

have the poorest survival rates of any racial or ethnic group diagnosed with AIDS, with 55 percent surviving after 9 years compared to 61 percent of Hispanics, 64 percent of whites, and 69 percent of Asian Pacific Islanders.

Another goal of National Black HIV/AIDS Awareness Day is to encourage State and local governments, including their public health agencies, to recognize this day and to publicize its importance among their communities as well as to encourage individuals to undergo testing for HIV.

At this time, I am particularly pleased to recognize the city of Alexandria and Wholistic Family Agape Ministries Institute for hosting a city of Alexandria Unified Outreach Event in recognition of National Black HIV/AIDS Awareness Day. In the Commonwealth of Virginia, African-American females account for 76.5 percent of the female cases and African-American males account for 55.1 percent of the cases. On February 7, Mayor Bill Euille, on behalf of the Alexandria City Council, issued a proclamation urging all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge, to take part in HIV/AIDS prevention activities and programs, and to join the local and global effort to prevent the further spread of HIV and AIDS.

The Wholistic Family Agape Ministries Institute and the city of Alexandria should be commended for their efforts to provide information and support to the Alexandria community and help to lower the percentage of African-American individuals contracting HIV and AIDS.

Mr. ROGERS of Michigan. Mr. Speaker, today the House of Representatives will vote on House Concurrent Resolution 30 supporting the goals and ideals of National Black HIV/AIDS Awareness Day, which has been observed in February the past 5 years.

Last year, I brought together a number of African-American community leaders in Lansing, MI, with an expert on HIV/AIDS issues in the Black community. That gathering brought to light the sad statistics on this disease among African Americans across the Nation and right in my own community.

The more than 172,000 African Americans living with AIDS in the United States represents about 42 percent of cases in the Nation.

Estimates put the Michigan HIV-infected population at more than 16,000, with African-American men, at 44 percent, and African-American women, at 20 percent, outnumbering two-to-one all cases in white men—25 percent—and women—5 percent—and those of other ethnicity. Ingham County in the Eighth Congressional District is among the 15 Michigan counties that account for 84 percent of all cases of HIV/AIDS in the State.

Across the Nation, in 2003, African Americans accounted for half of all new HIV infections, even though they make up only slightly over 12 percent of the Nation's entire population. The U.S. Centers for Disease Control tell us that African-American women account for 67 percent of all new AIDS cases among women, and AIDS is one of the top three leading causes of death among African-American women ages 35 through 44.

Among African-American men, AIDS also falls in the top three of causes of death among those ages 25 through 54.

Today's vote highlights the need to support the goals and ideals of National Black HIV/

AIDS Awareness Day on February 7 each year at the local, State, and national level of government and media. It also highlights the need to build awareness and education among African-American communities as we work to reduce this dangerous disease among the families and communities across the Nation.

As we acknowledge the awareness and education efforts signified by National Black HIV/AIDS Awareness Day, I am committed to working with our community and national groups as they focus on preventing this serious disease and reducing the impact it has on individual communities and states, and on our entire Nation.

Mr. LANTOS. Mr. Speaker, I rise in support of H. Con. Res. 30, supporting the goals and ideals of National Black HIV/AIDS Awareness Day. HIV/AIDS is having a devastating affect on the African American community. The statistics given by the Center for Disease Control and Prevention (CDC) are staggering. The cold numbers reveal the stunning human cost of the disease.

While African Americans make up less than 13 percent of the population in the United States, they represent almost 40 percent of the diagnosed cases of AIDS since the epidemic started. In 2003, African Americans accounted for almost 50 percent of the estimated cases diagnosed. African American women are currently the most at risk of contracting HIV/AIDS. The rate of AIDS cases among black women is 19 times higher than white women and five times the infection rate of Latinas. The infection rate among black men, while lower, is no less troubling. In 2003, 44 percent of the AIDS cases diagnosed among men were African American males.

These numbers are painful to listen to and to read. The painful realities of this world do not always make front-page news, but this issue must be addressed. We must join together in a bi-partisan, bi-cameral effort to eradicate this epidemic.

I am pleased to join with my esteemed colleague Ms. LEE in this effort and commend her distinguished and dedicated leadership on this issue. Mr. Speaker, thousands of African Americans are suffering from HIV/AIDS. On this day, National Black HIV/AIDS Awareness and Information Day, we must make a concerted effort to ensure that education, awareness and prevention are a priority in the 109th Congress.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman from New York (Mr. TOWNS) for his handling of the resolution on the floor today. I urge adoption of this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. DEAL) that the House suspend the rules and agree to the resolution, H. Res. 30, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the

Chair's prior announcement, further proceedings on this motion will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

HOUSE OF REPRESENTATIVES,

Washington, DC, February 9, 2005.

Hon. DENNIS J. HASTERT,

House of Representatives,

Washington, DC.

DEAR SPEAKER HASTERT: I hereby resign from the Committee on Veterans' Affairs to accept my appointment to the Committee on Homeland Security.

Also, I ask that you consider my request for a leave of absence from the VA Committee. I have been privileged to serve as Chairman of the Health Subcommittee and hope to return to the Committee sometime in the future.

Thank you for giving me an opportunity to serve our nation as a member of the new, permanent Homeland Security Committee. I appreciate all of your support.

All the best,

ROB SIMMONS,

Member of Congress.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the resignation is accepted.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

POINT OF ORDER

Ms. JACKSON-LEE of Texas. Mr. Speaker, I raise a point of order.

The SPEAKER pro tempore. The gentlewoman will state her point of order. Ms. JACKSON-LEE of Texas. Mr. Speaker, pursuant to section 426 of the Congressional Budget Act of 1974, I make a point of order against consideration of the rule, H. Res. 71.

Line 10 on page 2 of H. Res. 71 states, "All points of order against consideration of the bill are waived." The rule makes in order H.R. 418, the REAL ID Act of 2005, which contains a large unfunded mandate on State governments in violation of section 425 of the Budget Act. Section 426 of the Budget Act specifically states that the Rules Committee may not waive section 425, and therefore this rule violates section 426.

The SPEAKER pro tempore. The gentlewoman from Texas makes a point of order that the resolution violates section 426(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentlewoman has met the threshold burden to identify the specific language in the resolution on which the point of order is predicated.

Under section 426(b)(4) of the Act, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Texas (Mr. SESSIONS) each will control 10 minutes of debate on the question of consideration.

Pursuant to consideration 426(b)(3) of the Act, after that debate, the Chair will put the question of consideration, to wit: "Will the House now consider the resolution?"

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

□ 1200

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

Section 425 of the Budget Act states that a point of order lies against legislation which imposes an underfunded mandate against State or local governments more than 62 million per year over 5 years. At the very least, Mr. Speaker, we have before us today an unfunded mandate that will cost State governments between \$660 million and \$780 million over the next 5 years alone. It has come to my attention that the National Governors Association is opposed to this legislation for that very fact.

Specifically, subparagraphs b, c, d, and e of section 202 of H.R. 418 requires State governments to comply with new Federal driver's license requirements and to verify and store additional personal identification records, which the Congressional Budget Office, CBO, in its latest estimate projects to cost \$120 million over the next 5 years, but last estimated costs States \$240 million over 5 years. There have been no substantive changes since last year's to imply that this bill would not cost the States at least \$240 million as estimated by the last Congress.

The above sections also require States to participate in an interstate database to share driver information,

which CBO estimates will cost an additional \$80 million over 3 years. In addition, by necessary implication, the bill would require States to develop new standards for the issuance of birth and death certificates which CBO has estimated would cost States \$460 million over the next 5 years. There is overwhelming evidence before us today that this bill, which has bypassed the committee process, denies Members the opportunity to hear expert testimony on the impact of these sweeping changes or to determine alternatives to ensure that all of us are on the same page in the war against terrorism.

The opportunity to determine changes to current law or to offer amendments to the proposed legislation was not given to us, and it will impose overwhelming costs on State governments already struggling to meet the growing costs of local law enforcement's role in securing the homeland.

Even further, this bill was drafted without any input from the Governors and State legislatures and even excludes the States from the standard-setting process despite States' historic roles as the issuers of driver's licenses and other identification data. We must be in partnership with our States if we are going to have a real war against terror in the United States.

For these reasons, the National Governors Association, as I indicated; the American Association of Motor Vehicle Administrators; and the National Conference of State Legislatures all strongly oppose this legislation in its present form. In a letter issued yesterday, the National Governors Association, American Association of Motor Vehicle Administrators say that they are in opposition to the driver's license provision in both H.R. 418 and H.R. 368, stating the costs of implementing such standards and verification procedures for the 220 million driver's licenses by States represents a massive unfunded mandate. This does not say that in a bipartisan manner reasoned out through committee process done very quickly that some addressing of this question cannot be properly answered.

The National Conference of State Legislatures also has voiced strong opposition, stating that NCSL is opposed to any further Federal attempts including coercion or direct preemption to usurp State authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the State level. NCSL urges the Federal Government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

What we have here today is an assault on federalism in the legislative process. The point of order is not about whether one agrees or disagrees with the sweeping policy changes of the REAL ID Act. This point of order is about the farce before us that has trampled States' rights and inflated the burden on our local governments without their input.

I urge Members to vote "no" on consideration of the resolution and stand

up for the rights of their home States' legislature, Governor, and local governments, along with the people of the United States.

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

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

I will perhaps apologize to the gentlewoman from Texas. I had thought that the minority was well equipped to have a document which I will enter into the RECORD from the Congressional Budget Office, a cost estimate dated February 7, 2005, concerning H.R. 418, the REAL ID Act of 2005, which is a summary of the issues that the gentlewoman from Texas is bringing up.

The information that the gentlewoman is referencing is addressed within this document by the CBO. If I could, I would like to summarize for the gentlewoman, pending such time as we get her a copy of this, and I apologize that evidently one has not been provided to her. And I quote: "As a result, the additional costs that would be imposed by H.R. 418, the REAL ID Act of 2005, would not exceed the annual threshold established in the Unfunded Mandates Act, \$62 million in 2005," which is the annual adjustment rate for inflation. This bill authorized appropriations for grants to States and appropriations would be under that amount. And I would be pleased to make sure that the gentlewoman has that at this time.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE
H.R. 418—REAL ID Act of 2005

Summary: H.R. 418 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for the Department of Homeland Security (DHS) to make grants to states to cover the costs of improving the security of driver's licenses as required by the bill. The legislation also would make changes to current immigration law that aim to prevent the entry of suspected terrorists into the United States. CBO estimates that implementing H.R. 418 would cost about \$100 million over the 2005–2010 period, assuming appropriation of the necessary amounts. Enacting the bill would not affect direct spending or receipts.

H.R. 418 contains several intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO estimates that those mandates would impose incremental costs on state, local, and some tribal governments above what they will likely spend under current law. CBO estimates that costs to those governments will total more than \$100 million over the 2005–2009 period under current law. By comparison, we estimate that such costs would total about \$120 million (over the 2006–2010 period) under H.R. 418. As a result, the additional costs that would be imposed by H.R. 418 would not exceed the annual threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover their costs.

This bill contains no new private-sector mandates as defined in UMRA.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 418 is shown in the following table. The costs of this legislation fall within budget function 750 (administration of justice).

| | By fiscal year, in millions of dollars— | | | | | |
|--|---|------|------|------|------|------|
| | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | | |
| Estimated Authoriza- tion Level | 0 | 40 | 25 | 25 | 5 | 5 |
| Estimated Outlays | 0 | 40 | 25 | 25 | 5 | 5 |

Basis of estimate: The Intelligence Reform and Terrorism Prevention Act of 2004 (Pub. L. 108-458) authorized the appropriation of such sums as necessary for fiscal years 2005 through 2009 for the Department of Transportation to make grants to states to cover the costs of improving the security of driver's licenses as required by that act. H.R. 418 would repeal those provisions of Public Law 108-458, shift the responsibility of administering this program from the Department of Transportation to DHS, and require state and local governments to comply with more stringent provisions than under current law. H.R. 418 would authorize the appropriation of such sums as necessary for fiscal years 2005 through 2009 for DHS to make grants to states to cover the costs of complying with the bill's provisions.

Requirements for driver's licenses and identification cards

Public Law 108-458 created federal standards for issuing driver's licenses and identification cards and also imposed intergovernmental mandates on state, local, and some tribal governments. That law, however, gave broad authority to the Department of Transportation to negotiate the specific requirements of those standards. Based on information from federal, state, and local agencies, CBO assumes that the process for a negotiated rulemaking will give state and local governments the opportunity to help shape federal standards; those standards are thus likely to be less costly to implement than the requirements of H.R. 418.

In contrast, the provisions of H.R. 418 are more specific and likely would go beyond what will be required under current law. Specifically, state-licensing agencies would be required to verify the documents presented as proof of identification, residency, and citizenship status. Many of the agencies that issue those documents charge a fee for verification services. Licensing agencies also would have to upgrade computer systems to verify documents and to digitize and store electronic copies of all source documents. Finally, some states that do not currently require background checks for certain employees would face additional costs to complete those checks.

CBO estimates that these additional requirements in H.R. 418 would impose costs above those incurred under current law. Based on information from state representatives, CBO estimates that DHS would spend about \$20 million over the five-year period to reimburse states for the cost of complying with the legislation, subject to appropriation of the necessary amounts.

Driver license agreement

In addition, H.R. 418 would require states to participate in the Driver License Agreement, an interstate database to share driver information that was not included in Public Law 108-458. Based on information from the Government Accountability Office and the American Association of Motor Vehicle Administrators, CBO estimates that it would cost \$80 million over three years to reimburse states for the cost to establish and maintain the database.

Barriers at U.S.-Mexico border

The Illegal Immigration Reform and Immigration Responsibility Act provided for the construction of a series of roads and fences along the U.S.-Mexico border near San Diego to deter entry of illegal immigrants. All but

about three miles of this barrier have been completed. Since February 2004, completion of the barrier has been delayed because of environmental conflicts with the Coastal Zone Management Act (CZMA). H.R. 418 would permit DHS to waive this act and any other laws as necessary to complete construction of the barrier.

DHS estimates that it has spent about \$30 million thus far on the barrier and that it will cost an additional \$32 million to complete the project. The agency has less than \$2 million in unspent funds, which are currently being used to identify acceptable alternative plans to complete the barrier. In addition, the CZMA already enables the President under certain circumstances to waive laws as necessary to complete projects deemed of paramount interest to the United States.

Other provisions

Finally, CBO estimates that the bill's provisions, designed to prevent the entry of suspected terrorists into the United States, would have no significant costs because similar screening procedures already exist.

Estimated impact on state, local, and tribal governments: Procedures for processing and issuing driver's licenses and identification cards under current law are in the process of changing due to federal legislation enacted in December 2004. The Intelligence Reform and Terrorism Prevention Act of 2004 created federal standards for states to follow in issuing driver's licenses and identification cards. CBO considers these standards to be mandates because any driver's licenses or identification cards issued after that time would be invalid for federal identification purposes unless they met those requirements. CBO estimates that those enacted mandates will impose costs on state, local, and some tribal governments over the 2005-2009 period totaling more than \$100 million and will exceed the annual threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation) in at least one of those years. Public Law 108-458 also authorized appropriations for grants to states to cover such costs.

New mandates with significant additional costs

H.R. 418 would repeal Public Law 108-458 and replace it with several new and more stringent intergovernmental mandates for processing and issuing driver's licenses and identification cards. Based on information from federal agency and state representatives, CBO estimates that those mandates would impose incremental costs on state, local, and some tribal governments above what they will likely spend under current law. CBO estimates that costs to those governments will total more than \$100 million over the 2005-2009 period under current law. By comparison, we estimate that such costs would total about \$120 million (over the 2006-2010 period) under H.R. 418. As a result, the additional costs that would be imposed by H.R. 418 would not exceed the annual threshold established in UMRA (\$62 million in 2005, adjusted annually for inflation). The bill would authorize appropriations for grants to states to cover their costs.

Public Law 108-458 created federal standards for issuing driver's licenses and identification cards and also imposed intergovernmental mandates on state, local, and some tribal governments. That law, however, gave broad authority to the Secretary of the Department of Transportation to negotiate the specific requirements of those standards. Based on information from state and local government representatives, CBO assumes that the process for a negotiated rulemaking will give state and local governments the opportunity to help shape federal standards; those standards are thus likely to be less

costly to implement than the requirements of this bill.

In contrast, the provisions of H.R. 418 are more specific and likely would go beyond what will be required under current law. Specifically, state-licensing agencies would be required to verify with the issuing agency (many that charge a fee for such verifications) each document presented as proof of identification, residency, and citizenship status. Those state agencies also would have to upgrade computer systems to verify documents and to digitize and store electronic copies of all source documents. Finally, certain states that do not currently require background checks for certain employees would face additional costs to complete those checks.

CBO estimates that these additional requirements in H.R. 418 would impose costs above those that will be imposed by the mandates in current law. The incremental additional costs, however, are unlikely, by themselves, to exceed the annual threshold established in UMRA in any one year.

Mandates with no significant additional costs

The bill also contains several other intergovernmental mandates. CBO expects, however, that these requirements would probably not impose significant additional costs on state, local, or tribal governments. Specifically, the bill would:

Authorize the Secretary of the Department of Homeland Security to waive any laws necessary to complete construction of a physical barrier between the United States and Mexico near San Diego, California, and prohibit any court from having jurisdiction to hear claims or ordering relief for damage resulting from the waiver of such laws. This provision would preempt state authority.

Require states to implement training classes for employees to identify fraudulent documents; and require documents and supplies to be securely stored. According to state officials, it is likely that states currently comply with those requirements.

Prohibit states from accepting any foreign document, other than an official passport, for identification purposes for the issuance of driver's licenses. Currently, at least 10 states accept identification cards issued by foreign governments, such as the "matricula consular" issued by Mexico. This prohibition would preempt state authority.

Require states to resolve any discrepancies that arise from verifying Social Security numbers, though the language is unclear as to what specific actions would be required. Currently, at least two states prohibit their employees from enforcing immigration laws, and many of those discrepancies may be related to immigration. This requirement might preempt those state laws.

Require that driver's licenses and identification cards be valid for no more than eight years. Currently two states, Arizona and Colorado, are valid for longer than eight years. These provisions would preempt those state laws and impose two to four years of additional staff costs to reissue the licenses sooner than expected. Those costs would not be incurred until eight years after the bill is enacted. In addition, four other states—Montana, New Mexico, Oregon, and Wisconsin—issue driver's licenses and identification cards that are valid for eight years. The bill authorizes the Secretary to further limit the validity of licenses and these states, as well as others, may be affected if the Secretary exercises such authority. This provision would preempt state authority.

Authorize the Secretary to prescribe the design formats of driver's licenses and identification cards to protect national security and allow for clear visual differentiation between levels and categories of documents.

Such design has traditionally been determined by states and under current law; any standards developed under the provisions of Public Law 108-458 may not require a single design. This provision would preempt state authority.

Other impacts on state and local governments

In addition to the other requirements of the bill, states would be required to participate in the Driver License Agreement, an interstate compact to share driver information. Any costs to state governments would be incurred voluntarily as a condition of receiving federal assistance.

Estimated impact on the private sector: This bill contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Mark Grabowicz; Impact on State, Local, and Tribal Governments: Melissa Merrell; and Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), distinguished ranking member of the full House Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from Texas for yielding me this time.

I would like to join in the point that is being made by the gentlewoman from Texas to remind all of our friends that when Republicans took power in 1994, they made a solemn promise to the States that they would make sure that there would be no imposition of unfunded mandates on those States, and today we have a chance to redeem that promise by voting "no" on consideration of this rule, which waives the unfunded mandate requirement.

The majority may, if they have not already, attempt to argue that it is a minor mandate and show new and improved CBO estimates showing that the cost of this bill is only \$125 million over the next 5 years; and, therefore, I think this warrants at minimum committee hearings in markups that has so far been denied this Congress.

So we are not asking a lot this afternoon. And I am impressed by the Governors Association. Their letter points out that while they commend the gentleman from Michigan (Chairman SENBRENNER) and the gentleman from Virginia (Mr. TOM DAVIS) for their commitment to driver's license integrity, they find that those bills would impose technological standards and verification procedures on States, many of which are beyond the current capacity of even the Federal Government.

Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by the States represents a massive unfunded mandate. So they close by urging us to allow the provisions of the Intelligence Reform Act of 2004 to work.

So I commend the gentlewoman from Texas (Ms. JACKSON-LEE) for making such a very timely and important point of order, and I support her in it.

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

Mr. Speaker, I do appreciate and respect the gentleman from Michigan's joining with the gentlewoman from Texas in bringing this issue before the House today. I would offer perhaps a different vision or view of the words that the gentleman has spoken. I believe that the Republican majority did sponsor the legislation for the Unfunded Mandates Act; however, I believe at the time that was done, there was a general understanding that unfunded mandates would have a threshold that was necessary to be met so that we would have to appropriately understand those items when we would have an unfunded mandate that would be necessary for us to understand what we were placing upon the States or municipalities that we would not then appropriate money to.

The gentleman is at least correct that the Republican majority did introduce this legislation and pass it. However, the threshold that was established at that time, now as a result of inflation several years later, we are aware of, and that is why we have made sure to ask the question about what we are imposing on States for this very important issue that is within the jurisdiction of these States, but as a result of the needs of this great Nation to address driver's license inconsistencies and the integrity behind those.

We believe it is necessary. So for the gentleman to bring this point of order with the gentlewoman from Texas, purely appropriate, I would remind all of my colleagues that we have addressed this issue, that CBO has been very clear that we do not reach those thresholds which would trigger this sort of point of order. So I would ask that my colleagues would pay attention not only to this argument but to understand that we have not violated any rule as it relates to the unfunded mandate.

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

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

I thank my colleague from Texas for his comments. I think I can start out by saying that we come from a State that is very diligent and as well very astute on their Members of Congress supporting unfunded mandates to a burdened and already overworked State budget in a growing State that would have added responsibilities with this enormous burden that this REAL ID bill would exercise against it.

Let me just say to the gentleman from Texas (Mr. SESSIONS), because I know his commitment to fiscal responsibility, let me refer him back to the CBO report of 2004. We appreciate the CBO, but we know what happened; and I think it is more important to know what the impact will be on the States on the basis of the National Governors Association and State legislatures. In 2004, on this very same bill, the CBO

told what the numbers would be. It was not under \$62 million. In fact, it was \$80 million every single year, making it \$400 million of unfunded mandates. What has happened here is that in the new report, our colleagues on the other side of the aisle have gotten the CBO to, in essence, underestimate, fudge the numbers by leaving out some of the language in the bill, but the plan is to still put on the backs and burdens of the local jurisdictions and State jurisdictions the responsibility of the birth certificate document. So I beg to differ with my colleague, and I think that our colleagues should, with their eyes open, vote on this question.

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

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

Mr. Speaker, the gentlewoman from Texas has politely articulated something that I believe is misguided and inappropriate.

The Congressional Budget Office is a professional organization that assists the United States Congress in knowing in a nonpartisan way those impacts of the laws that we pass, and I have respectfully made sure that the gentlewoman had a copy and had been advised that before she came to the floor, evidently, the minority was in possession of this new document of 2005. And the Committee on Rules, in a meeting that we had yesterday where we considered this legislation, had to understand the implications or some of the implications as it related to this act, and we rely upon the current information that has come from the Congressional Budget Office.

So I am very disappointed that my colleague has chosen to think that we have placed pressure upon this professional organization, that we have fudged the numbers; and I would say to the gentlewoman from Texas that that, I believe, is not only an unfair accusation to this Member but, more specifically, to the Congressional Budget Office, which I believe is a professional organization, delivers a product that they put their name on and makes available to all who might read it.

□ 1215

So I respectfully disagree with the gentlewoman, do not accept the characterization that she has given to this Member or to the Congressional Budget Office, and would hope that the gentlewoman would find the time perhaps later in the day to bring this issue up upon full scrutiny of the documentation to recognize that, in fact, the professional conduct of the Congressional Budget Office was correct in their assertion.

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

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

Mr. Speaker, my good friend knows we all have the greatest respect for the CBO, but the CBO analyzes what they

are given. I might invite my colleague to read the CBO estimate, which clearly states that this is going to cost more than is indicated by this rule and by the legislation. In fact, it is clear that in addition, by necessary implication, the bill would require States to develop new standards for the issuance of birth and death certificates, which CBO has estimated would cost States \$460 billion over the next 5 years.

I would venture to say the competents of the CBO could be put on the witness stand, and they would attest to the fact that this is what it was going to cost. So this is not in any way casting aspersions on their good work. It is what has been presented to them, and they have analyzed it. It is not an accurate picture, what has been presented to them this year, because they documented that this is a more than \$450 million program.

Mr. Speaker, this violates the rule, and it violates the waiver where, in essence, the Republicans indicated in their early beginnings in the majority that they would not allow unfunded mandates to go forward on this floor. I joined them in that.

I ask my colleagues to support this point of order, so we stand here united in a bipartisan way not to support an unfunded mandate.

The actual merits of the bill, Mr. Speaker, can be discussed, as my colleague has said, later on during the day. We are discussing at this moment the value of this bill. It is excessive. It is burdensome. It is an unfunded mandate, and it might hamper our war against terrorism and the protection of our homeland. Let us try to do this in a more effective way.

Mr. Speaker, I raise my point of order, and ask my colleagues to support it.

Section 425 of the Budget Act states that a point of order lies against legislation which imposes an unfunded mandate against State or local governments more than \$62 million per year over 5 years. At the very least we have before us today an unfunded mandate that will cost State governments between \$660 million and \$780 million over the next 5 years alone.

Specifically, subparagraphs (b), (c), (d), and (e) of section 202 of H.R. 418 require State governments to comply with new Federal driver's license requirements and to verify and store additional personal identification records, which the Congressional Budget Office, CBO, in its latest estimate, projects to cost States \$120 million over the next 5 years, but last year estimated cost States \$240 million over 5 years. There have been no substantive changes since last year's estimate to imply that this bill would not cost the States at least \$240 million as estimated last Congress.

The above sections also require States to participate in an interstate database to share driver information, which CBO estimates will cost an additional \$80 million over 3 years. In addition, by necessary implication, the bill would require states to develop new standards for the issuance of birth and death certificates, which CBO has estimated would cost States \$460 million over the next 5 years.

There is overwhelming evidence before us today that this bill—which has bypassed the

committee process, denying Members the opportunity to hear expert testimony on the impact of these sweeping changes to current law or to offer amendments to the proposed legislation—will impose overwhelming costs on State governments already struggling to meet the growing costs of local laws enforcement's role in securing the homeland.

Even further, this bill was drafted without any input from Governors and State legislatures and even excludes the States from the standard-setting process despite States' historic roles as issuers of driver's licenses and other identification data. For these reasons the National Governors Association, American Association of Motor Vehicle Administrators, and the National Conferences of State Legislatures all strongly oppose this legislation.

In a letter issued yesterday the National Governors Association and the American Association of Motor Vehicle Administrators stated their opposition to the drivers license provisions in both H.R. 418 and H.R. 368, stating:

The cost of implementing such standards and verification procedures for the 220 million driver's licenses by states represent a massive unfunded mandate

The National Conference of State Legislatures also has voiced its strong opposition, stating that:

NCSL is opposed to any further federal attempts including coercion or direct preemption, to usurp state authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the state level. NCSL urges the federal government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

What we have before us today is an assault on federalism and the legislative process. This point of order is not about whether you agree or disagree with the sweeping policy changes of the REAL ID Act. This point of order is about the farce before us that has trampled States' rights and inflated the burden on our local governments. I urge members to vote "no" on consideration of the resolution and stand up for the rights of your home States' legislatures, Governors and local governments.

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

Mr. Speaker, we have had an opportunity to hear from the gentlewoman from Texas about a document that is old, that contained the best estimate and work at the time from the Congressional Budget Office. I have made available to the gentlewoman from Texas and for each and every Member of this body to see that the Congressional Budget Office has very clearly talked about the costs that would be associated with what might be known as an unfunded mandate. We believe, and they have concurred from the Congressional Budget Office that we are well within budgetary amounts to where we would not trigger this unfunded mandate clause.

I think it is important that we do have this law. I am glad we have debates over how much burden we are placing upon States or municipalities, but in this case, I would urge my colleagues to understand that we have the official document that is as of yesterday by the Congressional Budget Of-

fice; and I would ask that they would support our position, knowing that we have fallen within the rules of the House.

Mr. Speaker, as a result of this, I would simply say that our position is, we value and hold and believe we are well within the rules of the House of Representatives.

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

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate has expired. The question is, Shall the House now consider the resolution?

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 191, not voting 14, as follows:

[Roll No. 23]

YEAS—228

| | | |
|-----------------|------------------|-----------------|
| Aderholt | Ferguson | Linder |
| Akin | Fitzpatrick (PA) | LoBiondo |
| Alexander | Flake | Lucas |
| Bachus | Foley | Lungren, Daniel |
| Baker | Forbes | E. |
| Barrett (SC) | Fortenberry | Mack |
| Bartlett (MD) | Fossella | Manzullo |
| Barton (TX) | Fox | Marchant |
| Bass | Franks (AZ) | McCaul (TX) |
| Beauprez | Frelinghuysen | McCotter |
| Biggert | Gallely | McCreery |
| Bilirakis | Garrett (NJ) | McHenry |
| Bishop (UT) | Gerlach | McHugh |
| Blackburn | Gibbons | McKeon |
| Blunt | Gilchrest | McMorris |
| Boehlert | Gillmor | Mica |
| Boehner | Gingrey | Miller (FL) |
| Bonilla | Gohmert | Miller (MI) |
| Bonner | Goode | Miller, Gary |
| Bono | Goodlatte | Moran (KS) |
| Boozman | Granger | Murphy |
| Boustany | Graves | Musgrave |
| Bradley (NH) | Green (WI) | Myrick |
| Brady (TX) | Gutknecht | Neugebauer |
| Brown (SC) | Hall | Ney |
| Brown-Waite, | Harris | Northup |
| Ginny | Hart | Nunes |
| Burgess | Hastings (WA) | Nussle |
| Burton (IN) | Hayes | Osborne |
| Buyer | Hayworth | Otter |
| Calvert | Hefley | Oxley |
| Camp | Hensarling | Paul |
| Cannon | Herger | Pearce |
| Cantor | Hobson | Peterson (PA) |
| Capito | Hoekstra | Petri |
| Carter | Hostettler | Pickering |
| Castle | Hulshof | Pitts |
| Chabot | Hunter | Platts |
| Choccola | Hyde | Poe |
| Coble | Inglis (SC) | Pombo |
| Cole (OK) | Issa | Porter |
| Conaway | Istook | Portman |
| Cox | Jenkins | Price (GA) |
| Crenshaw | Jindal | Pryce (OH) |
| Cubin | Johnson (CT) | Putnam |
| Culberson | Johnson (IL) | Radanovich |
| Cunningham | Johnson, Sam | Ramstad |
| Davis (KY) | Keller | Regula |
| Davis (TN) | Kelly | Rehberg |
| Davis, Jo Ann | Kennedy (MN) | Reichert |
| Davis, Tom | King (IA) | Renzi |
| Deal (GA) | King (NY) | Reynolds |
| DeLay | Kingston | Rogers (AL) |
| Dent | Kirk | Rogers (KY) |
| Diaz-Balart, L. | Kiame | Rogers (MI) |
| Diaz-Balart, M. | Knollenberg | Rohrabacher |
| Doolittle | Kolbe | Ros-Lehtinen |
| Drake | Kuhl (NY) | Royce |
| Dreier | LaHood | Ryan (WI) |
| Duncan | Latham | Ryun (KS) |
| Ehlers | LaTourrette | Saxton |
| Emerson | Leach | Schwarz (MI) |
| English (PA) | Lewis (CA) | Sensenbrenner |
| Everett | Lewis (KY) | Sessions |

| | | |
|------------|-------------|--------------|
| Shadegg | Sullivan | Wamp |
| Shaw | Sweeney | Weldon (FL) |
| Shays | Tancred | Weldon (PA) |
| Sherwood | Taylor (NC) | Weller |
| Shimkus | Terry | Westmoreland |
| Shuster | Thomas | Whitfield |
| Simmons | Thornberry | Wicker |
| Simpson | Tiahrt | Wilson (NM) |
| Smith (NJ) | Tiberi | Wilson (SC) |
| Smith (TX) | Turner | Wolf |
| Sodrel | Upton | Young (AK) |
| Souder | Walden (OR) | Young (FL) |
| Stearns | Walsh | |

NAYS—191

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Green, Gene | Napolitano |
| Ackerman | Grijalva | Neal (MA) |
| Allen | Gutierrez | Oberstar |
| Andrews | Harman | Oliver |
| Baca | Hastings (FL) | Ortiz |
| Baird | Herseth | Owens |
| Baldwin | Higgins | Pallone |
| Barrow | Hinojosa | Pascarell |
| Bean | Holden | Pastor |
| Becerra | Holt | Payne |
| Berkley | Honda | Pelosi |
| Berman | Hooley | Peterson (MN) |
| Berry | Hoyer | Pomeroy |
| Bishop (GA) | Insee | Price (NC) |
| Bishop (NY) | Israel | Rahall |
| Blumenauer | Jackson (IL) | Rangel |
| Boren | Jackson-Lee | Reyes |
| Boswell | (TX) | Ross |
| Boucher | Jefferson | Rothman |
| Boyd | Johnson, E. B. | Roybal-Allard |
| Brady (PA) | Jones (OH) | Ruppersberger |
| Brown (OH) | Kanjorski | Rush |
| Brown, Corrine | Kaptur | Ryan (OH) |
| Butterfield | Kennedy (RI) | Sabo |
| Capps | Kildee | Salazar |
| Capuano | Kilpatrick (MI) | Sánchez, Linda |
| Cardin | Kind | T. |
| Cardoza | Kucinich | Sanchez, Loretta |
| Carnahan | Langevin | Sanders |
| Carson | Lantos | Schakowsky |
| Case | Larsen (WA) | Schwartz (PA) |
| Chandler | Larson (CT) | Scott (GA) |
| Clay | Lee | Scott (VA) |
| Cleaver | Levin | Serrano |
| Clyburn | Lewis (GA) | Sherman |
| Conyers | Lofgren, Zoe | Skelton |
| Cooper | Lowey | Slaughter |
| Costa | Lynch | Smith (WA) |
| Costello | Maloney | Solis |
| Cramer | Markey | Spratt |
| Crowley | Marshall | Stark |
| Cuellar | Matheson | Strickland |
| Cummings | McCarthy | Tanner |
| Davis (AL) | McCollum (MN) | Tauscher |
| Davis (CA) | McDermott | Taylor (MS) |
| Davis (FL) | McGovern | Thompson (CA) |
| DeFazio | McIntyre | Thompson (MS) |
| Delahunt | McKinney | Tierney |
| DeLauro | McNulty | Towns |
| Dingell | Meehan | Udall (CO) |
| Doggett | Meek (FL) | Udall (NM) |
| Doyle | Meeks (NY) | Van Hollen |
| Edwards | Melancon | Velázquez |
| Emanuel | Menendez | Visclosky |
| Engel | Michaud | Wasserman |
| Etheridge | Millender- | Schultz |
| Evans | McDonald | Waters |
| Farr | Miller (NC) | Watson |
| Fattah | Miller, George | Watt |
| Filner | Mollohan | Waxman |
| Ford | Moore (KS) | Weiner |
| Frank (MA) | Moore (WI) | Wexler |
| Gonzalez | Moran (VA) | Woolsey |
| Gordon | Murtha | Wu |
| Green, Al | Nadler | Wynn |

NOT VOTING—14

| | | |
|------------|------------|--------|
| Davis (IL) | Hinchey | Pence |
| DeGette | Jones (NC) | Schiff |
| Dicks | Lipinski | Snyder |
| Eshoo | Norwood | Stupak |
| Feeney | Obey | |

□ 1253

Messrs. OWENS, BRADY of Pennsylvania, LARSON of Connecticut, BUTTERFIELD, BERRY, CUELLAR, Ms. SCHWARTZ of Pennsylvania, CLAY, TAYLOR of Mississippi and Mrs. CAPPS changed their vote from “yea” to “nay.”

Mrs. MUSGRAVE changed her vote from “nay” to “yea.”

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 23, had I been present, I would have voted “nay.”

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

This general debate rule provides for 1 hour and 40 minutes of general debate, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

It waives all points of order against consideration of the bill, and provides that after general debate the Committee of the Whole shall rise without motion and no further consideration shall be in order except by subsequent order of the House.

Mr. Speaker, we are here today to begin the debate on fulfilling Congress's promise to the American people made in the wake of the tragedy of September 11, 2001, that our government will do everything it can to protect them from another deadly attack on our homeland. This promise was made in the days immediately following September 11 when President Bush committed to the American people that the full force of American power would be used to bring terrorists and their sponsors to justice.

This promise was continued by the efforts of the September 11 Commission and the subsequent efforts of Congress to study the frailties and oversights of our national security system that the 9/11 terrorists were able to identify, exploit and use against us. And this promise will continue again today through the consideration of the REAL ID Act of 2005, which has been authored by my good friend, the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER).

This legislation continues the reform mission begun by Congress in the 9/11 Recommendations Implementation Act. By implementing the additional security measures including the REAL ID Act, Congress will help to ensure that our borders are secure, that terrorists cannot travel to America, and

that the rule of law is respected by those who come to our Nation.

The narrowly constructed legislation by the gentleman from Wisconsin (Mr. SENSENBRENNER) accomplishes this goal by focusing on four common-sense areas: implementing much-needed driver's license reform, closing the asylum loopholes, defending our borders, and strengthening our deportation laws.

Implementing the driver's license reforms included in H.R. 418 will provide greater security for the American people because lax standards and loopholes in the various current State issuance processes allow terrorists to obtain a driver's license, often multiple drivers' licenses from different States, and abuse these fake identities for illegal and harmful purposes. The September 11 hijackers had within their position at least 15 valid driver's licenses and numerous State-issued identification cards listing a wide variety of addresses.

These terrorists were able to exploit many of the benefits conferred upon them by the possession of these cards, such as enabling the bearer to acquire other corroborating identification documents, transfer funds to U.S. bank accounts, obtain access to Federal buildings, purchase a firearm, rent a car or board a plane, just to name a few.

By establishing minimum document and issuance standards for the Federal acceptance of driver's licenses, requiring applicants to prove that they are in the country legally, and requiring identification documents to expire simultaneously with the expiration of lawful entry status, this legislation will ensure that individuals harboring malicious intent who have illegally entered or who are unlawfully present in the United States, cannot have access to these valuable and sensitive documents.

Closing the asylum loopholes identified by H.R. 418 will provide greater security for the American people because as the 9/11 Commission staff report noted, “A number of terrorists . . . abused the asylum system.” By strengthening judges' ability to determine whether asylum-seekers are truthful and credible, we will be able to prevent future terrorists from gaming the system by applying for asylum as a means to avoid deportation after all other recourses for remaining in the United States have been denied to them. This will prevent abuses to the system like the case of the “Blind Sheik” Abdul Rahman, who was able to stay in the United States and force an immigration judge to hold a hearing on the asylum claim only weeks before his followers bombed the World Trade Center.

Defending our physical borders, as provided for in the Real ID bill, will provide greater security for the American people. We know from the 9/11 Commission that the hijackers had 25 contacts with consular officers and 43 contacts with immigration and customs authorities. As a result, the 9/11

Commission and Congress have recommended and taken a number of appropriate actions that have made it more difficult for terrorists to enter the United States through the visa or other legal immigration process; and this bill will go even further toward attaining that goal. But closing down only the legal means by which they will try to enter and infiltrate our country is simply not enough.

Because increased vigilance has made entering the country through normal, regular channels more difficult, we must also be increasingly prepared for the certainty that terrorists will try to use illegal, clandestine methods to enter our country and to do us harm, and we must now take steps to close those gaps in our border security where we are most vulnerable.

Finally, strengthening our deportation laws as provided for by H.R. 418 will provide greater security for the American people. Currently, although it seems unbelievable, not all terrorism-related grounds for keeping an alien out of the U.S. are also grounds for deportation. This means that terrorists and their closest advocates can be denied entry to the United States for their actions in support of terrorism, but if they are able to make it to our shores, we cannot deport them for those same actions.

The REAL ID Act would bring some common sense to this troubling oversight and make the law consistent by providing that all terrorist-related offenses that make aliens inadmissible would also be grounds for deportation. It would also provide that any alien contributing funds to a terrorist organization would also be deportable.

Mr. Speaker, this rule is intended to allow debate to begin on this important legislation and to give Members an opportunity to come to the floor and to voice their support or concerns about its contents as the Committee on Rules finalizes an appropriate rule for consideration of possible amendments. I encourage all of my colleagues to improve America's national security by supporting this rule to begin the debate on this legislation.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume, and thank the gentleman from Texas (Mr. SESSIONS) for yielding me time.

Mr. Speaker, I rise today to oppose this rule and H.R. 418. The anti-immigrant provisions contained in this bill are unconscionable. We are a nation of immigrants, a nation that people, from time immemorial, have journeyed to for freedom. As Ronald Reagan said, "America is a shining light on the hill." Well, apparently, Mr. Speaker, today that light is red.

We find ourselves in the second week of the second month of this legislative session, and we have yet to have a bill come to the floor with an open rule. And I remind the majority that that is

shutting America out with reference to this debate.

□ 1300

We are here today without a final rule because of a lack of agreement on which amendments to allow. Well, I have a simple solution, one that should be obvious to all of us. I say, allow all amendments to be brought to the floor for a full and free debate by the House of Representatives as envisioned by this Nation's Founding Fathers who were immigrants. Let Congress work its will on this legislation.

To stifle debate on a bill as ill conceived as H.R. 418 is undemocratic to the core. Mr. Speaker, there is no reason for hesitation. This is the only bill of substance on the House's agenda this week. We have the opportunity to conduct an open debate on each radical section of this bill. As a country that prides itself on spreading democracy throughout the world, we must practice what we preach. Allow the people to have their say by bringing H.R. 418 to the floor with an open rule. Do not shut America out.

The changes to asylum law contained in H.R. 418 will not improve our homeland security. Terrorists do not have the right to seek asylum in our country and are already prohibited from doing so, but those who would legitimately seek refuge at our shores ought not to be turned away from our golden door through this bill's misguided attempt at curbing immigration.

Nor will erosion of our personal privacy improve our security. The collection of unnecessary personal information by State agencies in an attempt to discern each and every person's immigration standard goes against the very freedom this Nation was founded on by immigrants and must be rejected.

Our Nation's security is of paramount importance; but in an effort to achieve that goal, let us, a thriving Nation of immigrants, not turn our backs on our history and our future. So before we replace the Statue of Liberty's torch with a "Do Not Enter" sign, let us reconsider in the most open of debates what that says about our great Nation.

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

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I rise in strong support of this rule to provide for consideration of this counterterrorism bill of which I am an original co-sponsor.

This is the REAL ID Act. It closes, among other things, the 3-mile hole in the fortified U.S.-Mexico border fence near San Diego. Border security must be a pillar of our national security policy. Recent press accounts have reported that al Qaeda operatives have joined forces with alien smuggling rings like MS-13 in order to enter the United States, particularly through our porous southern border.

This bill establishes strong security standards for the issuance of driver's licenses that all States must comply with to eliminate weak links in identity security.

The nineteen 9/11 hijackers had 63 validly issued driver's licenses and other forms of identification between them, and they were using these IDs to move around the country undetected, plotting and planning. In fact, eight of them were even registered to vote. They then used the bogus licenses that they had to board U.S. planes.

H.R. 418 cracks down on asylum fraud by ensuring all terrorism-related grounds of inadmissibility are grounds for deportation. The Blind Sheik, Omar Abdel Rahman, who led a plot to bomb New York City landmarks, used an asylum application to avoid his deportation. It is a fact that terrorists have continued to use and abuse asylum laws to stay in our country.

As the 9/11 Commission found, abusing our asylum law is "the primary method," in their words, used by terrorist aliens, like the 1993 World Trade Center bombers Ramzi Yousef and Ahmad Ajaj, to remain in the United States. Both, in the words of the 9/11 Commission, "concocted bogus political asylum stories when they arrived in the United States." So if we want to make it harder for terrorists like Yousef and Ajaj to abuse our asylum system, support this counterterrorism bill.

The ninth circuit created an extremely disturbing precedent that has made it easier for suspected terrorists to receive asylum. The circuit has held that if a foreign government harasses an alien because he has been affiliated with a terrorist group, the alien is eligible for asylum because he could be persecuted on account of the political opinion of that terrorist group. Since members of terrorist organizations are eligible to receive asylum, under this doctrine an alien could receive asylum expressly because he was an admitted member of a terrorist organization.

The bill returns the law to its original understanding and overturns this ninth circuit precedent by requiring that asylum applicants establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for their claimed persecution.

These are commonsense changes to national security and to border security.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 4 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), my very good friend who serves on the Committee on Rules with me.

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida for yielding me the time.

Mr. Speaker, I rise to express my deep frustration with the process being used by the Republican leadership in this House. The bill before us today radically changes, among other things,

the asylum law of this country. Religious groups, civil rights groups, human rights groups have all expressed grave concerns with this legislation.

There are serious and legitimate concerns with this bill, but the chairman of the Committee on the Judiciary did not hold a single hearing or markup in the 109th Congress. In fact, the bill bypassed the Committee on the Judiciary completely. Despite the chairman's rhetoric, there are provisions included in this bill that were never considered in the last Congress.

The pattern of abuse by the Republican leadership continues unchecked. Major bills are being rushed to the floor without even a passing glance by the committee of jurisdiction. Bills are being brought up without Members getting the chance to read them. Thoughtful amendments are routinely denied an opportunity even to be debated.

The rule that we are considering right now provides for only general debate. Later today, the Committee on Rules will meet again on H.R. 418 to decide whether the amendment process will be open or closed.

Yesterday, among several other amendments, our colleagues, the gentleman from New York (Mr. NADLER) and the gentleman from Florida (Mr. MEEK), testified that they believed the asylum provisions in this bill will make it harder for a persecuted person to gain asylum in the United States. They have an amendment to strike that language from the bill, and I hope the House will have an opportunity to consider that amendment.

Those who gain asylum are legitimately fleeing from persecution in their home countries. They are fleeing for their lives; but under this bill, a woman forced by her government to have an abortion who tries to flee from such oppression will be forced to return to her home country. I cannot believe that the United States Government would be that cruel and we would turn our backs on people who need asylum in order to truly be free from torture and persecution.

Let me be clear. Every one of us wants to make this country safer and more secure and prevent any further attacks, but this bill is not going to do it. Asylum already is a highly scrutinized process and is very difficult to get. By law, terrorists are already barred from gaining asylum. What we need is better enforcement of the laws we already have, not a bill that restricts the flow of the persecuted just because a few in this body either do not like immigrants or feel the need to pander to political pressures from immigrant haters in their districts.

As I said, there are other amendments that were offered last night in the Committee on Rules by both Democrats and Republicans, a total of 14. They are all important. They are all relevant to this bill. They all should be considered.

Mr. Speaker, this is an important issue. For many, it is a life or death

issue. The least we can do is give this bill an open rule. This is the very least we can do given the lousy process that we have been shown.

What we should do, however, is send this bill back to committee, allow the committee to hold hearings and discuss this thoughtfully. Let us hear from the experts. Let us all understand the impact of this bill. Let the committee do a markup and send the bill to the full House for a vote.

We can do better, and I would appeal to my colleagues on the other side of the aisle to urge their leadership to stop trashing the rules, procedures, and traditions of this House. No matter what our views are on this bill, no matter what a person's political party or ideology is, all of us I hope can agree that the current process undercuts democracy and diminishes this great House of Representatives.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), our whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I am here to support the rule and encourage this body to move forward with legislation that we have already debated many times in the last Congress and legislation that really solves a problem.

I do suggest that using terms like "immigrant hater" does not help this debate. This is about border security. It is not about those of us who reach out to help immigrants, particularly those immigrants who are here legally and lawfully all the time. It is not even about whether they are disadvantaged by people who are here illegally.

This is about three significant border security issues. One is ID and clearly ID issued by States is important and significant. The bipartisan commission that looked into 9/11 dealt specifically with this issue, something that has been overlooked in much of our debate now, the almost-sanctified 9/11 Commission. That commission said travel documents are as important as weapons and urged the Congress to do something about travel documents that did not reflect the true status of individuals.

In fact, on September 11, driver's licenses became weapons of mass destruction.

In the United States today, a driver's license is all it takes to transfer money to a bank account, to enter a Federal building or other vulnerable facility, to board a train or an airplane. Lax standards and loopholes in the current issuance processes allow terrorists to obtain driver's licenses, often multiple licenses from different States.

In southwest Missouri, where I am from and right in the middle of the country, of the 1,387 people who were detained by the office there who were illegally in the country in the year that ended September 30, 50 percent of those people had a state-issued driver's license or state-issued ID card, not at all difficult to get.

Of the 19 terrorists on 9/11, they had five dozen driver's licenses between them and used those driver's licenses to get on the planes that crashed into the World Trade Center, the Pentagon, and a field in Pennsylvania.

This act would require identity documents to expire at the same time a visa expires, so that someone who is here on an appropriate 6-month visa, as, in fact, much to our amazement, some of the 9/11 terrorists were, are not given a 6-years' driver's license when the documents they do produce say they can legally be here for 6 months.

This bill also tightens the process of applying for asylum in the United States to close loopholes in the system that have been taken advantage of by terrorists. This issue was widely debated on the floor last year. The example I gave was the terrorist who was here from Jordan who had bombed an international school in Jordan full of American kids. Well, that terrorist had not committed a crime in this country and under the current law was allowed to stay here unsupervised in a country full of American kids. Certainly that is not acceptable. That person should have had to have a hearing. This legislation requires that.

I urge that we adopt the rule and the legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 3 minutes to the gentlewoman from California (Ms. HARMAN), my good friend, the ranking member of the Permanent Select Committee on Intelligence.

Ms. HARMAN. Mr. Speaker, I thank my colleague who ably serves on the Permanent Select Committee on Intelligence, as well as the Committee on Rules, for the time.

Mr. Speaker, as the lead conferee on the intelligence reform bill, I oppose the rule on H.R. 418 and the underlying bill because they will not make us safer. What H.R. 418 will do is undermine several key provisions of the Bipartisan Intelligence Reform and Terrorism Prevention Act, which Congress passed and the President signed into law just 2 months ago.

Those who claim that the so-called REAL ID Act will enhance national security are flat wrong. Remember, all of the September 11 hijackers entered this country with legal immigration documents. Legislation prohibiting illegal immigrants from obtaining driver's licenses would not have stopped a single 9/11 hijacker.

We dealt with this issue responsibly in the intelligence reform legislation. The law establishes tough minimum Federal standards for driver's licenses so that all driver's licenses have certain key security features.

□ 1315

The law also requires the Transportation Security Administration to set newer standards within 6 months for identification documents which may be used to board commercial airplanes. These provisions are much stronger

than what is being proposed by H.R. 418, yet H.R. 418 would repeal these critical new security upgrades.

Mr. Speaker, I wholeheartedly agree that if we want to cut down on illegal immigration, we must improve border security. Just 2 weeks ago, an astute crane operator at the Port of Los Angeles discovered 32 Chinese stowaways in a container that had just been unloaded from a Panamanian freighter. The State of California already prohibits illegal immigrants from getting a driver's license, but that did not discourage these stowaways from trying to sneak into California and the United States.

The people at our ports and our borders are our first line of defense. That is why the Intelligence Reform bill included authorization for 10,000 new border guards, 40,000 new detention beds to hold people awaiting deportation, and 4,000 new immigration inspectors. Yet the President's 2006 budget does not include funding for any of these new security improvements. If we are going to be serious about border security, we need more resources and more people at the border.

I urge my colleagues to retain the REAL ID provisions in the Intelligence Reform bill and reject this imposter. We already have the tools for securing driver's licenses, and our borders that will truly make our country safer.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Much has been and will be said about this bill's impact on making it more difficult for terrorists to get identification to conduct their terrorist activities and the reform of the asylum laws and the plugging of the fence south of San Diego. However, there is an issue of public safety involved in this bill as well.

Yesterday, a criminal complaint was unsealed in the Federal Court in Chicago which showed that there was a huge scam in getting Wisconsin driver's licenses for illegal aliens to drive trucks. And in at least one instance, the case of Nasko Nazov, who is an illegal alien from Macedonia, 3 days after he obtained this driver's license, he killed four people, a family of four, in a truck-car accident in Baileyton, Tennessee.

Now, the criminal complaint says that the scam worked as follows: Foreign nationals paid sponsors in Chicago up to \$2,000 for help in getting a commercial driver's license. Several Wisconsin residents were paid a one-time fee for use of their addresses. The clients were transported from Chicago to Milwaukee via van to banks in Milwaukee, where they used the Wisconsin addresses to open checking accounts.

After the checks were printed, the clients brought them to the Division of Motor Vehicles as proof of their resi-

dency required to take their written tests. In Wisconsin, the written tests were given in English, Spanish, and Russian. People who spoke other languages had to bring their own interpreters. Some of the interpreters helped the clients cheat on the tests.

In some cases, the sponsors accompanied the clients to a private facility that has a contract with the State to conduct road tests. Employees there accepted payments that ensured that the clients passed the test whether or not they knew how to drive a truck.

Now, because Wisconsin does not require proof of legal residency in the United States in order to get a driver's license, whether it is a regular license or a commercial driver's license, Mr. Nazov got a license validly issued by the Wisconsin Department of Motor Vehicles, and 3 days later killed a family of four on a highway in Tennessee with a truck he did not know how to drive.

Now, legislation like this would have been a key move in preventing an illegal alien from getting this driver's license, a driver's license he could not have gotten in the State of Illinois. I think this proves that there is more involved to this than border security. There is an issue of public safety. And if you do not believe that, ask the family of the people who were killed in Tennessee.

Mr. Speaker, I submit for the RECORD the story from the Milwaukee Journal Sentinel entitled "Tennessee Deaths Bring New Charge."

TENNESSEE DEATHS BRING NEW CHARGE:
TRUCKER ILLEGALLY OBTAINED LICENSE HERE
(By Gina Barton)

A man who got a commercial truck driver's license illegally in Wisconsin killed a family of four on a Tennessee freeway, then lied about his actions, according to a criminal complaint unsealed Tuesday in federal court in Chicago.

Nasko Nazov, an illegal immigrant from Macedonia, is charged with lying to a federal grand jury during an offshoot of "Operation Safe Road," the federal investigation that ultimately led to criminal charges against former Illinois Gov. George Ryan. The investigation also revealed that in Wisconsin at least 600 people from other states cheated on written exams, bribed officials administering road tests or lied about their residency to get truck driver's licenses, according to court records.

If convicted, Nazov, 45, of Downers Grove, Ill., faces a maximum penalty of five years in prison, a fine of up to \$500,000 and deportation. He also is wanted in Tennessee on reckless homicide charges, said Randall Sanborn, spokesman for the U.S. attorney's office in Chicago.

Nazov—who has never lived in Wisconsin—received a Wisconsin commercial driver's license on March 4, 2003, according to court records. Three days later he caused a fatal wreck on I-81 near Baileyton, Tenn., according to media reports. Edward Dean Armstrong III; his wife, Melissa; his 10-year-old daughter, Brittany; and his 6-year-old son, Dean, all were killed. The family was returning home to Virginia after visiting family in Knoxville, Tenn., according to the reports. Their 1998 Saturn was stuck in traffic because of an earlier accident. Nazov, who was driving a tractor-trailer, first hit a pickup,

then plowed into the Armstrongs' car, shoving it under another large truck.

"We believe there are up to 1,000 suspect licenses, and this shows the risk inherent in each of those," U.S. Attorney Steve Biskupic said Tuesday.

A Milwaukee investigation parallel to the one in Chicago is continuing, he said.

Both probes center on foreign nationals. According to court records in the Chicago case, the scheme worked like this:

The foreign nationals paid sponsors in the Chicago area up to \$2,000 for help getting a commercial driver's license.

Several Wisconsin residents were paid a one-time fee for use of their addresses.

Clients were transported from Chicago via van to banks in Milwaukee, where they used the Wisconsin addresses to open checking accounts.

After the checks were printed, the clients brought them to the Division of Motor Vehicles as the proof of residency required to take their written tests.

In Wisconsin, the written tests are given in English, Spanish or Russian. People who speak other languages must bring their own interpreters. Some of the interpreters helped the clients cheat on the tests.

In some cases, the sponsors accompanied the clients to a private facility that has a contract with the state to conduct road tests. Employees there accepted payments that ensured the clients passed their tests, whether or not they knew how to drive a truck.

The Wisconsin rules for licensing are less strict than those in Illinois. There, written tests are offered only in English, and translators are not allowed. Road tests in Illinois must be conducted at state offices, not private facilities.

Nazov listed an address in the 4200 block of W. Loomis Road in Greenfield on his driver's license application, according to the charging documents. He testified before a grand jury in June 2004 that he had lived there for a few months with his girlfriend. He told federal investigators he remembered only her first name, Julie, and that she has since left the country. He could not provide them with a description of the building, according to the documents.

The owner of the building said he had never rented an apartment to Nazov or to a woman named Julie. The owner also found letters from the Wisconsin Department of Transportation addressed to Nazov and four other people at the building, according to the documents. The owner, who told investigations he had not authorized anyone to use the address, has not been charged.

Nazov, who speaks Macedonian, took his written test with the help of an interpreter, according to court records.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. BERMAN), my very good friend.

Mr. BERMAN. Mr. Speaker, I thank very much my friend from Florida for yielding me this time.

Mr. Speaker, my opposition to H.R. 418 is for two reasons, one that is broader in the context of the problems we face, and one is specific to asylum. I am just going to address the former on the issue of debating essentially an unobjectionable rule that simply allows for general debate and urge opposition on that ground alone.

The placement of the bill on this agenda at this particular time is a manifestation of the triumph of ideology over common sense, and it is a

response to spasms of anger rather than a reflection of sober analysis. Contrary to the arguments of the Republicans, including my friend, the chairman of the committee, including the majority leader of this House, the issues of immigration reform, border security, national security, and public safety are inextricably linked. But we hear not one word or hint of any intention on the part of the majority in this House, in contrast with both the President and the leadership in the Senate, of ever dealing with the fundamental issue.

Our immigration system is broken. The results of that breakdown endanger American security. Between 8 and 14 million people are in this country without legal status. They live in our shadows. They utilize false documents. Their true identity is unknown. For the most part, they work and pay taxes. And, except for their illegal status, they observe our laws.

They provide the overwhelming proportion of the workforce in critical industries. They are located throughout the country and they are subject to all kinds of exploitation, but for a variety of reasons, they have no intention of leaving this country. A few among them, without doubt, a few among them mean harm to Americans and are plotting terrorist acts. The status quo is simply intolerable.

But where the proponents of this bill are so wrong, so self-defeating, is in thinking that piecemeal fixes like this have anything to do with protecting Americans against those who are plotting to harm us. Only a comprehensive approach that deals with issues like defense, like a nonforgeable identifier, a nonforgeable Social Security card, effective enforcement, and coming to terms with the status of the 8 to 14 million people who are working and linked to working and have committed no other crimes, getting them out of the shadows so we can know who they are, we can fingerprint them and match them to watch lists. That is the only way to deal with the problem.

Look at our situation. The majority leader says "This bill is a border security bill. It is a Homeland Security bill. Immigration reform is a completely different subject."

The chairman of our committee, the gentleman from Wisconsin (Mr. SENBRENNER), says "It is to everybody's best interest to separate out the security questions from the immigration questions." But you cannot. President Bush knows that. He realizes that these gentlemen are wrong, that this analysis is wrong, that this piecemeal approach is not going to do the job; and he has repeatedly called for a comprehensive reform of our immigration system because "The current system results in diverting homeland security resources to chasing people who are here because they want to put food on their table. They take resources away from catching criminals and terrorists." That is the President.

Senator CORNYN, the new chairman of the Subcommittee on Immigration and Claims, no liberal he, realizes that the strategy of the gentleman from Wisconsin is a mistake. He said it pretty specifically, "I don't believe we can deal with border security and homeland security without dealing with immigration reform."

Aside from the asylum provisions, I do not have any heartburn about these, of course, in a world where we have fixed the system so it does not have 8 to 14 million people here out of status, illegally, undocumented, and people who should not get driver's licenses. But this will not solve the problem. There will be people who are not going to be here legally, who will have driver's licenses after this bill passes, and there will be people with false IDs after this bill passes; and you will not have dealt with the fundamental issue.

For that reason, more than any other, although the fundamental change of the asylum system that is going to keep people fleeing persecution from finding their historic asylum in this country, without dealing anything with terrorists who are already eligible for asylum, is another reason to oppose this bill, and I urge opposition on it.

Mr. SESSIONS. Mr. Speaker, I would like to inquire of the time remaining for both sides.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) has 13 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 14 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Republican Policy Committee.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support both of this rule and the underlying bill, the REAL ID Act. I also want to thank the gentleman from Wisconsin (Mr. SENBRENNER) for his effort in bringing this legislation to the floor.

All of the reforms contained in the REAL ID Act are crucial to our national security interests, and all of them will help make America less vulnerable to terrorist attack. The bill's provisions include long-overdue and very common-sense safeguards that were recommended specifically by the 9/11 Commission. Let me point out just one of those.

"Secure identification should begin in the United States," wrote the bipartisan 9/11 Commission. They went on to say, "The Federal Government should set standards for the issuance of birth certificates and sources of identification, such as driver's licenses. Fraud in identification documents is no longer just a problem of theft. At many entry points to vulnerable facilities, including gates for boarding aircraft, sources of identification are the last opportunity to ensure that people are who they say they are and to check whether

they are terrorists." The bipartisan 9-11 Commission called for this legislation.

Just a moment ago I heard one of my colleagues say this legislation does not improve upon the bill we passed dealing with the issue just a few months ago. I beg to disagree. Her point was, it does not address the issue of those who are here illegally, yet it very much does so. A provision of this bill pushed by my colleague, the gentleman from Arizona (Mr. FLAKE), for a number of years, provides that a driver's license may not have an expiration date beyond the date upon which someone's visa expires. That would specifically go to people here illegally.

Let me point out how it would have applied to the 9/11 hijackers. Looking at Nawaf Alhazmi, his visa expired in January of 2001, yet he got a Florida's driver's license in June of 2001, he got a Virginia ID card in August of 2001, and he got a reissued Virginia ID card in September of 2001.

A second hijacker, Hani Hanjour was in the same situation. He was in violation of his visa when he obtained a Virginia State ID in August of 2001 and a Maryland ID in September of 2001.

These are critical reforms to making America safer. I urge my colleagues to vote for both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend, the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my classmate and colleague for yielding me this time, and I rise in opposition to this legislation.

It is interesting that we are discussing the driver's license the day after the President's budget was released that did not fund the border patrol officers we authorized 2 months ago. Instead of 2,000, the President only wants to authorize 200 new border officers. We are attacking the driver's license issue, which seems strange, when we should be attacking the person who may be getting it.

I always hear that "Guns don't kill people, people do." Well, that driver's license does not kill anybody. It is the person who does it. Let us go after that person. And that is what those 2,000 border patrol officers for the next 2 years are supposed to do.

□ 1330

You know, building a fence is a good idea. But, again, I think it ought to be built like other construction projects, subject to competitive bidding and environmental concerns. There is bound to be a way we can build a fence that is environmentally safe along the desert in Southern California.

I have a district in Texas, and I know that we need secure identification cards that are used like driver's licenses. But we have one of the largest minority immigrant populations in the

country, and more people immigrate to the United States through Texas every day. Having secure ID cards not only helps protect our homeland, but also helps our law enforcement keep our roads safer and enables them to do a better job. That is why we addressed this issue 2 months ago and required, under the Intelligence Reform Act, the Department of Homeland Security to establish standards, guidelines for ID cards.

The REAL ID Act goes far beyond that. That is what I am concerned about. This legislation even goes beyond this by preventing any form of judicial review to such waivers.

Our government was founded on checks and balances. And as much as a Member of Congress would like to eliminate the Supreme Court or the court system, you can not do it. The Constitution makes sure that we are equal branches of government.

And, again, I support barriers. I support tightening security. I support additional border patrol, but attacking driver's licenses is the wrong effort.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, (Mr. GOHMERT).

Mr. GOHMERT. I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I do rise to address support for the rule and the underlying legislation and, specifically, a few of the allegations that have been made about this legislation. First of all, there has been an allegation made that this violates States' rights. Many of us are firm believers and supporters of States' rights, and the fact is, the States have the right to give a driver's license to whomever they wish. That is their State's right.

However, this legislation says, if you are going to use that identification card to get on transportation that is in interstate commerce or otherwise, then it is going to have to meet certain minimum standards. So you have the States' rights. However, this Federal Government has the obligation to protect its citizens, and it is something that should not and will not be taken lightly.

As regards another aspect, asylum, we have a situation in which a legislative body, as it has come to be, that is also known as the Ninth Circuit Court of Appeals, has enacted legislation that overcomes and overwhelms a judge's right and ability to judge credibility as it should. That has to be overcome by this legislative body, trumping that legislative body called the Ninth Circuit. That is what we are trying to do.

I have heard friends across the aisle say that Americans have journeyed freely in the past and that this goes against the very freedoms which this Nation was founded on. But the truth is, try getting on an airplane. We do not have freedom anymore. And the more liberties that we forgo withdrawing at the border, and restricting and making sure people who are com-

ing in do not mean us harm, then the more liberties we are going to lose in this country.

So it is important that we make sure we have that water metaphorically flowing into this lake to give it life, but it is even more important that we restrict those who would harm us from coming in, as they would.

Mr. HASTINGS of Florida. Mr. Speaker, before yielding to my good friend from Massachusetts, I yield myself such time as I may consume.

I would say to my colleague from Texas (Mr. GOHMERT) I have not had an opportunity to talk to him, and I simply want to point out to him that all of us that have feelings regarding States' rights line up in many respects alike. But the gentleman needs to know that the National Governors Association and the American Association of Motor Vehicle Administrators, the National Conference of State Legislators all oppose this legislation. And the primary reason that they do would be, had I known the gentleman 20 years ago, or 10 years ago, he would have been arguing that the Federal Government is sending unfunded mandates to the States.

Well, welcome to the Federal Government. This is an unfunded mandate.

Mr. Speaker, I am privileged to yield 4 minutes to my very good friend, the gentleman from Massachusetts (Mr. FRANK).

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

Mr. FRANK of Massachusetts. Mr. Speaker, first we have to talk about the procedure. This is a complicated bill. It includes several different subjects, asylum, identification, a fence, yet apparently the majority is contemplating, at most, one amendment.

This is legislation by hostage-taking. You put a whole bunch of things together, including several that are controversial, so if Members oppose any one of them, they will be extorted into voting for the whole package.

We are in the process now, after the election in Iraq, of trying to persuade the Shiia, who will be in the overwhelming majority, to practice democracy, not to abuse their majority, but in fact to encourage members of the minority to participate. It is essential for us to be able to salvage what is going on in Iraq for there to be an agreement on the part of the Sunni Muslims to participate.

In other words, we are telling the people of Iraq that to practice democracy means respect for minority rights.

And here we have the majority in the House of Representatives, a fairly narrow majority, apparently contemplating forcing an up-or-down vote on controversial legislation, maybe allowing one amendment, clearly repressing the strong desire of the minority to be able fully to debate it. In the end, the majority will decide, but they don't even want the debate.

And I guess I know, Mr. Speaker, it is a violation to address the TV audience, and I will not do so. But I will express the hope that if there are any members of the Iraqi Provisional Assembly watching this, they understand the message that is very important. Please do not try this at home. Do not, in the Iraqi assembly, show disrespect for the rights of the minority.

That is the hallmark of this outrageous procedure. And why are we doing it?

It is 1:35 on Wednesday. We are going to finish this debate, general debate and have the rest of the day to do nothing, tomorrow then maybe debate one or two amendments. There is no reason why.

You know what?

What about an open rule?

What about democracy?

What about bringing a complicated bill to the floor and letting Members offer amendments and the majority will win.

You are not afraid, apparently, of losing the vote. You are afraid of losing the argument. And I understand why.

Let me talk now about asylum. This Congress created the United States Commission on International Religious Freedom in 1998. That commission just issued a very lengthy report, very critical of the inhumane aspects of our asylum operation.

Mr. Speaker, I include for the RECORD the article from the New York Times, documenting that report at this point.

[From the New York Times, Feb. 8, 2005]

ASYLUM SEEKERS TREATED POORLY, U.S. PANEL SAYS

(By Nina Bernstein and Marc Santora)

Thousands of people who come to the United States saying they are seeking refuge from persecution are treated like criminals while their claims are evaluated—strip-searched, shackled and often thrown into solitary confinement in local jails and federal detention centers—a bipartisan federal commission found in a report to be released today.

The report, by the United States Commission on International Religious Freedom, an agency created by Congress in 1998, describes an ad hoc system run by the Department of Homeland Security that has extreme disparities in who is released or granted asylum, depending on whether someone seeks refuge in Texas or New York, comes from Iraq or Haiti, or is represented by a lawyer.

The New York metropolitan region ranks among the harshest in terms of the conditions of detention centers, with constant surveillance, stark quarters and degrading treatment. Those awaiting a court decision on asylum are also less likely to be freed. For example, 3.8 percent of asylum seekers were freed from the detention center in Elizabeth, N.J., compared with 94 percent in San Antonio. There were 8.4 percent released from the detention center in Queens, while in Chicago 81 percent were let go.

One of the experts who examined the centers for the commission, Craig Haney, a psychologist who briefed the Senate Judiciary Committee on the subject yesterday, said he was shocked by what he found.

"I was taken aback by the severity of conditions, the severity of deprivations and, frankly, the expense," he said in an interview. He said that one of 19 centers examined

handled asylum seekers differently from criminals—in Broward County, Fla., where many seeking refuge are from Cuba and where former Cuban refugees form a potent political force. At \$83 a day, the Florida center costs less than half the \$200 per detainee of the Queens detention center, though both are run by the same company.

The report said that women and children seeking asylum, “whose trauma histories and emotional needs may be more severe and require more specialized training,” were at greater risk of harm.

Among other recommendations, the commission urged that a high-level protector of refugees be appointed to monitor the system and correct inequities.

Manny Van Pelt, a spokesman for Immigration and Customs Enforcement, an agency within Homeland Security that oversees the detention of asylum seekers, defended the system.

“We have a robust inspections program that conducts audits of our detention facilities nationwide, and our detention facilities are accredited and subjected to regular inspection by the U.N. High Commission for Refugees,” he said in an interview. “They are clean and they are safe environments. Even better, the detention system protects the public.”

The commission had been asked by Congress to examine the effectiveness of the nation’s asylum regulations, created in part as a response to the 1993 World Trade Center bombings, in an effort to balance the country’s desire to shelter those suffering from persecution abroad with its need to keep out criminals and terrorists.

The system, known as expedited removal, requires those seeking asylum at airports and borders to be sent back immediately unless they are found to have a “credible fear” of persecution when questioned by immigration officers. Those who pass the test—a vast majority—are then detained until an immigration judge decides the validity of their claim. Unless they are released pending a decision, the average detainee is held for 64 days and a third stay more than 90 days—some even years, the report found.

The number of asylum seekers, and the rate at which they are freed, have both dropped sharply since the terrorist attacks of 2001, the study showed. But rates of asylum also differed sharply by national groups between 2000 and 2004, with more than 80 percent of Cubans given a permanent right to stay, along with more than 60 percent of Iraqis. By contrast, just more than 10 percent of those from Haiti and fewer than 5 percent of those from El Salvador were granted asylum. Detainees represented by lawyers were up to 30 times more likely to gain asylum, but in some places fewer than half the detainees had lawyers.

With the exception of the operation at George Bush Intercontinental Airport in Houston, the report found that asylum seekers were not pressed to withdraw their asylum claims before the interview, nor were claims summarily denied. But it found that judges often wrongly used airport statements to deny asylum later.

Before the change in the law, only asylum seekers with criminal records were detained. Now, nearly all are locked up with ordinary criminals. In 2003, 5,585 men and 1,015 women seeking asylum were jailed. To cut down on that number, the commission recommended that the airport interviewers, and not just immigration judges, be given the authority to grant asylum on the spot when warranted.

Severe psychological damage is among the effects of throwing people seeking refuge together with criminals in “stark conditions,” the report said, describing 24-hour lights, chained walks to go eat, no privacy even to

use the toilet and little chance to exercise outdoors. Detainees are allowed to work but paid \$1 a day.

Five of the 19 detention centers examined had mental health staff, and none had guards trained to work with victims of torture or repression. In most places the treatment for those considered suicidal was solitary confinement. A footnote pointed out that isolation was “likely to exacerbate depression,” not prevent suicide.

“The whole detention system is there to break you down further,” one former detainee told interviewers in the report. “You are not even allowed to cry. If you do, they take you to isolation.”

Cut off from the outside world and not allowed incoming calls, even from a lawyer, the detainees are at high risk for depression, the commission said, and some even said they gave up their quest for asylum because of the unbearable conditions.

Since the 1996 change in immigration law, critics have complained that the system is subjecting those fleeing torture and repression to harsh conditions in detention that can drag on for years. But this is the first bipartisan examination based on an inside view.

One of the Republican commission members, Michael K. Young, the president of the University of Utah and an adviser to President George H. W. Bush, said great pains were taken to make the two-year effort politically balanced. “That is one of the things that gives this report real strength,” he said.

Preeta D. Bansal, a Democrat who chaired the commission, said more research is needed, especially on the reasons for the sharp drop in asylum seekers. “We have been told that in foreign countries the Department of Homeland Security is being employed to prevent people from even getting on board airplanes,” said Ms. Bansal, a former solicitor general of New York State. “We think further follow-up needs to be done.”

The report comes the same week that asylum legislation is to be introduced in the House by Representative F. James Sensenbrenner Jr., a Wisconsin Republican and chairman of the Judiciary Committee. Among other visions, the bill, known as the Real ID Act, would make it harder for refugees to get asylum.

So we have a bipartisan Committee on International Religious Freedom critical of our denial of asylum rights. And what is the response of the majority? Let us make a bad situation worse.

Mr. Speaker, why not an open amendment procedure so those of us who have paid attention to this report could offer amendments that embody it? Why will we not be allowed to offer amendments from this interreligious commission, and it is an interreligious commission.

I know one of the problems the majority has, and I sympathize, but apparently somebody has Bowdlerized their Bibles. And I sympathize; these are people who have Bibles, but their Bibles have big things missing. For example, we often hear Leviticus quoted on the floor of the House. Leviticus 19, chapters 33 and 34, “When an alien lives with you in your land, do not mistreat him. The alien living with you must be treated as one of your native-born. Love him as yourself, for you were aliens in Egypt.”

Now, that is in Leviticus. I know Leviticus gets turned on and off here like an electric bulb, but it does now seem

to me that kind of cafeteria approach to religion is something the majority has adopted. Here we have it in Leviticus. This is undoubtedly why the Catholic bishops have spoken out against this bill and have asked some of us to oppose it. But again, religion is to be invoked selectively so religious values are for another time, not when there is political hay to be made by taking this popular stance.

What we have is an undemocratic procedure being mobilized to suppress, even debate, and an opportunity to consider the report of this commission in the service of a doctrine which would seem to me to violate some fundamental religious principles. I guess the majority has the votes to do that if they want to, but they have a day to reconsider, and I hope perhaps something will change their minds.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY), one of the bright new members of the Committee on Rules.

Mr. GINGREY. Mr. Speaker, I thank my colleague on the Committee on Rules. I rise in full support of the rule and the underlying bill.

I remind my colleagues on the other side of the aisle, who keep saying, we are not given enough time and we are rushing all of these complicated issues that we have not discussed, but these provisions I remind my colleagues, they were in the original bill that we passed on the House side, the Intel bill. Unfortunately, they were taken out by the Senate conferees.

We are asking to do the things that the 9/11 Commission, all 10 of them, in their unanimous report, asked us to do. Listen to this: “If terrorist travel options are reduced, they may be forced to rely on means of interaction which can be more easily monitored and to resort to travel documents which are more readily detectable.”

The 9/11 Commission Report, page 65, “All but one of the 9/11 hijackers acquired some form of United States identification document, some by fraud.” Acquisition of these forms of identification would have assisted them in boarding commercial flights, renting cars, and other necessary activities.

The 9/11 Commission Report, page 390, “My daughter worked at the Republican Convention this summer. I worried about her. Unbeknownst to me, during the convention an illegal alien from Pakistan was picked up and arrested for attempting to bomb the Herald Square subway station. She rode on that subway every day going back and forth to work.” He was quoted as saying, “I want at least 1,000 to 2,000 to die in a single day.” And that alien had applied for asylum.

Mr. Speaker, these are sensible provisions. We are completing the work of the Intel bill, and I support it. We need to get it done and we need bipartisan support.

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

Mr. Speaker, I ask the gentleman from Georgia (Mr. GINGREY) whether he is on the Committee on the Judiciary.

Mr. GINGREY. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I am not on the Committee on the Judiciary.

Mr. HASTINGS of Florida. Mr. Speaker, the gentleman from Georgia and I are on the Committee on Rules, and we know this measure did not come up until 2 hours just before we went in there. We also know there were no hearings. We also know that the 9/11 Commission went much further than what the gentleman presented here today.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. BERMAN), a member of the Committee on the Judiciary, to give a more exemplary outline of what transpired.

Mr. BERMAN. Mr. Speaker, what I would have asked the gentleman from Georgia (Mr. GINGREY), had he been willing to yield some time, was to show me where in the 9/11 Report it makes any reference to making any of the changes in the asylum law that are being proposed by the majority here in this bill. There is no reference to that whatsoever, because the 9/11 Commission knew that terrorists and threats to national security cannot get asylum.

Instead, the majority, because it does not agree with the Commission on Religious Freedom, because it does not accept fundamental traditions of people who have a well-founded fear of persecution based on their political attitudes or their ethnicity or their religion or their gender, they do not want to make sure they are able to get asylum, they dump a whole bunch of things that have nothing to do with terrorism in here, not recommended by the 9/11 Commission Report, and then try to claim we are simply fulfilling the 9/11 Commission recommendations.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SULLIVAN. Mr. Speaker, I rise in strong support of this rule and H.R. 418, the REAL ID Act of 2005. The 9/11 Commission Report stated that the abuse of the immigration system and a lack of interior immigration enforcement were unwittingly working together to support terrorist activity.

This bill will establish common-sense requirements for proof of identification for all driver's licenses and State-issued identification cards. This would stop the abuse of our asylum system by terrorist aliens and finish construction of a border fence that will secure one of the most trafficked corridors for illegal aliens and safeguard the United States Naval base in San Diego, California.

We know that all but one of the 9/11 hijackers acquired some type of U.S.

identification documents. In fact, the 19 hijackers had 63 driver's licenses among them. These licenses assisted the terrorists in boarding commercial flights, renting cars and other activities necessary to carry out their horrible plans.

□ 1345

This legislation ensures that terrorists will not be able to game our system any longer and we cannot allow mass murderers into our country any longer.

Mr. Speaker, according to the U.S. Immigration and Customs Enforcement Agency, more than 3 million illegal aliens came across our border last year, and I bet probably more than that. We have no idea where they are or where they are from. However we do know that during the 9-month period from October, 2003, through June, 2004, over 44,000 non-Mexican aliens were caught trying to cross the northern and southern U.S. borders. Among these aliens, several hundred were from the Mideast countries unfriendly to the United States. Without this legislation, many more will come; and this is a risk we cannot afford to take.

Mr. HASTINGS of Florida. Mr. Speaker, I gather those unfriendly nations were like Saudi Arabia where 15 of the 19 hijackers came from.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA), who lives in south Texas and is on the Texas-Mexican border and may have some experiences in this regard.

Mr. HINOJOSA. Mr. Speaker, I rise in opposition to H.R. 418, the REAL ID Act. I do come from south Texas, and I was born and raised in the area, and I can speak to this situation.

The REAL ID Act turns its back on American values. If this act were to pass, America would no longer be the beacon of hope for individuals fleeing persecution. Instead, it would block victims of torture and other forms of persecution from being granted refugee status in the United States and will deport them into the hands of their persecutors.

The asylum process already includes extensive security checks, and asylum applicants are checked against data banks with DHS, with FBI, the State Department, and with the CIA.

Today's Washington Post reports that individuals seeking asylum in this country are often mistreated and incarcerated with criminals in the name of security as their cases are being processed. Our national policy must not be to add to the sufferings of refugees. This legislation will compound the problem.

This legislation undermines the bipartisan Intelligence Reform and Terrorism Protection Act that we passed just a few months ago. It deletes security provisions of the Intelligence Reform Act that had the overwhelming support of both parties, including, one, establishing minimum standards for driver's licenses and identification

cards necessary to gain access to Federal facilities; two, establishing identification procedures to board a plane; and, three, mandating a GAO study on potential weaknesses in the U.S. asylum system.

The REAL ID Act attempts to shift the burden of immigration enforcement to the States, and immigration is a Federal responsibility. It is time for us to take that responsibility seriously and pass real comprehensive immigration reform.

I strongly urge my colleagues to oppose H.R. 418, the REAL ID Act.

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

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

I remind my colleagues that there was no hearing with reference to this matter. There are 43 new Members in the House of Representatives who have absolutely no opportunity to have voiced themselves regarding this matter. There is a new Committee on Homeland Security that is now permanent, rightly so. There was no hearing there. The gentleman from Wisconsin's (Mr. SENSENBRENNER) manager's amendment came to the Committee on Rules 2 hours before we had an opportunity to see it, and I would urge in the House how many have read it even at this point.

More importantly, Mr. Speaker, the Immigration and Naturalization Service, BICE, in the authorized budget that we presented to the President, it required 800 new officials for that agency. Only 143 are in the President's budget.

I also include for the RECORD the National Conference of State Legislatures' letter in opposition and the National Governors Association and American Association of Motor Vehicle Administrators' opposition to this measure.

Additionally, there are others who are too numerous to mention without great prolixity, but I will cite in the RECORD some of the organizations that oppose this measure: the AFL-CIO; the American Jewish Committee; the Anti-Defamation League; the Asian American Legal Defense and Education Fund; Catholic Charities USA and Catholic Bishops; Hebrew Immigrant Aid Society; the Irish American Unity Conference; the Korean American Coalition; the Mexican American Legal Defense and Educational Fund, and a footnote, all of the colleagues in the House that are Latino and African American have signed on to a letter opposing this measure; the National Conference of State Legislatures that I just mentioned; the National Council of La Raza; the Service Employees International Union; the Arab-American Anti-Discrimination Committee. And, Mr. Speaker, the Republican Liberty Caucus opposes this measure.

And in addition, thereto, in case someone thinks that there are a whole bunch of left wing crazies that are out

here trying to protect the personal rights of individuals, the Gunowners of America Association opposes this measure and the American Conservative Union. I would think, then, that those 100-plus organizations should give us a lot of food for thought before we proceed.

IDENTITY SECURITY, DRIVER'S LICENSES AND
STATE IDENTIFICATION CARDS
OFFICIAL POLICY STATEMENT

States traditionally have maintained authority over the issuance of driver's licenses and state identification cards. The principal purpose of the driver's license is to certify individuals to operate a motorized vehicle and to secure automobile insurance. Driver's licenses also are used for numerous other purposes, including proof and verification of identity and as documents to qualify for a variety of commercial, financial, educational, governmental and other services. The driver's licensing process and related regulatory activities are crucial for maintaining public safety, bolstering security, and reducing fraud and counterfeiting. States have renewed their scrutiny of driver's licenses and have enacted and considered legislation to strengthen application processes, require expanded proof of identity, modify qualifications for license and identification card approval, deter fraudulent activity, and bolster privacy protections.

Although states retain authority over the driver's license application and issuance processes, Congress recently passed the Intelligence Reform and Terrorism Prevention Act of 2004 to overhaul the nation's intelligence systems. This legislation included federal standards for state issued driver's licenses and personal identification cards that the states must enact or face the refusal of federal agencies to accept these documents for any official purpose. Although NCSL opposed this federal mandate, NCSL worked with Congress to ensure that state elected officials are included on a negotiated rule-making committee, which will devise the federal standards, to apply the standards only to newly issued documents, and to require the Secretary of the Department of Transportation to identify the cost of the federal standards on states prior to their implementation.

NCSL is committed to preserving the congressional intent of the Act by ensuring that state legislatures are represented on the negotiated rulemaking committee. NCSL strongly believes that the negotiated standards should provide states with maximum flexibility within the framework of the federal Act to implement the standards. NCSL encourages the Secretary of Transportation to exercise his authority under the Act to grant states extensions of the effective date if they make reasonable efforts to comply, and NCSL is committed to working with Congress and the Secretary to delay the implementation of the Act if Congress fails to appropriate funds to implement the standards. NCSL further encourages the Secretary to exercise his authority under the Act to include individuals from organizations that represent civil liberties and privacy interests on the negotiated rulemaking committee.

Although there is a need to strengthen the driver's license application process and to address inadequacies, states remain best positioned to accomplish these goals. States have direct experience with driver's license formatting, identity verification procedures and systems, customer service, qualifying and insuring drivers, testing potential and licensed drivers, and driver training. State laws and regulations guide these activities. States also are mindful of needs to protect

consumers, taxpayers, business concerns and privacy, all of which must be taken into account while enhancing security and public safety. Any federal standards should be narrowly limited to those areas enumerated in the federal Act and should in no way limit the ability of states to innovate to strengthen the integrity of document verification and issuance.

NCSL supports the innovative efforts at the state level to address security concerns with driver's license issuance. Currently, individual states are considering legislative and regulatory actions, interstate compacts, model legislation, intergovernmental agreements, data sharing, standards development through recognized standards-developing entities, and enhanced legislative and executive branch coordination. NCSL will provide organizational support to states as they opt to pursue any or all of these or other avenues to reform. NCSL will oppose any federal legislative or regulatory effort to require states to adopt specific model legislation or participate in an interstate compact.

NCSL believes that the federal government does have a significant role in assisting states with matters regarding non-citizens and their qualification for and use of state-issued driver's licenses and identification cards. States need direct links to verifiable, timely and accurate date regarding status, duration of stay, application for change in status and related information. The expanding number of visas, backlogs on applications for status changes and inability to either access or navigate Department of Homeland Security data systems are among the problems requiring resolution so that states can administer non-citizen applications for driver's licenses and identification cards. Without these changes, states cannot be expected to, nor be held accountable for, providing enhanced security in their driver's license application and issuance processes.*

This discussion has rekindled debate and concern about the development of a national identification card or national driver's license. NCSL continues to believe that there is no compelling reason to establish such national cards or licenses and will work with Congress and federal officials to ensure that such an establishment is not achieved—either intentionally or unintentionally—through legislation, regulation or rule-making process.

NCSL believes that states must establish an ore cooperative working relationship on this issue with the federal government. Therefore, NCSL supports a federal role in providing technical support, highlighting successful models, facilitating discussion and providing necessary funding for changes made at the discretion of the states.

NCSL is opposed to any further federal attempts including coercion or direct preemption, to usurp state authority over the driver's license process or diminish the validity or usefulness of licenses awarded at the state level. NCSL urges the federal government to respect the provisions and intent of the Unfunded Mandates Reform Act of 1995.

AMERICAN ASSOCIATION OF
MOTOR VEHICLE ADMINISTRATORS,
February 8, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

Hon. THOMAS DELAY,
Majority Leader, House of Representatives,
Washington, DC.

Hon. NANCY PELOSI,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER, REPRESENTATIVE DELAY AND REPRESENTATIVE PELOSI: We write to express our opposition to Title II of

H.R. 418, the "Improved Security For Driver's Licenses and Personal Identification Cards" provision, and H.R. 368, the "Driver's License Security and Modernization Act". While Governors and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and state identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

The "Driver's Licenses and Personal Identification Cards" provision in the Intelligence Reform Act of 2004 provides a workable framework for developing meaningful standards to increase reliability and security of driver's licenses and ID cards. This framework calls for input from state elected officials and motor vehicle administrators in the regulatory process, protects state eligibility criteria, and retains the flexibility necessary to incorporate best practices from around the states. We have begun to work with the U.S. Department of Transportation to develop the minimum standards, which must be completed in 18 months pursuant to the Intelligence Reform Act.

We commend Chairman Sensenbrenner and Chairman Davis for their commitment to driver's license integrity; however, both H.R. 418 and H.R. 368 would impose technological standards and verification procedures on states, many of which are beyond the current capacity of even the federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by states represents a massive unfunded federal mandate.

Our states have made great strides since the September 11, 2001 terrorists attacks to enhance the security processes and requirements for receiving a valid driver's and ID card. The framework in the Intelligence Reform Act of 2004 will allow us to work cooperatively with the federal government to develop and implement achievable standards to prevent document fraud and other illegal activity related to the issuance of driver's licenses and ID cards.

We urge you to allow the provisions in the Intelligence Reform Act of 2004 to work. Governors and motor vehicle administrators are committed to this process because it will allow us to develop mutually agreed-upon standards that can truly help create a more secure America.

Sincerely,

RAYMOND C. SCHEPPACH,
Executive Director,
National Governors
Association.

LINDA R. LEWIS,
President and CEO,
American Association
of Motor Vehicle
Administrators.

The SPEAKER pro tempore (Mr. MILLER of Florida). The time of the gentleman from Florida (Mr. HASTINGS) has expired.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the favorite son from San Dimas, chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, which will simply allow us to consider general debate, and in 7 minutes we are going to be up in the Committee on Rules considering a number of those issues that the gentleman from Florida just raised,

deciding what it is that we will debate here on the House floor tomorrow. So the process is still ongoing and Members are involved in that, and it is one that we look forward to considering before too long.

I want to congratulate the gentleman from Dallas, Texas (Mr. SESSIONS) for his very strong commitment to all homeland security issues, a top priority.

And I will say, Mr. Speaker, that border security is a critically important aspect of the number one priority that we have at the Federal level. The five most important words in the middle of the preamble of the U.S. Constitution are "provide for the common defense," and securing our borders is a priority, and it should be of any sovereign nation.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and I had the privilege of serving as conferees last fall as we sought to implement the recommendations of the 9/11 Commission. Unfortunately, our friends in the other body decided not to include provisions that would provide guidelines to ensure that the likes of Mohammed Atta who flew a plane into the World Trade Center just days before he was to appear in court because of a traffic violation that he had had with a driver's license, that was something that we felt strongly should have been incorporated to rectify that in the 9/11 Commission recommendations. Unfortunately, our colleagues in the other body chose to ignore that.

The gentleman from California (Mr. OSE) worked hard to ensure that we would be able to complete the 3½-mile gap through what is known as Smugglers Gulch, an area that is today devastated environmentally because people cross the border illegally. Unfortunately, our colleagues in the other body refused to accept that.

Both of those things were issues that were of concern to the 9/11 Commission; and if we look at the 9/11 Commission report, they make it very clear that we need to address these kinds of issues as they relate to border security.

So what we decided, of course, at the end, as we prepare to implement that, was that we would, as soon as the 109th Congress convened, proceed with passage of this very important aspect of our border security and, by virtue of that, our national security. That is why I think this measure should enjoy strong bipartisan support. This is an issue that Democrats and Republicans alike can come together on to ensure that we do, we do, secure our borders. So I think that we have a wonderful opportunity here to deal with border security.

The issue of immigration reform is another question. I am supporting this effort on border security in part because I am convinced that we will be able to, down the road and I hope soon, address the immigration reform question. I happen to believe that it is important for us to identify the people

who are here in this country illegally. And, yes, I am opposed to granting blanket amnesty, as is President Bush, but I do believe that moving in the direction of some sort of worker program is something that we must look at and must address. But we are taking a proper step in finally doing what we wanted to have incorporated in the 9/11 Commission package that we passed out of here, and I congratulate all my colleagues who have been involved in this.

Mr. CANNON. Mr. Speaker, I rise today in support of the rule on H.R. 418.

Our Nation's immigration policy has been of top concern in recent years, and for good reason. With between eight and twelve million illegal aliens in the United States, it is obviously a problem out of control.

We need to increase border security and fix our immigration laws. We need a system that will encourage well-intentioned, contributing aliens out of the shadows and allow them to pay a reasonable penalty so they can come into compliance with the law.

Americans are rightly concerned about the security and the integrity of the Nation's borders because the system is broken. Some are concerned about the possibility of terrorists crossing our borders and coming into our cities.

But we cannot effectively fight terrorism if we fail to make the distinction between them and busboys and housekeepers.

From 1990 to 2000, the number of U.S. Border Patrol agents nearly tripled, but illegal immigration increased by as much as 5.5 million.

Increasing enforcement resources to keep out willing immigrant workers, as we did throughout the 1990s, has not worked. It has failed, and we need enforcement to be much more narrowly focused on criminals and potential terrorists.

Today, we are considering H.R. 418. This legislation begins the debate on the enforcement aspects of immigration and addresses the narrow issue of driver license security.

I have reservations about the gradual move toward what could become a National ID card, but this legislation begins to address issues necessary to focus efforts in enforcement.

Mr. Speaker, I intend to vote in favor of H.R. 418, but while doing so, I suggest that enforcement, border security and immigration reform must be worked on together.

In fact, fixing the broken system requires a broader strategy that includes both enforcement and the creation of adequate legal channels for immigration that serve the Nation's interests.

By creating legal channels for those looking for a better life and looking to fill jobs that Americans will not fill, we enhance our enforcement efforts. The responsible authorities can focus their resources first on the worst actors.

Our immigration laws and policies must reflect the realities we face today. Our economy demands workers, but our national security demands that we identify those lurking in the shadows.

Enhanced enforcement must be the top priority for immigration policy.

The American people are not anti-immigrant. We are concerned about the lack of coherence in our immigration policy and enforcement.

As part of today's debate, we must realize that the Congress needs to address the other issues with immigration reform now.

Broader immigration reform has been outlined by President Bush. I commend him for his act of leadership.

He has outlined the solution and now Congress must act quickly in crafting legislation. This bill is our first step in a long journey to restore public confidence in an open, welcoming immigration code.

LET US GIVE THANKS TO OUR IMMIGRANTS
[From the Wall Street Journal, Nov. 24, 2004]
(By Rupert Murdoch)

When B.C. Forbes sailed for America from Scotland in 1904, he was following a course well worn by generations of Scots.

I know how the founder of Forbes magazine must have felt. The Murdochs originally hail from the same part of Scotland. Today, we are part of the most recent wave of immigrants attracted by the bright beacon of American liberty.

These days, it's not always easy to talk about the benefits of immigration. Especially since 9/11, many Americans worry about borders and security. These are legitimate concerns. But surely a nation as great as America has the wit and resources to distinguish between those who come here to destroy the American Dream—and the many millions more who come to live it.

The evidence of the contributions these immigrants make to our society is all around us—especially in the critical area of education. Adam Smith, another Scotsman, knew that without a decent system of education, a modern capitalist society was committing suicide. Well, our modern public school systems simply are not producing the talent the American economy needs to compete in the future. And it often seems that it is our immigrants who are holding the whole thing up.

In a study on high school students released this past summer, the National Foundation for American Policy found 60 percent of the top science students, and 65 percent of the top math students, are children of immigrants. The same study found that seven of the top award winners at the 2004 Intel Science Talent Search were immigrants or children of immigrants. This correlates with other findings that more than half of engineers—and 45 percent of math and computer scientists—with Ph.D.s now working in the U.S. are foreign born.

It's not just the statistics. You see it at our most elite college and university campuses, where Asian immigrants or their children are disproportionately represented. And a recent study of 28 prestigious American universities by researchers from Princeton and the University of Pennsylvania found something startling: that 41 percent of the black students attending these schools described themselves as either immigrants or children of immigrants.

The point is that by almost any measure of educational excellence you choose, if you're in America you're going to find immigrants or their children at the top. I don't just mean engineers and scientists and technicians. In my book, anyone who comes here and gives an honest day's work for an honest day's pay is not only putting himself closer to the American Dream, he's helping the rest of us get there too.

As Ronald Reagan said at the Statue of Liberty, "While we applaud those immigrants who stand out, whose contributions are easily discerned, we know that America's heroes are also those whose names are remembered by only a few."

Let me share some of these names with you.

Start with Eddie Chin, an ethnic Chinese Marine who was born a week after his family fled Burma. You've all seen Cpl. Chin. Because when Baghdad fell, he was the Marine we all watched shimmy up the statue of Saddam Hussein to attach the cable that would pull it down.

Or Lance Cpl. Ahmad Ibrahim. His family came to the U.S. from Syria when the first Gulf War broke out. Now Cpl. Ibrahim hopes to be deployed to Iraq—also as a Marine—to put his Arabic language skills in the service of Corps and Country.

Or what about Cpl. José Gutierrez, who was raised in Guatemala and came to America as a boy—illegally! Cpl. Gutierrez was one of the first Marines killed in action in Iraq. As his family told reporters, this young immigrant enlisted with the Marine Corps because he wanted to “give back” to America.

So here we have it—Asian Marines, Arab Marines, Latino Marines—all united in the mission of protecting the rest of us. Isn't this what Reagan meant when he said that the bond that ties our immigrants together—what makes us a nation instead of a collection of individuals—is “an abiding love of liberty”? So the next time you hear people whining about what a “drain” on America our immigrants are, it might be worth asking if they consider these Marines a drain.

Maybe this is more clear to businessmen because of what we see every day. My company, News Corporation, is a multinational company based in America. Our diversity is based on talent, cooperation and ability.

Frankly it doesn't bother me in the least that millions of people are attracted to our shores. What we should worry about is the day they no longer find these shores attractive. In an era when too many of our pundits declare that the American Dream is a fraud, it is America's immigrants who remind us—by dint of their success—that the Dream is alive, and well within reach of anyone willing to work for it.

We are fortunate to have a president who understands that. Only a few days ago, the White House indicated that it intended to revive an immigration reform which the president had first offered before 9/11 and tried to revive back in January.

Politically speaking, a guest-worker plan is no easy thing. But as President Bush realizes, we'll never fix the problem of illegal immigration simply by throwing up walls and trying to make all of us police them. We've tried that for a decade or so now, and it's been a flop. What we need to do first is to make it easier for those who seek honest work to do so without having to disobey our laws. Fundamentally that means recognizing that an economy as powerful as ours is always going to have a demand for more workers.

Such a policy would benefit us all: It would help those who want nothing more than to work legally move out of the shadows. It would help our security forces stop wasting resources now spent on hunting down Mexican waitresses and start devoting them to tracking the terrorists who really threaten us. It would help the economy by providing America with the labor and talent it needs.

Given the tremendous pressures on President Bush and the considerable opposition from within his own ranks, the politically expedient thing for him to do would be to drop it. But he hasn't, and I for one am encouraged by his refusal to give in.

The immigrant editor B.C. Forbes spent much of the 20th century championing the glories of American opportunity. We who have arrived more recently likewise will never forget our debt we owe to this land—and the obligation to keep that same opportunity alive in the 21st.

Mr. Murdoch is chairman and chief executive of News Corporation. This is adapted from a speech he gave last Thursday, in acceptance of the 2004 B.C. Forbes Award.

[From the Orlando Sentinel, Jan. 2, 2005]

IMMIGRATION REFORM: A 3-LEGGED STOOL
(By Bishop Thomas Wenski)

While not a major theme of last fall's campaign, a debate on immigration reform will be front and center in the early days of the new Bush administration. Early last year, President Bush acknowledged that our immigration system is broken and needs to be fixed. For this he deserves credit. Recognizing that there is a problem is a critical first step toward finding a solution.

In the past 10 years, more than \$20 billion has been spent on adding Border Patrol agents, building fencing and employing technology to prevent border crossings. During roughly the same period, however, estimates on the net number of undocumented entering the country have risen from about 300,000 per year to about 500,000 per year. More disturbing is that, in the past five years, more than 2,000 migrants have lost their lives perishing in remote portions of the American Southwest.

And yet those who survive the gauntlet of a dangerous border crossing find work in short order. Our economy needs their manpower: the Labor Department projects that, by the year 2008, there will be 6 million more low-skilled jobs available than Americans able to fill them. At the same time, these workers contribute billions to the tax and Social Security systems.

Truth be told, our current system, instead of discouraging undocumented migration, makes it inevitable because adequate provisions in law do not exist to match up willing workers from other countries with unfilled jobs here. Work visas for unskilled workers are absurdly small compared to the demand—5,000 in the permanent system and up to 66,000 in the temporary one. Family-unity visas can be even scarcer, with waiting times as long as 10 years for Mexican families to be reunited with a relative who is a U.S. citizen or legal resident.

We need immigration reform legislation with three major components, akin to a three-legged stool. The administration plan proposed last January addresses only one leg—employment—which is insufficient to support the weight on the system.

First, any new proposal should feature means for undocumented long-term residents to access permanent residency. Legalization does not necessarily mean amnesty. It can be conditioned on any number of criteria including—for example, “sweat equity” the undocumented have already accrued through their work in the United States. Such a legal remedy would stabilize both immigrant families and the labor force.

Second, it should reform the employment-based legal immigration system in a way that increases legal avenues to work while protecting the rights of both foreign-born and U.S. workers. This would permit future flows of workers to enter safely and legally and reduce deaths at the border.

Third, the plan should shorten waiting times under the family reunification system. Too often, our current system separates husbands from wives and parents from children, a morally unacceptable outcome in a nation built upon the strength of the family.

Anti-immigrant polemicists ignore the human tragedy and familial dislocation enabled by the status quo, while discounting the invaluable contributions immigrants make to our nation. Americans are, as a whole, fair-minded people. We cannot continue to accept the benefits of undocumented

laborers but be unwilling to extend to them the protection of the law. The undocumented are not “breaking” the law as much as they are being “broken” by the law.

After our country's unhappy experience with Jim Crow “laws” that resulted in the creation of a large black underclass, we should not repeat the same mistake in tolerating the creation of a large immigrant underclass by not affording legal remedies that would afford them the protection of law and the opportunity for upward mobility.

We applaud the president for recognizing how the present immigration regime hurts both Americans and undocumented immigrants in America. The new Congress should work with President Bush to enact a comprehensive solution to our immigration crisis. Only such a “three-legged” comprehensive approach will protect human rights and prepare our nation for the challenges of the future.

[From the Sun-Sentinel, Jan. 9, 2005]

FOR DOABLE POLICY

Resolving the dilemma posed by many millions of “undocumented” workers in America requires compromise that few will find completely satisfying. Temporary work permits will please neither those who want all illegal immigrants deported nor those who want another round of amnesty.

Amnesty is politically untenable, and deporting millions of people is not doable. It would require enormous amounts of money and manpower from a government that is already strapped to meet current social obligations and international commitments.

President Bush told reporters recently that he wants U.S. Border Patrol agents chasing “crooks and thieves and drug-runners and terrorists, not good-hearted people who are coming here to work.” The president is seeking levelheaded immigration legislation that could improve domestic security and put policy in line with the needs of the globalized American economy.

The most sensible approach would offer legitimacy to those who have worked diligently in America, while imposing and enforcing tough employer sanctions against companies that continue to employ undocumented workers. This would weaken the so-called magnet effect that lures otherwise law-abiding people to jump the border.

Such a policy requires several key provisions. One would obligate illegal immigrants to come out of the shadows to prove their identities in return for some form of legitimate status.

This type of trade-off serves U.S. interests by identifying those who are here “to work,” as the president has said. Bringing them out of the woodwork would allow law enforcement agents to focus more sharply on catching those who are here to do harm.

A reform bill should take into account the brainpower needs of the U.S. economy. There are untold numbers of people around the world who are standing in line to legally enter the United States, and many of these would-be immigrants possess skills that American employers need.

Since the Sept. 11 attacks, this process has become cumbersome and counterproductive. Immigration reform should streamline the process for granting skilled foreigners access to the United States, particularly those well-suited for workplaces that have a tough time finding qualified hands.

There's no reason the United States can't have a policy that promotes safety while meeting the needs of the workplace.

Congress and the White House can find suitable resolutions to the security, social and labor quandaries posed by immigration if prejudices and stigmas are shoved aside in

favor of rational proposals that bolster U.S. security and global competitiveness.

Ms. HART. Mr. Speaker, the REAL ID Act completes the mission of the 9/11 Commission recommendations by implementing common sense reforms to strengthen our borders security and better protect our homeland.

IMPLEMENTING MUCH NEEDED DRIVER'S LICENSE REFORMS

Driver's licenses have become the primary identification document in the United States, enabling individuals to get other identity documents, transfer funds to a U.S. bank account, obtain access to federal buildings and other vulnerable facilities, purchase a firearm, rent a car and board a plane.

Lax standards and loopholes in the current issuance processes allow terrorists to obtain driver's licenses—often multiple licenses from different states—and abuse the license for identification purposes.

The Sept 11th hijackers had, within their possession, at least 15 valid drivers licenses and numerous State issued identity cards with a large variety of addresses.

Identification documents are the last opportunity to ensure that people are who they say they are and to check whether they are terrorists.

The REAL ID Act would require applicants to provide proof they are in the country legally. Currently, eleven states do not have such a requirement, meaning a majority of states have already recognized the need for tighter standards, but unnecessary and dangerous gaps in the system still exist.

The REAL ID Act would require identity documents to expire at the same time as the expiration of lawful entry status, preventing those who have illegally entered or are unlawfully present in the U.S. from having valid identification documents.

States would still issue driver's licenses and identification cards and would control their own driver database.

CLOSING ASYLUM LOOPHOLES

The 9–11 Commission's staff report on "9–11 and Terrorist Travel" found that "a number of terrorists . . . abused the asylum system".

Examples of Terrorists Abusing Our Asylum Laws:

The "Blind Sheik", Sheik Omar Abdel Rahman, led a plot to bomb New York City landmarks. Rahman used an asylum application to avoid deportation to Egypt after all other means of remaining in the U.S. failed.

The 9/11 Commission staff report noted that an immigration judge held a hearing on Rahman's asylum claim weeks before his followers bombed the World Trade Center.

During the Republican Convention last August, an illegal alien from Pakistan was picked up and arrested for attempting to bomb the Herald Square subway station and plotting to bomb the Verrazano Narrows bridge. He was quoted as saying that "I want at least 1,000 to 2,000 to die in one day." The alien had applied for asylum.

A number of courts, specifically the 9th Circuit Court has severely undermined current authorities by limiting the factors that judges can consider when assessing the credibility of an alien seeking asylum. This impairment encourages asylum fraud.

The REAL ID Act would strengthen judges' ability to determine whether the asylum seeker is truthful. This provision codifies the factors immigration judges use to assess credibility

and prevents the 9th Circuit from further undermining our national security.

DEFENDING BORDERS

In 1996 Congress approved building the 14 mile long San Diego Border Fence on the Mexico-U.S. border, right next to a major U.S. Navy base.

The San Diego Sector covers an area of more than 7,000 square miles and contains 66 linear miles of international border with Mexico. Directly to the south of the San Diego Sector area of responsibility lie the Mexican cities of Tijuana and Tecate, which have a combined population of more than two million.

For decades, this area had been the preferred corridor for entry into the United States by unknown or undocumented persons due to the highly populated cities north and south of the border, as well as relatively quick access to national transportation hubs such as LAX.

Construction of the fence was halted when radical environmentalists claimed that the area was a habitat of a rare bird. As a result, eight years later, the fence remains incomplete and is an opportunity for aliens to cross the border illegally.

This incomplete fence allows border security gaps to remain open. We must close these gaps because they remain a threat to our national security.

The REAL ID Act will require the completion of this important security fence.

STRENGTHENING DEPORTATION LAWS

Under current immigration laws, prohibitions on some terrorist-related activities only apply to aliens who are trying to enter the U.S., but not to those who already reside within our borders. Therefore, if an alien seeking a visa has been found to participate in certain terrorist-related activity, he/she is prohibited from entering the U.S. But if an alien is found to have participated in the same terrorist activity in the U.S., he/she may not be deportable.

The REAL ID Act would finally make the laws consistent by providing that all terrorist-related offenses and making aliens inadmissible which would also be grounds for their deportation.

The REAL ID Act provides that any alien contributing funds to a terrorist organization would be deportable.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

PLAN FOR SECURING THE NUCLEAR WEAPONS, MATERIAL, AND EXPERTISE OF THE STATES OF THE FORMER SOVIET UNION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message

from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

Consistent with section 1205 of the National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314), I am providing a report prepared by my Administration on implementation during 2003 of the plan for securing nuclear weapons, material, and expertise of the states of the former Soviet Union.

GEORGE W. BUSH.
THE WHITE HOUSE, February 8, 2005.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 418, soon to be considered.

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

There was no objection.

REAL ID ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 71 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 418.

□ 1359

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, with Mr. CULBERSON in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour and 40 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security.

The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes of debate from the Committee on the Judiciary.