amendment is fixing something that is not even broken. I oppose it.

Mr. CAMPBELL of California. Mr. Chairman, I yield 45 seconds to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I rise in strong support of the Campbell amendment. This legislation is quite straightforward. It informs our States and localities to enforce the law. That sounds ridiculous to us, I am sure. But the fact is that one of the main problems with our immigration laws is that we are not enforcing them. And under the immigration reform legislation we passed in 1996, we prohibited States and localities from barring their entities and barring officials from providing immigration information to the Department of Homeland Security.

Now, these counties and these States have decided to defy the law. There should be a cost for that. And the cost, according to this amendment, which says we mean what we say, the cost is that they would receive no grant amounts made available to any Federal, State, or local government agency or entity that violates the law. The rule of law is important. Support this amendment.

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

You know, I wish that we could find common ground on really securing America and not, if you will, unduly burdening our local and State jurisdictions that already comply with the law, that already arrest the criminals. Now you are asking them to engage in civil immigration issues, which should be under Federal jurisdiction.

And my good friend suggests that this is an allowance amendment; it simply allows them to do this. He knows that by the very announcement or pronouncement coming from the Federal Government, what he does is he intimidates local jurisdictions and they take on burdens that they truly cannot fund.

We should be focusing on securing the borders, providing an enhanced, pre-testing program for those who are coming into the United States, providing more resources for Border Patrol agents, allowing them to enforce the border, giving them the law enforcement authority, being more secure in the visa program that we have. Those are some of the underlying elements that are missing out of this legislation, and I am sad to say that the present amendment will not in any way, I believe, provide any more security than what we have.

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

Mr. CAMPBELL of California. Mr. Chairman, I yield 45 seconds to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I urge all Members to support Mr. CAMP-

BELL's amendment to help rid our communities of dangerous illegal alien criminals. I commend Mr. CAMPBELL for his commitment to immigration reform. His amendment would make sure that cities do not get Federal taxpayer dollars if they have policies in place that harbor and give sanctuary to illegal alien criminals. Sanctuary policies tie the hands of local law enforcement officers and keep illegal aliens who commit crimes in our country rather than deporting criminals according to U.S. law. Under these so-called sanctuary policies, in certain cities the police officers are prohibited from reporting the illegal aliens who commit crimes to Federal immigration authorities for deportation. As a result, taxpayers pay to incarcerate illegal alien prisoners who are later released back onto the streets.

Welcome to Congress. You have had an impact right away, Mr. CAMPBELL.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Chairman, I point out to all Members the reason you must pass this amendment is it is against the law to have a sanctuary city, a sanctuary State. This amendment goes to the heart of the frustrations of the police and deputies. They apprehend the criminal aliens, are forced to turn them back onto the streets. You want to know what is wrong? Somebody says tell me something is wrong.

Newlywed Dallas, Texas, police officer Brian Jackson, 28 years old, is the latest victim of this outrage. He was shot and killed November 13 in the line of duty. The suspect is an illegal alien that had been arrested and released by Dallas Police Department on September the 11 and again on September the 16 with the full knowledge that he was violating the law. That is why you need to vote for this amendment.

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

This bill will not work because local officials are not trained. They do not understand the difference between those who are undocumented or citizens. We are putting an unfunded mandate on it. We are keeping crime victims from reporting the crimes to local law enforcement. We are breaking community policing; and we are putting this heavy burden, and we are not securing America.

Provide resources to the Border Patrol and you will secure America. Provide technology and you will secure America. Vote "no" on the amendment.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The amendment was agreed to.

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part B of House Report 109-347.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. The request of the gentlewoman is not timely.

PART B AMENDMENT NO. 8 OFFERED BY MS.

JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 8 printed in House Report 109-347 offered by Ms. JACKSON-LEE of Texas:

Amend section 402 to read as follows:

**SEC. 402. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.**

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention (in accordance with subsection (b)).

(b) SECURE ALTERNATIVES TO DETENTION PROGRAM.—

(1) NATURE OF THE PROGRAM.—For purposes of this section, the secure alternatives to detention referred to in subsection (a) is a program under which eligible aliens are released to the custody of suitable individual or organizational sponsors who will supervise them, use appropriate safeguards to prevent them from absconding, and ensure that they make required appearances.

(2) PROGRAM DEVELOPMENT.—The program shall be developed in accordance with the following guidelines:

(A) The Secretary shall design the program in consultation with nongovernmental organizations and academic experts in both the immigration and the criminal justice fields. Consideration should be given to methods that have proven successful in appearance assistance programs, such as the appearance assistance program developed by the Vera Institute and the Department of Homeland Security's Intensive Supervision Appearance Program.

(B) The program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, a supervised group home, or in a supervised, non-penal community setting that has guards stationed along its perimeter.

(C) The Secretary shall enter into contracts with nongovernmental organizations and individuals to implement the secure alternatives to detention program.

(c) ELIGIBILITY AND OPERATIONS.—

(1) SELECTION OF PARTICIPANTS.—The Secretary shall select aliens to participate in the program from designated groups specified in paragraph (4) if the Secretary determines that such aliens are not flight risks or dangers to the community.

(2) VOLUNTARY PARTICIPATION.—An alien's participation in the program is voluntary and shall not confer any rights or benefits to the alien under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(3) LIMITATION ON PARTICIPATION.—

(A) IN GENERAL.—Only aliens who are in expedited removal proceedings under section

236 of the Immigration and Nationality Act (8 U.S.C. 1226) may participate in the program.

(B) RULES OF CONSTRUCTION.—

(i) ALIENS APPLYING FOR ASYLUM.—Aliens who have established a credible fear of persecution and have been referred to the Executive Office for Immigration Review for an asylum hearing shall not be considered to be in expedited removal proceedings and the custody status of such aliens after service of a Notice to Appear shall be determined in accordance with the procedures governing aliens in removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(ii) UNACCOMPANIED ALIEN CHILDREN.—Unaccompanied alien children (as defined in section 462(g)(2) of the Homeland Security Act (6 U.S.C. 279(g)(2))) shall be considered to be in the care and exclusive custody of the Department of Health and Human Services and shall not be subject to expedited removal and shall not be permitted to participate in the program.

(4) DESIGNATED GROUPS.—The designated groups referred to in paragraph (1) are the following:

(A) Alien parents who are being detained with one or more of their children, and their detained children.

(B) Aliens who have serious medical or mental health needs.

(C) Aliens who are mentally retarded or autistic.

(D) Pregnant alien women.

(E) Elderly aliens who are over the age of 65.

(F) Aliens placed in expedited removal proceedings after being rescued from trafficking or criminal operations by Government authorities.

(G) Other groups designated in regulations promulgated by the Secretary.

(5) IMPLEMENTING REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to implement the secure alternatives to detention program and to standardize the care and treatment of aliens in immigration custody based on the Detention Operations Manual of the Department of Homeland Security.

(6) DECISIONS REGARDING PROGRAM NOT REVIEWABLE.—The decisions of the Secretary regarding when to utilize the program and to what extent and the selection of aliens to participate in the program shall not be subject to administrative or judicial review.

(d) REPORTING REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on the Judiciary of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary of the Senate a report that details all policies, regulations, and actions taken to comply with the provisions in this section, including maximizing detention capacity and increasing the cost-effectiveness of detention by implementing the secure alternatives to detention program, and a description of efforts taken to ensure that all aliens in expedited removal proceedings are residing under conditions that are safe, secure, and healthy.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentlewoman

from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

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

My amendment is very concise and very direct. The amendment deals with eligible aliens who are released to the custody of suitable individual or organizational sponsors who will supervise them, prevent them from absconding, and ensure required appearances.

Decisions on eligibility for participation are made on case-by-case determination by DHS with no judicial review. The various options for secure alternatives include placement with sponsor, group home or supervised environment with adequate security.

There is a need for secure alternative programs because my good friends over here are criminalizing the elderly, the sick, children, and others who are now undocumented in the country.

The annual population of aliens in DHS custody is more than 200,000. We will add another 11 million. The gap between the number of noncitizens in immigration proceedings on a given day and the number of detention beds available to the DHS continues to grow.

This is a simple, straightforward amendment that would allow alternative sites to be established with criteria given by the Secretary of Homeland Security so that you can, in essence, provide secure alternatives for the elderly, the sick, the infirm, and children. When you make criminals out of 11 million undocumented who are here in the United States, by their very presence are made criminals, then I would assure you that this particular secure alternative program is needed. I would ask my colleagues to support this amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I would just like to rise in support of this very intelligent amendment. You know, most people do not realize that we actually have fewer beds, detention space in America today than we did on September 11. We have 700 fewer beds today than we did on September 11, 2001.

I have a bill that has not been scheduled for action that relates to unaccompanied minor children, and I would like to just mention the plight of one young boy, Malik Jarno, who came to the United States in his Boy Scout uniform to go to a Boy Scout jamboree. He is slightly retarded and he ended up, a long story I will not bore you with, being arrested. He did not commit any crime and was put in a jail, a 16-year-old boy in his Boy Scout uniform, put in a jail with adults. It is absolutely wrong to treat children in that manner.

The gentlewoman's amendment would make sure that children are treated appropriately while their matters are being reviewed. It does not say what the outcome has got to be, but just that we do not put children in prison with adults. Civilized nations do not do that. And I commend the gentlewoman for her amendment. It would also increase the ability to hold those who are not currently able to be held since, for reasons we cannot understand, the Bush administration has 700 fewer beds today than we did on September 11, 2001.

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Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). Who claims time in opposition to the amendment?

Mr. MCCAUL of Texas. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

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

Let me say at first, I have great respect for the gentlewoman from Texas, and I know this is a well intentioned amendment. However, I believe there are numerous problems with this amendment.

It is unnecessary and seeks to create a class of aliens who will are not be detained with the rest of the alien population. However, the mandatory detention provision of H.R. 4377 preserves the already existing parole authority under section 212(d)(5)(A) of the Immigration and Nationality Act that waives mandatory detention and releases aliens for urgent humanitarian reasons or for significant public benefit. In other words, the Secretary already is empowered and has discretion to release juveniles and aliens who have serious medical conditions in which continued detention would not be appropriate and women who have been medically certified as pregnant, the very classes that the gentlewoman seeks too release.

Also, this amendment creates a whole new bureaucracy that is not necessary. It takes away power from the department and those who are really experienced with these issues and concerns involving the detention of aliens and empowers independent groups, NGOs and academic experts from the immigration and the criminal justice field, with the authority to design this program separate and apart from the Department of Homeland Security. This amendment also requires the Secretary of Homeland Security to enter into contracts with groups including the NGOs and individuals to implement the program.

Simply put, this amendment applies only to illegal aliens who are in expedited removal, which is typically 30 to 90 days. Such individuals will be removed quickly from the United States.

Allowing them to be released outside of what the statute already prescribes would only create more incentive for them to enter into and remain in this country.

In addition, this amendment seeks to protect aliens with valid claims of asylum who are already protected under this bill. H.R. 4377 does not change current law regarding those with valid claims of asylum. They currently have and, if this bill passes, will still have that right. Detention of such aliens is still discretionary once placed into asylum proceedings.

And, finally, this amendment seeks to shift the authority for unaccompanied alien children to the Department of Health and Human Services. We have a serious and significant youth alien gang problem in the United States, MS-13, for instance, whose members are primarily from El Salvador and enter illegally into the United States across our land borders. Some of these gangs are dangerous criminals and such members of alien gangs who could potentially be not only criminals but terrorists. This amendment provides for a sweeping shift of power from the Department of Homeland Security to HHS to deal with such aliens. I submit that DHS has the expertise to deal with aliens.

We are in a crisis. That is why we are debating this bill today, and mandating this change in law is not how the government should be responding to these types of serious problems. This provision, simply put, removes all discretion from the Secretary of Homeland Security, where it properly resides, to determine who should be detained and not detained. And, therefore, for those reasons, I respectfully oppose this well-intentioned amendment.

Ms. ZOE LOFGREN of California. Mr. Chairman, will the gentleman yield?

Mr. MCCAUL of Texas. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Mr. Chairman, I know the gentleman is a decent person, and I respect that. But I do not know if he is aware of the government's dismal record of arresting the 16-year-old in his Boy Scout uniform having attended the International Boy Scout Jamboree and then putting him in jail with adult prisoners. The record is not a pretty one, and I just note that the Secretary retains full power to lock up anyone he wants to if they are a criminal, but we have a very serious problem.

Mr. MCCAUL of Texas. Mr. Chairman, reclaiming my time, I am sure we can point to extreme examples, but the fact of the matter is that the statute does already provide and gives the Secretary of the Department of Homeland Security discretion to release juveniles, aliens with medical conditions and aliens who are medically certified as pregnant. I think this is already addressed by the law. And, therefore, this well-intentioned amendment, I believe, is unnecessary.

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

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

First of all, I, too, have respect for the gentleman from Texas, but I think he should read the bill and see that the bill already has a secure alternative program in place. This amendment does not require the Secretary of Homeland Security to be advised or the program to be structured by a number of groups that he might consult with. It only allows the Secretary to seek advice. Also, this provides only the ability to set criteria for the different secure alternative programs that might be put in place, that might help the elderly, the infirm, the sick and children. And I give an example. In 1996, the INS contracted with the Vera Institute of Justice to run a 3-year demonstration program in New York. It was effective, and it worked. These are the kinds of suggestions that could be handled by the secure alternative program amendment that I offer.

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

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

The gentlewoman's, again, well-intentioned amendment says that the Secretary shall, mandatory language, shall design a program in consultation with nongovernmental organizations and academic experts in immigration and criminal justice. Again, this is a very serious matter, and I believe that the Secretary of the Department of Homeland Security is in the best position to make these determinations, not outside groups. And, of course, the Secretary can get any advice he wishes, but this is a decision for him to make and not for outside nongovernmental organizations.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think if my colleagues would studiously and deliberately think about what this amendment stands for, they would understand that this is simply an advisory amendment that allows the Secretary to consult with very reasonable organizations who understand the importance of providing secure alternatives for detainees who happen to be infirm or children or the elderly. The Center for Gender and Refugee Studies, the Episcopal Migration Ministries, the Ethiopian Community Development Center, the Florence Immigrant and Refugee Rights Project, the Florida Immigrant Advocacy Center, the Illinois Coalition for Immigrant and Refugee Rights, the Immigrant Children's Advocacy Program, the Kurdish Human Rights Watch, Midwest Immigrant and Human Rights Center, Mississippi Immigrants Rights Alliance, National Immigration Forum, Political Asylum Project of Austin, U.S. Committee on Refugees and Immigrants, and a number of other

individuals recognize that this is a reasonable approach. It is a risk-based approach that would allow the Secretary to consult to protect these detainees.

I ask my colleagues to support this amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

PART B AMENDMENT NO. 9 OFFERED BY MR. CASTLE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 9 printed in House Report 109-347 offered by Mr. CASTLE of Delaware:

At the end of title IV, insert the following new section:

**SEC. 408. REPORT ON APPREHENSION AND DETENTION OF CERTAIN ALIENS.**

(a) REPORT REQUIRED.—Not later than two years after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on—

(1) the number of illegal aliens from non-contiguous countries who are apprehended at or between ports of entry since the date of enactment of this Act;

(2) the number of such aliens who have been deported since the date of enactment of this Act; and

(3) the number of such aliens from countries the governments of which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (as in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)), section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371), or other provision of law, are governments that have repeatedly provided support for acts of international terrorism.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Homeland Security should develop a strategy for entering into appropriate security screening watch lists the appropriate background information of illegal aliens from countries described in paragraph (3) of subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

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

I rise to offer this straight-forward amendment to the legislation before us today.

Following the attacks of 2001, it is essential that we improve our ability to track and identify terrorists attempting to cross our borders. Chairman

SENSENBRENNER and Chairman KING have drafted legislation to better detect terrorist infiltrators, and I applaud them for their hard work on this important issue.

While most of the illegal immigrants who enter the United States do so for the purposes of finding work and making a better life, there are also those that may take advantage of our porous borders to enter the country and take part in terrorist activities. In fact, recent reports have projected that as many as 4,000 immigrants from countries identified as high risk will be arrested trying to enter the country illegally this year. As we speak, terrorists are using alien smugglers and document forgers to help move people through Iran and Pakistan, and it is only a matter of time until terrorist organizations attempt to use these techniques to enter the United States.

In 2004, the Border Patrol estimated that over 55,000 illegal immigrants from countries other than Mexico crossed our borders during a 10-month period. Of the illegal aliens from countries identified by the Secretary of State as sponsors of terrorism who have been ordered deported, only about 6 percent have actually been removed, and these are only the ones we know about.

This legislation takes steps to enhance our border security procedures and improve our ability to identify and remove potential terrorists. As part of this effort, it is imperative that we closely monitor trends in the number of immigrants from noncontiguous nations, other than, obviously, Mexico and Canada, who enter our country illegally. After 2 years of this bill's enactment, my amendment would provide essential oversight on the effectiveness of this system by requiring the Department of Homeland Security to report to Congress on the number of illegal aliens from noncontiguous countries who are apprehended at or between ports of entry and the numbers of such aliens from countries identified by the State Department as sponsors of terrorism.

My amendment would also encourage Homeland Security to develop a strategy for entering the appropriate background information of illegal aliens from countries sponsoring terrorism into appropriate security screening watch lists.

With millions of illegal immigrants flooding over our vastly unsecured borders, there remains a huge vulnerability to terrorist attack. There is no doubt that al Qaeda and other terrorist groups will take advantage of any area that we fail to secure. Illegal aliens from countries known to sponsor international terrorism, in particular, should raise red flags, and Congress and the Department of Homeland Security need to closely monitor these trends.

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

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California will control the time in opposition.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree that we should get this information, and, actually, I believe that, under current law, the department is required to give us this information. In fact, there is an Office of Immigration Statistics buried in the bureaucracy of this department that is supposed to provide information to us on a variety of subjects.

I would just note that this is an agency that not only cannot administer, it is an agency that cannot count. We have had, for example, and it is a different issue, certainly, than terrorism, but I think several years in the last half decade where they have failed to count the number of visas when there were limits on employment visas, and then they say a big oops; they have given too many. And sometimes they even try to sneak around and deduct the overassessment from the next year's. They cannot count because they do not have any technology.

I think it would be quite a dandy idea to find out not only who has been apprehended from countries other than those who are immediately adjacent to us but a whole variety of other information, statistical information, about these individuals.

Again, I appreciate that the author is in good faith trying to make this happen. I will make him a side bet, maybe lunch, that we will never get this information any more than we get the information on the H-1B program that usually is due every year and usually we get it somewhere between 1, 2 and even 3 years late and wrong. I would like to get the information, but none of this is really going to happen until the inept administration of this function is improved. And I, regrettably, do not see that with the new Brownie coming on.

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

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

I agree, again, with the gentlewoman from California. I am worried about her pessimism in all this as to whether we can get these kinds of reports or not.

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But I think it is important to do this. I think it is very important that we ask this Department to come forward with this information. This basically is, again, a study after 2 years. They have got to give us the report. But, by God, we have got to hold them to it, too. I just think we have to know how these systems are working.

I do not think there is any question that the systems we have been talking



about tonight on a couple of occasions could work, but they do not work because the Department has not been able to implement very well what they are prescribed to do by law already. We are not asking them to do anything different here except to do some reporting. In that case, we can start to make decisions about what is working or not.

So I understand exactly what she is saying and understand her frustration, as a matter of fact; and in spite of that frustration, she is supportive and I appreciate that also.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING), the chairman of the committee.

Mr. KING of New York. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I once again am proud to urge adoption of his amendment. It is very a constructive addition to the bill. It certainly deserves the support of all Members, and I urge its adoption.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wonder if I could ask the chairman of the committee a question: I understand from the Democrats on the Rules Committee that we have not yet received the manager's amendment that has been discussed so frequently on the floor today to the underlying bill. We have not seen anything. Do you have any idea when Members will see this manager's amendment that has been discussed today?

Mr. KING of New York. Mr. Chairman, will the gentlewoman yield?

Ms. ZOE LOFGREN of California. I yield to the gentleman from New York.

Mr. KING of New York. No, I cannot enlighten the gentlewoman at all. As soon I find out, you will be the first to know.

Ms. ZOE LOFGREN of California. Mr. Chairman, reclaiming my time, I appreciate that.

Before recognizing my colleague, I just wanted to mention that on Mr. CASTLE's amendment there are several other issues that I think we need to consider, assuming they are going to pay any attention to this at all, which I have questions about. We do have expedited removal provisions, and the data-keeping is not very good there.

I would note also that part of our problem is that not only do we have inadequate enforcement at the border; we are just not enforcing the laws at the border, but we do not have the personnel to actually adjudicate matters once we have apprehended people.

Now, the expedited removal at the border, it is controversial among some, but I think not at points of entry. Judgments can be made. There are problems that the General Accounting Office has told us relative to asylum, the application asylum laws, that do need to be addressed. But it is not at all clear that these numbers are going to be folded into this, and I think we ought to be aware of that.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman. You have made some very valid points, and I would rise to support Mr. CASTLE's amendment; but I would appreciate if he would recognize some of the dilemma that we face.

One of my colleagues from Texas, Mr. ORTIZ, was one of the first Members, I think, to raise the question of OTMs, which your amendment in part would give us some answers to by providing information for those undocumented aliens who would be coming through the southern border who were not from contiguous countries.

One of the issues that all of us are concerned about is the route of terrorism that might occur and might be utilized by individuals coming from places other than Mexico. As you well know, over the years, unfortunately, we have had a gap in our enforcement, and those individuals have been released on their own recognizance.

My concern is as you have this thoughtful amendment, and I ask you to consider this, we, frankly, do not have the detainee space, detention beds, and the enforcement, internal enforcement officers, and also Border Patrol officers, even though this is a report, to deal with the large numbers of those who are coming in that we have been able to ascertain. In fact, 110,000 OTMs have been released last year due to lack of detention facilities. Legislation that I offered asked for 100,000 detention beds.

So I just raise that with the gentleman. I think the amendment is thoughtful, but we still are without the resources to do what we need to do on these particular detainees or undocumented aliens.

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

Mr. Chairman, let me just respond for a moment, if I may, to the gentlewoman from Texas. I do not disagree with what you are saying. Part of the reason to get reports is to understand exactly where the problems are, do we have insufficient detainee and foot patrol officers and a whole variety of other things, for all that matter, judicial personnel or whatever it may be, to take care of some of the problems that exist.

It is fine to make the initial detention; but if you cannot do anything with it, you have not really achieved much in terms of perhaps preventing terrorism. So I do not disagree at all, and that is part of my goal.

I do not disagree with the gentlewoman from California. I think there are a lot of holes in all this; and I do not expect immediate, strong, good reports. As a matter of fact, I think we are going to have to prod to get some of these reports. But I think it is going to give us information that is helpful. That is the reason we have come forward with the amendment, probably to

underline a lot of what you are concerned about and saying in terms of what we have to improve with respect to this whole situation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I think as long as we collectively, the gentlewoman from California, myself, are raising concerns, and you accept or at least recognize that they exist, I do think getting a handle on the numbers and maybe seeing that they are larger than, and it would be wonderful if they are less than, but if we at least have a definition of the problem. I thank the gentleman for his amendment.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I do recognize the problems you have raised, and I do think those are things that we have to consider.

I do appreciate everybody's support for the bill.

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

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

The amendment was agreed to.

PART B AMENDMENT NO. 10 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 10 printed in House Report 109-347 offered by Ms. GINNY BROWN-WAITE of Florida:

At the end of title VI, insert the following new section:

#### SEC. 615. DECLARATION OF CONGRESS.

Congress condemns rapes by smugglers along the international land border of the United States and urges in the strongest possible terms the Government of Mexico to work in coordination with United States Customs and Border Protection of the Department of Homeland Security take immediate action to prevent such rapes from occurring.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the reports of the lawlessness along our borders are unprecedented. Stories about the number of young girls and women who smugglers and society's dregs rape as they attempt to cross the border are widespread.

Numerous recent articles have told stories of Minuteman members who are haunted by cries of women who are being raped and abused, who when they

first heard the cries, they actually thought they were coyotes wailing in the desert. These are women and young girls being raped. All along the southern border, the sight of women's undergarments hang from border fences as trophies. This is appalling, and yet it is also very telling. There are stories of mattresses tucked in caves for more convenient access to rape young girls as young as 8- and 9-years-old crossing the border. Violent acts against females in this manner are despicable. Congress cannot and should not tolerate this behavior.

H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, takes decisive action to reduce and eliminate this criminal activity. My amendment to the bill is a declaration that Congress condemns these rapes along the United States border.

Additionally, my amendment urges the Government of Mexico and U.S. Customs and Border Protection to work together to take immediate action to prevent such rapes from continuing.

We all understand that the best mechanism for preventing these rapes is to encourage legal citizenship and to stop people from crossing our borders illegally and therefore putting themselves in harm's way. By including my amendment in the underlying legislation, this House is sending a loud and clear message of its dedication to improving all aspects of border security. Urging both the United States and Mexico to take action is a good first step toward a peaceful, safe, and secure border.

The bill also provides a tremendous overhaul of the United States immigration policies, and I am very pleased that the House is debating this issue before we adjourn for the year. As a member of the Committee on Homeland Security, I look forward to implementing these measures, and I also look forward to the time when reports of rape and cruelty to young girls and women are not an issue on our border.

Mr. Chairman, I urge my colleagues to support my amendment, and I thank the gentleman for his recognition of this amendment's merits.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida (Ms. HARRIS).

(Ms. HARRIS asked and was given permission to revise and extend her remarks.)

Ms. HARRIS. Mr. Chairman, I rise today in strong support of this amendment offered by my colleague from Florida. Shockingly, thousands of women who cross the U.S. border illegally from Mexico are promised safe passage in return for sex and money. These women are not given safe passage, but rather become the trophies of criminal rapists as they hang the undergarments of their victims on the border fences.

But human trafficking and sexual exploitation impacts every corner of the

globe; and the United States must lead an intensive, multilateral effort to stop it. Last year, an estimated 27 million people were forced into slavery around the world. I have heard the heart-wrenching stories of women and children, young girls, who are tricked, kidnapped, and sold into sexual slavery.

These crimes occur in many forms, from sex trafficking to involuntary servitude. Women, even young girls, are told they will be taken out of the country where restaurants and hair salons need workers. When these girls enter the country, their identification is taken away and there is no restaurant, no salon, only brothels. Furthermore, these girls are commonly told they must pay a debt for their transportation into the country, and they are forced to sell their bodies to pay off this debt. Our borders must not become the avenues for pimps, traffickers to make millions of dollars.

These victims are left with insufficient housing, no access to social services, no education, or job opportunities. Sex trafficking rings are frequently linked to corruption, and law enforcement in some regions are even bribed to ignore these sex slavery rings. This must stop.

Mr. Chairman, this amendment before us today takes the necessary first step not only condemning the exploitation of people along our borders but also strongly urges immediate action to prevent such abuse from occurring in the future. I strongly urge my colleagues to vote in favor of this amendment and condemn this lawlessness on our borders.

The Acting CHAIRMAN (Mr. SIMPSON). Who claims the time in opposition to the amendment?

Ms. ZOE LOFGREN of California. Mr. Chairman, I claim the time in opposition although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman will control 5 minutes.

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this amendment. The amendment calls on the Mexican Government to work closely with U.S. Customs and Border Protection to take immediate action to prevent the occurrence of rape along the U.S.-Mexican border.

Rape is a horrendous crime. Every 2½ minutes somewhere in the United States someone is sexually assaulted, and only 36 percent of the rapes are reported to law enforcement in the United States. It is safe to assume that the rate of reporting is considerably less along the border.

The women who are crossing our border are extremely vulnerable, and they are unlikely to tell law enforcement officials that they were raped while trying to cross the border without their papers. The smugglers know that these women are vulnerable, and they take

advantage of them. I think in many ways this amendment makes clear what many have been talking about today, and that is the need to gain control of the situation at the border.

I have talked today a lot about how dysfunctional the administration of our laws has been. We do not have enough Border Patrol agents; they are not properly equipped; we do not have enough prosecutors; we do not have enough judicial personnel; we are citing and releasing individuals and letting them go. We have a chaotic situation at the border, and we need to create an orderly situation at our borders. We need to take control of it. It is not occurring right now.

Part of that, and again this has been discussed, is to regularize the ability of individuals who want to come and be part of the American Dream so that they do not have to be with smugglers, vulnerable victims of crime, victims of rape; that there is some orderly manner for individuals to move back and forth across the border, to do the jobs that we know are not going to get done without them.

Earlier today, not on the record, someone said, Well, you know, if this bill passes, that is the end of salads in America. I think we need to contemplate the role that immigrant labor plays in the area of agriculture, fast food, tourism, the hotel industry, the tourist industry and the like. I think it is a mistake that the underlying bill does not deal with that issue.

I do agree, however, that the gentlewoman's amendment really calling on our two governments to coordinate, to fight this horrendous crime of rape is well intentioned, it is something I can support; and I hope it does some good.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

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PART B AMENDMENT NO. 11 OFFERED BY MR. HUNTER

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

The Acting CHAIRMAN (Mr. SIMPSON). The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 11 printed in House Report 109-347 offered by Mr. HUNTER of California:

At the end of the bill, add the following:

#### **TITLE IX—FENCING AND OTHER BORDER SECURITY IMPROVEMENTS**

##### **SEC. 901. FINDINGS.**

The Congress finds the following:

- (1) Hundreds of people die crossing our international border with Mexico every year.
- (2) Illegal narcotic smuggling along the Southwest border of the United States is both dangerous and prolific.
- (3) Over 155,000 non-Mexican individuals were apprehended trying to enter the United States along the Southwest border in fiscal year 2005.



(4) The number of illegal entrants into the United States through the Southwest border is estimated to exceed one million people a year.

**SEC. 902. CONSTRUCTION OF FENCING AND SECURITY IMPROVEMENTS IN BORDER AREA FROM PACIFIC OCEAN TO GULF OF MEXICO.**

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208; 8 U.S.C. 1103 note) is amended—

(1) in the subsection heading by striking “NEAR SAN DIEGO, CALIFORNIA”; and

(2) by amending paragraph (1) to read as follows:

“(1) SECURITY FEATURES.—

“(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall provide for least 2 layers of reinforced fencing, the installation of additional physical barriers, roads, lighting, cameras, and sensors—

“(i) extending from 10 miles west of the Tecate, California, port of entry to 10 miles east of the Tecate, California, port of entry;

“(ii) extending from 10 miles west of the Calexico, California, port of entry to 5 miles east of the Douglas, Arizona, port of entry;

“(iii) extending from 5 miles west of the Columbus, New Mexico, port of entry to 10 miles east of El Paso, Texas;

“(iv) extending from 5 miles northwest of the Del Rio, Texas, port of entry to 5 miles southeast of the Eagle Pass, Texas, port of entry; and

“(v) extending 15 miles northwest of the Laredo, Texas, port of entry to the Brownsville, Texas, port of entry.

“(B) PRIORITY AREAS.—With respect to the border described—

“(i) in subparagraph (A)(ii), the Secretary shall ensure that an interlocking surveillance camera system is installed along such area by May 30, 2006 and that fence construction is completed by May 30, 2007; and

“(ii) in subparagraph (A)(v), the Secretary shall ensure that fence construction from 15 miles northwest of the Laredo, Texas port of entry to 15 southeast of the Laredo, Texas port of entry is completed by December 31, 2006.

“(C) EXCEPTION.—If the topography of a specific area has an elevation grade that exceeds 10%, the Secretary may use other means to secure such area, including the use of surveillance and barrier tools.”.

**SEC. 903. NORTHERN BORDER STUDY.**

(a) IN GENERAL.—The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art barrier system along the northern international land and maritime border of the United States and shall include in the study—

(1) the necessity of constructing such a system; and

(2) the feasibility of constructing the system.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Congress on the study described in subsection (a).

**SEC. 904. SENSE OF THE CONGRESS.**

It is the sense of the Congress that the Secretary of Homeland Security shall take all necessary steps to secure the Southwest international border for the purpose of saving lives, stopping illegal drug trafficking, and halting the flow of illegal entrants into the United States.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, a few years ago, in fact in 1994, we mandated the construction of a fence in San Diego California, a triple fence. And that fence, with a basic fence on the border, a Border Patrol road, then a secondary higher fence with an overhang, a second Border Patrol road and then a third fence were designed to stop the massive drug trade and the smuggling of narcotics and people across what was the most prolific smugglers' corridor in America, that between Tijuana and San Diego.

At that time we had some 10 border murders a year. We had gangs that roamed that area that they called a “no man's land” to the point where Joseph Wambaugh wrote the best seller “Lines and Shadows” about the no man's land that existed between Tijuana and San Diego. We had some 300 drug trucks a month crashing that border and running up with cocaine for our children.

We built that fence, Mr. Chairman, and in doing that we knocked down the murders from 10 a year to zero. We knocked down the border drive-throughs from 300 a month to zero. We knocked down the smuggling of both illegal aliens and narcotics to almost zero where that fence was.

I might say that the great Border Patrol chief, Mr. Sylvester Reyes, stood in testimony, even adversely to his administration, and testified to the sufficiency of that fence.

This proposal, Mr. Chairman, is 700 additional miles of fence, and it has a great humanitarian aspect. The first piece of this fence, 361 miles from Calexico to Douglas, Arizona, is the area through which most of the people come who have represented those 400 deaths a year by dehydration in the deserts of Arizona.

If we had 400 college kids or high school kids or neighborhood kids a year dying in a lake in a city, we would immediately fence it. By fencing that area we are going to prevent those deaths. We cannot fence it by the next hot season, which will start in the end of May this coming year, but we have in this legislation directed interlocking cameras so we can see people when they come across the border while we are building the fence and we can respond. We can both deport them, and we can also save their lives, Mr. Chairman.

The second piece that is mandatory here is the 15 miles on each side of Laredo. Across the river from Laredo is Nuevo Laredo where the drug lords reign, where they kill the local law enforcement officers within, some cases, a few hours of their taking office. If we can dry up that massive land smuggling with backpacks full of cocaine coming across that smugglers' jump-off point in Nuevo Laredo by fencing both sides with a double fence, 10 miles on

each side of Nuevo Laredo, and we want to have it done and it is mandated by this bill by the end of the year this next year, we will have done great things for the people of America and the good citizens of Nuevo Laredo.

This has a great humanitarian aspect to it, and we costed it out. It is roughly \$2.2 billion. That is a fraction of what we spend each year to incarcerate the criminal aliens whom we currently have in massive numbers in our Federal penitentiaries and in our local jails.

That is the essence of this.

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

The Acting CHAIRMAN. Who claims time in opposition to the amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman will control 10 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise in opposition to this amendment and what it says about the United States of America.

I wish this debate had been held in committee and that something more than just the last-minute long list of amendments could be debated right here tonight, because I think most of the Members of this House have not read this amendment nor understand the implications.

This amendment allows the Secretary of Homeland Security to not only build a wall between Mexico and the United States but to study building a wall across Canada, across our U.S. borders. In so doing, it gives the political appointee the authority to waive all laws, not only all environment laws but also notwithstanding any other provision of the law, child labor laws, laws to protect workers from ensuring safe and healthy workplaces, Davis-Bacon laws, civil rights provisions, ethics laws for clean contracting and procurement policy, laws and statutes that give small businesses a fighting chance for winning contracts for construction.

There is no recourse to the abuse of power and certainly no good will come as demonstrated in this manner in safeguarding our national borders.

I urge all my colleagues to be rational lawmakers and avoid overreacting in the hysteria of a few.

Mexico is California's number one trading partner. Our border with Mexico is the busiest in the world. More people and commerce legitimately cross that border than any other border in the world. Why would the Government of the United States at a time when we are advocating support for enforcement of law, why would the government now want to forbid the use of a law to finish the fence? Not even the importance of securing our border can justify placing a government official above the law.

How can we celebrate tearing down the Berlin Wall, fight undemocratic regions around the world, and build respect for law here at home with this kind of message?

Allowing a political appointee to waive the law and to prohibit legal appeals is not winning the war on terrorism; it is supporting it.

Ronald Reagan said, "General Secretary Gorbachev, if you seek peace, if you seek prosperity for the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down this wall."

Unfortunately, someone will have to say that about this wall some day because an America with walls between Canada and Mexico is not an America that reaches out for the people of this world to come here legally.

Mr. HUNTER. Mr. Chairman, I just wanted to mention that Ronald Reagan closed down the border when our agent Kiki Camarena was murdered and the killer was not produced forthrightly by Mexican authorities.

Mr. Chairman, I yield 2 minutes to the gentleman who is a co-author of this legislation and a tireless worker for the border fence in San Diego.

Mr. DREIER. Mr. Chairman, I agree with my friend from California (Mr. FARR). We look forward to when we can tear this down. We want to be able to tear this down when we see an end to illegal drug trafficking, when we see an end to illegal crossings of our border, when we see economies of scale because of trade. But until that time, because of the success that we have seen with the 14-mile border fence from the Pacific Ocean to the Otay Mesa, it is absolutely essential that we build on that success.

We are in the midst of completing that 3½ mile gap, and Mr. HUNTER has just referred to the diminution that we have seen in cars running across the border and people running across the border at that fence.

This is a humanitarian issue as well. It is humanitarian because when we look at the 1,500 people, fellow human beings, who have died in the desert because of the fact that they have crossed illegally into our country, the existence of these fences at the most dangerous spots along our 2,000-mile border will go a long way toward saving the lives of our fellow human beings.

It is absolutely essential that we do all that we can to strengthen our relationship in trade, to strengthen our relationship in working with the Mexican Government; but when we have a problem that is killing people, literally killing people, and costing the United States of America billions of dollars, the existence of this fence is the right thing to do. And I do anxiously look forward when we see things improved to our saying that we can completely tear down this wall.

Ms. JACKSON-LEE of Texas. Mr. Chairman, my good friend knows that

the fence is no substitute for good intelligence.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), a member of the Homeland Security Committee and the Transportation Committee.

Mr. DEFAZIO. Mr. Chairman, they are proposing here to build an extensive triple-wall fence along the Mexican border, ostensibly building on the success of a very short section of fence, and they are also proposing that we should study building a fence along the entire 2,000-plus-mile Canadian border. They are not talking much about that.

Here is a picture of one of the world's existing fences that completely surrounds an area. It is in Melilla; and like Ceuta, which is attempting to keep Africans from getting into the Spanish parts of Morocco, they do not work.

The EU paid for these double fences. They use deadly force. They kill people there, and people still go over it, around it, and through it. It is 10 feet high with concertina wire on top. They will make it 20 feet high with concertina wire on top. It does not work.

When Hong Kong was walled off by the Communist Chinese, again, a fairly extensive piece of land, and they could use deadly force, businesses were set up on the Communist Chinese side of the border, the entrepreneurs there, to guarantee to get people through in less than a minute. And they did. And it did not work.

They say it is only \$2.2 billion. We could do a lot more with \$2.2 billion. We could do some interior enforcement to keep illegal people from working here. We could hire more Border Patrol agents. There are a lot of things we could do with \$2.2 billion, but to build or extend this fence, yeah, it will make someone rich like Bechtel or Halliburton or whoever is going to build the fence, they will get a pile of money out of it; but it is not going to work. It does not work in Africa. It did not work in Communist China, again, where they are using deadly force. Are we going to use deadly force?

How about some enforcement on the Mexican side of the border? Well, they do not want to go there because they all voted for NAFTA. They do not want to say let us withdraw from NAFTA unless the Mexicans put enforcement on their side of the border. Right now people line up on the border at night and the Mexican police say, hi, how you doing? Okay. And then they run across.

How about a little bit of international cooperation? There are a lot of things we could do here, but the things we could do that are effective offend big business who are the patrons of the Republican Party. That is interior enforcement, employer enforcement. People do not come here to go on vacation. They come here to go to work. If they could not get work, they would not sneak across the border. If we force the Mexican Government to

do something on their side by threatening to withdraw from NAFTA, which we can do with 6 months' notice, again, big business would not allow the Republicans to do that or George Bush certainly would not do it because he is for open borders. But they can pretend here they are doing something.

They are wasting \$2.2 billion of taxpayer money to do something that has not worked anywhere else in the world even where they are willing to shoot the people that go through the fence, Communist China, Morocco. It is not going to work here either.

And what about Canada? Come on, guys, talk about the Canada part. Tell us about the 2,000-plus-mile fence along the Canadian border. That is going to be a real piece of work.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROYCE) who has been a major proponent of this fence.

Mr. ROYCE. Mr. Chairman, I rise in support of this amendment. Of course, the circumstance is that in San Diego this fence has worked. In San Diego those crossing and apprehended where we have erected this fence have dropped from 202,000 a year in 1992 to less than 9,000 by 2004. So, yes, people still find a way around the fence, but not many. And if we are going to be serious, the establishment of a border fence project like this is probably going to have the same impact on these other communities that it has on San Diego, which is to say crime rates have fallen to a fraction of what they were.

San Diego is no longer one of the most prolific drug smuggling corridors. So where is the fence needed? On these corridors you see here. This is where we can have the maximum impact.

Why is it important? Partly because this has become post-9/11 a national security concern. If we do nothing to stop people attempting to enter illegally off our southern borders, when we know that al Qaeda has already indicated that its intention is to send agents over the southern border of the United States with the intent of carrying out an attack on the United States, we are not doing our jobs under the Constitution of the United Nations to protect the American public.

Now, will we catch everyone? Maybe not, but 3,000 people from state sponsors of terrorism have been stopped to date, and this is a chance to make certain that al Qaeda operatives do not have an easier chance of getting into the United States.

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

Mr. Chairman, let me tell you what the 9/11 Commission announced to America as one of the key elements of the disaster and tragedy of 9/11. Even the families of the 9/11 victims who insisted on such a commission acknowledged that it was faulty and failed intelligence.

□ 2045

In this time of 21st century technology, my good friends and colleagues, who I have great respect for on the other side of the aisle, want to put into place the old Berlin Wall, again the same wall that Ronald Reagan had torn down, the same wall that will be as inept and ineffective and destructive as the Berlin Wall.

I think it is important to note for those who are talking about the area of Laredo, part of the State of Texas, and many of my colleagues from Texas have been champions on this issue, but my friends should realize that the reason for the drug cartels in Nuevo Laredo is because we busted the Colombian drug cartels in Colombia, and they simply moved to Mexico.

So, rather than the old Berlin Wall, again, what we really need is an effective law enforcement at the border. We are going to put the Berlin Wall up, but we are not going to have 15,000 extra Border Patrol agents.

I would offer to say that the Berlin Wall, without law enforcement, is misleading the American people into false security.

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

Mr. HUNTER. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODE), my great cosponsor on this.

Mr. GOODE. Mr. Chairman, I want to thank Chairman HUNTER, Chairman DREIER and all of the supporters of this amendment.

Will this wall, will this fence make America absolutely safe, absolutely secure, and will it stop every illegal alien? No, it will not, but it will make us more secure. It will make us safer, and it will surely cut down the horrific numbers that flood into this country.

Vote to help save America. Vote yes on Hunter.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 3½ minutes remaining. The gentleman from California (Mr. HUNTER) has 2½ minutes remaining. The gentlewoman from Texas has the right to close.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 1 minute to the distinguished gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me time.

I just want to make a comment to my colleagues from California. Yes, the fence they showed was a fence that has been built without waiving any laws, a fence that is in existence. It did not need to do this Draconian kind of legislation here where you are going to an appointed official and giving them the authority to waive every law.

What really bothers me, and nobody has seen this, is one section. In your section 903, "The Secretary of Homeland Security shall conduct a study on the construction of a state-of-the-art

barrier system along the northern international land and maritime border of the United States and shall include in the study," a whole bunch of studies.

That northern international border, as I know it, is called the Canadian border. This bill is not just about building a fence across the Mexican border. It is also about studying and building a fence across the Canadian border. It is a meat-axe approach, giving all these waivers, and it should be rejected.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Chairman, I am happy to join my colleagues in cosponsoring this important amendment.

In many ways, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 is a return to basics for a complete overhaul of our system of immigration. An integral component of the basics is the long overdue need for securing the most populous areas of our southern border with physical barriers. Like locking the door to your house before turning on the alarm, it only makes sense to begin enforcement of our border with physical barriers.

My colleagues, Chairman HUNTER, Chairman DREIER and Mr. ROYCE, have attested to the success of the border fence in California. I believe we can apply this success to other parts of our borders using additional fencing and 21st century technology.

We need to stop the fluidness of our border before we consider any other immigration idea. In the words of a doctor, we need to stop the bleeding before we can stitch the wound, and constructing barriers on our borders is a critical first step toward curing this patient who has long suffered from inadequate therapy.

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

Let me just briefly bring to the attention of my colleagues again the point that we are trying to make.

We started out by saying that border security has no divide among Democrats and Republicans. It has no divide among Americans, but there is a right way to do and to enhance border security.

In this legislation, are going to offer the old Berlin Wall, again separating the north from the south, separating us from our Canadian neighbors.

It is interesting, however, that when we ask for 15,000 more border patrol agents, increased recruitment and training of those agents, adding more equipment to those agents, we get a resounding no.

We need to do sensible, comprehensive immigration reform, not one that simply feels good, because the American people need real security.

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

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Chairman, I thank the chairman for the time.

I rise in support tonight of the Hunter amendment. Nine years ago, Congress decided to build a 14-mile fence along the San Diego-Mexico border to curb drug trafficking and illegal immigration. As a result, the number of people caught crossing the border illegally along this area dropped by nearly 200,000 in 12 years.

Mr. Chairman, Americans are upset. They understand that too much of our border is still vulnerable. The world's a different place than it was 9 years ago, and illegal entry has grown well beyond that 14-mile stretch of land.

By mandating construction of a security fence along the five most dangerous areas of the southern border, this amendment seeks to take the next step in making our Nation safer.

Additionally, I would like to thank Chairman HUNTER for working with me to include language requiring the Secretary of Homeland Security to conduct a study on the use of physical barriers along the northern border.

I urge my colleagues to support the Hunter amendment.

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

Mr. HUNTER. Mr. Chairman, I yield the remaining time to close to the gentleman from California (Mr. DANIEL E. LUNGREN), the former Attorney General of the State of California, who understands border control.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I have heard the references to the Berlin Wall. There is only one problem: The Berlin Wall was built to keep people in, not keep people out. I do not recall in searching my memory a single example of people trying to jump over the Berlin Wall to get into East Germany.

This is for a different purpose. It is a different thing, and your suggestion that this is a Berlin Wall is only off by about 180 degrees.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remaining time.

I thank the distinguished gentleman for his recharacterization of the Berlin Wall. It kept people out, and it kept people in, and that is what we are saying about the largest gated community in the western hemisphere. It will keep the good people of Canada, the good people of the southern border out, the trade and commerce, the friendship that we have developed, and it will cause no extra security to the American people.

Might I suggest to you that the 9/11 Commission reinforced the fact that it is intelligence, good intelligence, that keeps Americans secure. It is good equipment, good resources, good Border Patrol agents that are trained, professionally developed, not the falsehood of a security fence that cannot provide any security.

Might I remind my friends that the Berlin Wall allowed people to jump out

and to jump in. The Berlin Wall was not a secure wall for the East Germans. People escaped from East Germany. People will escape from Mexico and the southern border.

This will only injure the relationships and cause no greater security. I believe this amendment is doomed to fail, and it should fail because the falseness of a security fence will not allow any Americans to sleep good at night.

Let us reinforce the intelligence community of America. Let us reinforce our Border Patrol agents, and let us reinforce friendship. Together, we can fight against terrorists, and we can fight against those who would come into the United States, undocumented, with real immigration reform and a comprehensive immigration plan as offered by many of our colleagues, such as GUTIERREZ, KOLBE, MCCAIN and KENNEDY. Let us talk about comprehensive reform.

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

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

PART B AMENDMENT NO. 12 OFFERED BY MR. DEFAZIO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 12 printed in House Report 109-347 offered by Mr. DEFAZIO:

At the end of the bill, add the following (and conform the table of contents accordingly):

**TITLE —PRESCREENING OF AIR PASSENGERS**

**SEC. —. IMMEDIATE INTERNATIONAL PASSENGER PRESREENING PILOT PROGRAM.**

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted to board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and  
(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term "passenger" includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, and computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

The Acting CHAIRMAN. Pursuant to House Resolution 610, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

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

Hopefully, this will be a relatively noncontroversial amendment, unlike the preceding.

We are doing something nonsensical today. We have, post-9/11, required that manifests be submitted to the United States of America to our law enforcement intelligence authorities for incoming flights for all passengers on board. That is good. That was only voluntarily before 9/11.

Unfortunately, we do not require that this be done until the flight has left, and we have all seen that a number of times flights have been turned back. They have had to land in Canada or Maine. People have had to be off-loaded. It would be a lot more sensible to have a program where we could vet the manifest before the plane leaves.

So this amendment would set up a pilot program. The technology exists. It is being done in Australia and elsewhere very successfully, to have a pilot program so that we could show that this will work so that we can both make America more secure and facilitate international air travel.

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

The Acting CHAIRMAN. Does the gentleman from California claim the time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I do claim it; although I do not oppose it.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, it gives me great pleasure to be involved in this bipartisan amendment with my friend from Oregon.

The amendment addresses a dangerous flaw in our current system.

Under current practices, Customs and Border Protection does not receive the names of passengers on board international flights bound for the U.S. until after the flight is in the air, as the gentleman explained.

When CBP finally gets the passenger manifest, it sends it over to the Transportation Security Administration, TSA, so they can compare it against the terrorist databases. At that point, if they find a name match, there is no way to reconcile the situation.

This has resulted in numerous high-profile instances where a plane was forced to divert from its intended destination, I believe in almost every case while over the Atlantic. This inconveniences passengers and costs the airlines hundreds of thousands of dollars per incident. There have been, as I understand, seven diversions this year alone.

What is worse, since CBP and TSA have been operating this program, there have been two occasions on which the individuals flagged turned out to be the dangerous individuals on the watch list.

Fortunately, there is a commercially available system in use for flights to Australia that provides the airlines with a cleared or not cleared decision for each passenger in real-time, not 4 hours before or not 2 hours after they have taken off, but in real-time, at the time of check-in.

The system has been offered free of charge to CBP on a pilot basis. They have declined the offer and have yet to conduct any tests. Instead, they have been trying to internally develop a new system for over a year now. I believe we are wasting valuable time.

This amendment, at a minimum, will force CBP to conduct a test of the commercially available systems within 90 days of the date of enactment. If CBP can complete the development of its own proprietary system, we will also get a real apples-to-apples comparison of the various products.

Ultimately, Mr. Chairman, this amendment will speed implementation of this vital program to ensure that the airlines will know who can board the plane safely and who cannot long before the plane leaves the ground.

I believe everyone agrees that is the best possible situation. We have, on a bipartisan basis I think, been frustrated by the responses we have received as to why they cannot develop their own program and why they then resist conducting a pilot program utilizing something that has already been done in another country.

The only question it seems to me is scaleability: Can they scale up to the volumes we have in the United States because obviously Australia is a smaller country with a smaller number of people? But in this computerized era in which we live today, I do not believe that scaleability is a problem. That is the reason for this pilot project.

I would like to thank the gentleman from Oregon for his efforts and his willingness to work with me on this language. I would urge all Members to support this amendment.

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

Mr. DEFAZIO. Mr. Chairman, the chairman has spoken so eloquently that I don't think I can improve upon that.

□ 2100

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

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SIMPSON). The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 109-347 on which further proceedings were postponed, in the following order:

Amendment No. 8 by Ms. JACKSON-LEE of Texas.

Amendment No. 11 by Mr. HUNTER of California.

This will entail a 15-minute vote followed by a 5-minute vote.

PART B AMENDMENT NO. 8 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 252, not voting 19, as follows:

[Roll No. 639]

AYES—162

Abercrombie	Higgins	Obey
Ackerman	Hinchey	Oliver
Allen	Hinojosa	Ortiz
Andrews	Holt	Owens
Baca	Honda	Pallone
Baird	Hooley	Pascrell
Baldwin	Hoyer	Pastor
Becerra	Inslee	Payne
Berkley	Israel	Pelosi
Berman	Jackson (IL)	Price (NC)
Bishop (GA)	Jackson-Lee	Rahall
Bishop (NY)	(TX)	Rangel
Blumenauer	Jefferson	Reyes
Boswell	Johnson, E. B.	Rothman
Boucher	Jones (OH)	Roybal-Allard
Brady (PA)	Kaptur	Ruppersberger
Brown (OH)	Kennedy (RI)	Rush
Brown, Corrine	Kildee	Ryan (OH)
Butterfield	Kilpatrick (MI)	Sabo
Capps	Kind	Salazar
Capuano	Kucinich	Sánchez, Linda
Cardin	Langevin	T.
Carnahan	Lantos	Sanchez, Loretta
Carson	Larsen (WA)	Sanders
Cleaver	Larson (CT)	Schakowsky
Clyburn	Lee	Schiff
Conyers	Levin	Schwartz (PA)
Cooper	Lewis (GA)	Scott (GA)
Crowley	Lipinski	Scott (VA)
Cuellar	Lofgren, Zoe	Serrano
Cummings	Lowe	Sherman
Davis (CA)	Maloney	Slaughter
Davis (IL)	Markey	Solis
DeFazio	Matsui	Spratt
DeGette	McCollum (MN)	Stark
Delahunt	McDermott	Strickland
DeLauro	McGovern	Tauscher
Dicks	McKinney	Thompson (MS)
Dingell	McNulty	Tierney
Doggett	Meehan	Towns
Doyle	Meek (FL)	Udall (CO)
Engel	Menendez	Udall (NM)
Eshoo	Michaud	Van Hollen
Etheridge	Millender-	Velázquez
Evans	McDonald	Wasserman
Farr	Miller (NC)	Schultz
Fattah	Miller, George	Watson
Filner	Mollohan	Watt
Ford	Moore (KS)	Waxman
Frank (MA)	Moore (WI)	Weiner
Gonzalez	Moran (VA)	Wexler
Green, Al	Murtha	Woolsey
Green, Gene	Nadler	Wu
Grijalva	Napolitano	Wynn
Gutierrez	Neal (NM)	
Hastings (FL)	Oberstar	

NOES—252

Aderholt	Boren	Coble
Akin	Boustany	Cole (OK)
Alexander	Boyd	Conaway
Bachus	Bradley (NH)	Costa
Baker	Brady (TX)	Costello
Barrett (SC)	Brown (SC)	Cramer
Barrow	Brown-Waite,	Crenshaw
Bartlett (MD)	Ginny	Cubin
Bass	Burgess	Culberson
Bean	Burton (IN)	Davis (AL)
Beauprez	Buyer	Davis (KY)
Berry	Calvert	Davis (TN)
Biggert	Camp (MI)	Davis, Jo Ann
Bilirakis	Campbell (CA)	Davis, Tom
Bishop (UT)	Cannon	Deal (GA)
Blackburn	Capito	Dent
Blunt	Cardoza	Diaz-Balart, L.
Boehlert	Carter	Doolittle
Boehner	Case	Drake
Bonilla	Castle	Dreier
Bonner	Chabot	Duncan
Bono	Chandler	Edwards
Boozman	Chocola	Ehlers

Emerson	Kline	Ramstad
English (PA)	Knollenberg	Regula
Everett	Kolbe	Rehberg
Ferguson	Kuhl (NY)	Reichert
Fitzpatrick (PA)	Latham	Renzi
Flake	LaTourette	Reynolds
Foley	Leach	Rogers (AL)
Forbes	Lewis (CA)	Rogers (KY)
Fortenberry	Lewis (KY)	Rohrabacher
Fossella	Linder	Ros-Lehtinen
Fox	LoBiondo	Ross
Franks (AZ)	Lucas	Royce
Frelinghuysen	Lungren, Daniel	Ryan (WI)
Gallegly	E.	Ryun (KS)
Garrett (NJ)	Mack	Schmidt
Gerlach	Manzullo	Schwarz (MI)
Gibbons	Marchant	Sensenbrenner
Gilchrest	Marshall	Sessions
Gillmor	Matheson	Shadegg
Gingrey	McCaul (TX)	Shaw
Gohmert	McCotter	Shays
Goode	McCrery	Sherwood
Goodlatte	McHenry	Shimkus
Gordon	McHugh	Shuster
Granger	McIntyre	Simmons
Graves	McKeon	Simpson
Green (WI)	McMorris	Skelton
Gutknecht	Melancon	Smith (NJ)
Hall	Mica	Smith (TX)
Harman	Miller (FL)	Smith (WA)
Harris	Miller (MI)	Snyder
Hart	Miller, Gary	Sodrel
Hastings (WA)	Moran (KS)	Souder
Hayes	Murphy	Stearns
Hayworth	Musgrave	Stupak
Hefley	Myrick	Sullivan
Hensarling	Neugebauer	Tancred
Herger	Ney	Tanner
Herseth	Northup	Taylor (MS)
Hobson	Norwood	Taylor (NC)
Hoekstra	Nunes	Terry
Holden	Nussle	Thompson (CA)
Hostettler	Osborne	Thornberry
Hulshof	Otter	Tiahrt
Hunter	Oxley	Tiberi
Inglis (SC)	Paul	Turner
Issa	Pearce	Upton
Istook	Pence	Visclosky
Jenkins	Peterson (MN)	Walden (OR)
Jindal	Peterson (PA)	Walsh
Johnson (CT)	Petri	Wamp
Johnson (IL)	Pickering	Weldon (FL)
Johnson, Sam	Pitts	Weldon (PA)
Jones (NC)	Platts	Weller
Kanjorski	Poe	Westmoreland
Keller	Pombo	Whitfield
Kelly	Pomeroy	Wicker
Kennedy (MN)	Porter	Wilson (NM)
King (IA)	Price (GA)	Wilson (SC)
King (NY)	Pryce (OH)	Wolf
Kingston	Putnam	Young (FL)
Kirk	Radanovich	

NOT VOTING—19

Barton (TX)	Feeney	Saxton
Cantor	Hyde	Sweeney
Clay	LaHood	Thomas
Davis (FL)	Lynch	Waters
DeLay	McCarthy	Young (AK)
Diaz-Balart, M.	Meeks (NY)	
Emanuel	Rogers (MI)	

□ 2122

Messrs. CARTER, LOBIONDO, HALL, LEWIS OF CALIFORNIA, MANZULLO, AND TANNER changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PART B AMENDMENT NO. 11 OFFERED BY MR.

HUNTER

The Acting CHAIRMAN (Mr. SIMPSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. HUNTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 159, not voting 14, as follows:

[Roll No. 640]

## AYES—260

Aderholt	Gallegly	Miller (MI)
Akin	Garrett (NJ)	Miller (NC)
Alexander	Gerlach	Miller, Gary
Bachus	Gibbons	Moore (KS)
Baker	Gilchrest	Moran (KS)
Barrett (SC)	Gillmor	Murphy
Barrow	Gingrey	Murtha
Bartlett (MD)	Gohmert	Musgrave
Bass	Goode	Myrick
Bean	Goodlatte	Neugebauer
Beauprez	Gordon	Ney
Berkley	Graves	Northup
Berry	Green (WI)	Norwood
Biggart	Gutknecht	Nunes
Bilirakis	Hall	Nussle
Bishop (GA)	Harris	Osborne
Bishop (NY)	Hart	Otter
Bishop (UT)	Hastings (WA)	Oxley
Blackburn	Hayes	Pence
Blunt	Hayworth	Peterson (MN)
Boehner	Hefley	Peterson (PA)
Bonner	Hensarling	Petri
Bono	Herger	Pickering
Boozman	Herseth	Pitts
Boren	Higgins	Platts
Boswell	Hinchey	Poe
Boucher	Hobson	Pombo
Boustany	Hoekstra	Pomeroy
Boyd	Holden	Porter
Bradley (NH)	Hooley	Price (GA)
Brady (TX)	Hostettler	Pryce (OH)
Brown (SC)	Hulshof	Putnam
Brown-Waite,	Hunter	Ramstad
Ginny	Inglis (SC)	Regula
Burgess	Israel	Rehberg
Burton (IN)	Issa	Reichert
Buyer	Istook	Renzi
Calvert	Jenkins	Rogers (AL)
Camp (MI)	Jindal	Rogers (KY)
Campbell (CA)	Johnson (CT)	Rogers (MI)
Cantor	Johnson (IL)	Rohrabacher
Capito	Johnson, Sam	Ross
Cardoza	Jones (NC)	Royce
Carter	Kanjorski	Ruppersberger
Case	Keller	Ryan (OH)
Castle	Kelly	Ryan (WI)
Chabot	Kennedy (MN)	Ryun (KS)
Chandler	Kind	Saxton
Chocola	King (IA)	Schmidt
Coble	King (NY)	Schwarz (MI)
Cole (OK)	Kingston	Scott (GA)
Costa	Kirk	Sensenbrenner
Costello	Kline	Sessions
Cramer	Knollenberg	Shadegg
Crenshaw	Kolbe	Shaw
Cubin	Kuhl (NY)	Shays
Culberson	Latham	Sherwood
Davis (KY)	LaTourette	Shimkus
Davis (TN)	Leach	Shuster
Davis, Jo Ann	Lewis (CA)	Simmons
Davis, Tom	Lewis (KY)	Simpson
Deal (GA)	Linder	Skelton
DeLay	Lipinski	Smith (NJ)
Dent	LoBiondo	Smith (TX)
Doolittle	Lucas	Smith (WA)
Drake	Lungren, Daniel	Sodrel
Dreier	E.	Souder
Duncan	Mack	Spratt
Edwards	Maloney	Stearns
Emerson	Manzullo	Stupak
English (PA)	Marchant	Sullivan
Etheridge	Marshall	Tancredo
Everett	Matheson	Tanner
Feeney	McCaull (TX)	Taylor (MS)
Ferguson	McCotter	Taylor (NC)
Fitzpatrick (PA)	McCrery	Terry
Flake	McHenry	Thomas
Foley	McHugh	Thornberry
Forbes	McIntyre	Tiahrt
Fortenberry	McKeon	Tiberi
Fossella	McMorris	Turner
Fox	Melancon	Upton
Franks (AZ)	Mica	Walden (OR)
Frelinghuysen	Miller (FL)	Walsh

Wamp  
Weldon (FL)  
Weldon (PA)  
Weller

Westmoreland  
Whitfield  
Wicker  
Wilson (SC)

Wolf  
Young (FL)

## NOES—159

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Becerra  
Berman  
Blumenauer  
Boehlert  
Bonilla  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps  
Capuano  
Cardin  
Carnahan  
Carson  
Cleaver  
Clyburn  
Conaway  
Conyers  
Cooper  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Diaz-Balart, L.  
Dicks  
Dingell  
Doggett  
Doyle  
Ehlers  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Filner  
Ford  
Frank (MA)  
Gonzalez  
Granger  
Green, Al  
Green, Gene  
Grijalva

## NOT VOTING—14

Barton (TX)  
Cannon  
Clay  
Davis (FL)  
Diaz-Balart, M.

Emanuel  
Hyde  
LaHood  
Lynch  
McCarthy

## ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

□ 2130

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. KING of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REHBERG) having assumed the chair, Mr. SIMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border secu-

rity, and for other purposes, had come to no resolution thereon.

# URGING RUSSIAN FEDERATION TO WITHDRAW LEGISLATION RESTRICTING ESTABLISHMENT OF NONGOVERNMENTAL ORGANIZATIONS

The SPEAKER pro tempore (Mr. REHBERG). Pursuant to clause 8 or rule XX, the unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 312, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 312, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 15, not voting 13, as follows:

[Roll No. 641]

## YEAS—405

Ackerman	Carnahan	Flake
Aderholt	Carson	Foley
Akin	Carter	Forbes
Alexander	Case	Ford
Allen	Castle	Fortenberry
Andrews	Chabot	Fossella
Baca	Chandler	Fox
Bachus	Chocola	Frank (MA)
Baird	Clay	Franks (AZ)
Baker	Cleaver	Frelinghuysen
Baldwin	Clyburn	Gallegly
Barrett (SC)	Cole (OK)	Garrett (NJ)
Barrow	Conaway	Gerlach
Bartlett (MD)	Conyers	Gibbons
Bass	Cooper	Gilchrest
Bean	Costa	Gillmor
Beauprez	Costello	Gingrey
Becerra	Cramer	Gohmert
Berkley	Crenshaw	Gonzalez
Berman	Crowley	Goode
Berry	Cubin	Goodlatte
Biggart	Cuellar	Gordon
Bilirakis	Culberson	Granger
Bishop (GA)	Cummings	Graves
Bishop (NY)	Davis (AL)	Green (WI)
Bishop (UT)	Davis (CA)	Green, Al
Blackburn	Davis (IL)	Green, Gene
Blumenauer	Davis (KY)	Grijalva
Blunt	Davis (TN)	Gutierrez
Boehlert	Davis, Jo Ann	Hall
Boehner	Davis, Tom	Harman
Bonilla	Deal (GA)	Harris
Bonner	DeFazio	Hart
Bono	DeGette	Hastings (WA)
Boozman	Delahunt	Hayes
Boren	DeLauro	Hayworth
Boswell	DeLay	Hefley
Boucher	Dent	Hensarling
Boustany	Diaz-Balart, L.	Herger
Boyd	Dicks	Herseth
Bradley (NH)	Dingell	Higgins
Brady (PA)	Doggett	Hinchey
Brady (TX)	Doolittle	Hinojosa
Brown (OH)	Doyle	Hobson
Brown (SC)	Drake	Hoekstra
Brown-Waite,	Dreier	Holden
Ginny	Edwards	Holt
Burgess	Ehlers	Honda
Burton (IN)	Emerson	Hooley
Butterfield	Engel	Hostettler
Buyer	English (PA)	Hoyer
Calvert	Eshoo	Hulshof
Camp (MI)	Etheridge	Hunter
Campbell (CA)	Evans	Inglis (SC)
Cannon	Everett	Inslee
Cantor	Farr	Israel
Capito	Fattah	Issa
Capps	Feeney	Istook
Capuano	Ferguson	Jackson (IL)
Cardin	Filner	Jackson-Lee
Cardoza	Fitzpatrick (PA)	(TX)