

Where is the Republican commitment to balance budgets and fiscal responsibility? No, they have instead chosen to lower their voices.

I wonder if it has anything to do with the fact that those Members with independent voices in the Republican Caucus lost their positions. Those who had independent voices on the Committee on Standards of Official Conduct and the Committee on Veterans' Affairs lost their chairmanship and their positions. The gentleman from New Jersey (Mr. SMITH) who spoke out independently on behalf of America's veterans lost his chairmanship and even his position on that committee.

Mr. Speaker, I wonder what has happened to those independent voices for the good of this Nation and the Republican Party.

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HONORING SPECIALIST LYLE RYMER, II

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, Specialist Lyle Rymer, II, who was a lifelong resident of the Fort Smith, Oklahoma, area. Lyle was recently killed in Iraq while honorably serving his country.

A member of Arkansas Army National Guard's 239th Engineering Company, Lyle was killed by an enemy sniper on January 28 while guarding members of his unit who were erecting barricades in preparation for the Iraqi elections. Lyle was a true hero who was on the ground, helping a new democracy prepare for their first free elections in over 50 years.

It seems that universally the members of Lyle's unit have the utmost respect for him. In news reports, they described him as a go-getter, someone who always strived to achieve more than was asked of him.

Mr. Speaker, Specialist Lyle Rymer, II, at the age of 24, made the ultimate sacrifice for his country. He is a true American hero. I ask my colleagues to keep Lyle's family and friends in their thoughts and prayers during these difficult times.

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SOCIAL SECURITY TRANSITION COSTS

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, President Bush says the transition cost for his Social Security plan will cost about \$700 billion in the first year, but can Members believe him? Let us look at the President's record on estimating costs for his programs. Two years ago he promised his Medicare prescription drug bill would cost from 300 to 400 billion over 10 years. This week the President was forced to admit that it now

will cost more than \$1.2 trillion. That is four times what he said when he was lobbying my colleagues to vote for the Medicare prescription drug bill a couple of years ago.

Now the President wants the American people to believe his Social Security privatization plan will only cost \$700 billion in the first year, but other estimates have it at nearly \$2 trillion in the first year to transition to his privatization plan.

□ 1015

The President, Mr. Speaker, in my opinion, has proven time and time again that he simply cannot estimate the cost of his programs; and we simply cannot afford to buy into his risky Social Security privatization bill. It is going to cost a lot more. It is going to cut benefits, and it is a risky privatization plan.

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PROVIDING FOR FURTHER 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 75 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 75

*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 further 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. No further general debate shall be in order. The bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Finally, this rule waives all points of order against the amendments printed in part B of the report and provides for one motion to recommit with or without instructions.

Mr. Speaker, this rule will complete the work begun yesterday on H.R. 418, the REAL ID Act of 2005. As a number of our colleagues have already made it very clear during the debate yesterday of an hour and 40 minutes, this legislation will continue the efforts of our President, George W. Bush, the 9/11 Commission, and of Congress to ensure that America never suffers another terrorist attack like the tragedy of September 11, 2001.

H.R. 418, authored by the gentleman from Wisconsin (Chairman SENSEN-BRENNER) will improve security by focusing on four main areas: Number one, implementing much-needed driver's license reform, closing asylum loopholes, defending our borders, and strengthening our deportation laws.

Implementing the driver's license reforms included in H.R. 418 will provide for greater security for the American people. Because of lax standards and loopholes in the various current State issuance processes, terrorists have been allowed to obtain driver's licenses, often multiple driver's licenses from different States, and abuse these false identities for illegal and harmful purposes. The September 11 hijackers had

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

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

The rule under consideration completes the work begun by the general debate rule passed yesterday by the House. It provides for further consideration of the rule under a structured rule and provides that no further general debate shall be in order.

This rule provides that the amendment printed in part A of the Committee on Rules report accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole and that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read.

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

Finally, this rule waives all points of order against the amendments printed in part B of the report and provides for one motion to recommit with or without instructions.

within their possession at least 15 valid driver's licenses and numerous State-issued identification cards listing a wide variety of addresses.

These terrorists were then able to exploit many of the benefits conferred upon them by possession of these cards, such as enabling the bearer to acquire other corroborating identification documents, transfer funds to a United States bank account, 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 identity documents to expire simultaneously with the expiration of lawful entry status, this legislation will ensure that individuals harboring malicious intent or 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 report noted, "a number of terrorists . . . abused the asylum system." By strengthening judges' abilities to determine whether asylum seekers are truthful and credible, we will be able to prevent terrorists from gaming the system by applying for asylum as a means to avoid deportation after all other re-courses for remaining in the United States have been denied to them. This will prevent abuses of the system like in 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 his asylum claim only weeks before his followers bombed the World Trade Center in 1993.

Defending our physical border, as provided for in the REAL ID bill, will also 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 are recommending to take a number of appropriate actions that would make 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 towards attaining that goal. But closing down only the legal means by which they will try to infiltrate this country is not enough.

Because increased vigilance has made entering the country through normal, regular channels more difficult, we must also increasingly prepare for the certainty that terrorists will use illegal, clandestine methods to enter our country and do us harm, and we must take steps now to close the gaps in our border security where we feel 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 terrorist-related grounds for keeping an alien out of the United States 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 legally under those same actions.

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

This rule makes in order five amendments from Members from both sides of the aisle, including one that I have submitted to ensure that aliens and terrorists who are in the United States and ordered deported are actually deported so that they can no longer pose a threat to the security of American citizens.

By supporting this rule, the House can complete its consideration of these five important amendments and the underlying legislation.

I urge all of my colleagues to support this fair and balanced rule.

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

Mr. Speaker, my colleagues on the other side, for the balance of these arguments today and during yesterday, said very frequently, and it was repeated again by the gentleman from Texas, that the horrible people that were on the airplanes that did the dastardly deed here in America on September 11 had, collectively, 63 driver's licenses. That is, without any kind of misunderstanding between the two sides, they had these driver's licenses, and there is no question about it.

But one of the things that goes ignored is the fact that in the days before 9/11, including that day, airport review of driver's licenses did not occur, and, therefore, it is a total irrelevancy. They were in this country, some on expired visas, some with visas that had been approved, and probably one or two with fraudulent visas. What in the world did driver's licenses have to do with it?

Mr. Speaker, I rise today to oppose this rule and H.R. 418. And once again we see debate limited on this legislation for no reason. The bill is the only item on our legislative schedule today, yet debate on this bill has been limited to less than 2 hours. In fact, the number of proposed amendments has been sharply limited as well. Only a fourth

of the amendments submitted to the Committee on Rules will be allowed on the floor today, and what possible reason can the majority give for limiting debate in this matter? Surely, given the drastic nature of the changes to our asylum laws contained in H.R. 418, it is in the best interests of the country to hold an open debate on this legislation.

Mr. Speaker, last Wednesday, the chairman of the Committee on Rules sent out an announcement notifying Members, as is his responsibility, that all their proposed amendments to this bill were due in the Committee on Rules by noon on Tuesday, February 8. All Members who submitted their amendments, Republicans and Democrats, followed this rule; all Members, that is, except the gentleman from Wisconsin (Chairman SENSENBRENNER).

Later Tuesday afternoon, after the deadline had passed, the gentleman from Wisconsin (Chairman SENSENBRENNER) submitted an extensive 18-page amendment that made significant changes to the bill's already controversial asylum sections. Members had never seen this language before, and of course, no subcommittee or committee had a chance to review it or mark it up.

In the short time we have had to review this new language, it appears to be more controversial than the bill's original provisions. It appears to make it easier for an immigration judge to reject an asylum seeker based on subjective and cultural factors that are notoriously unreliable indicators of credibility. It also allows a person to be denied asylum based on any inconsistencies or falsehoods in their testimony, whether or not these inconsistencies are relevant to the person's claim.

□ 1030

I continue to harp on the fact that it does not protect children who are here and in need of asylum consideration. It does not protect women who are in forced slavery and prostitution and are raped. It does not protect them at all with reference to any asylum claims. And it places in the hands of one judge the judging of their credibility.

The other thing ignored is the difficulty that the criteria set forth in H.R. 418 present to asylum seekers, legitimate asylum seekers, to collect information regarding their birth records. In the district that I represent, more than a quarter of the work done in the district offices involves immigration, and one of the things that we find it difficult to accomplish is to have the people in a timely manner who are seeking status and naturalization in this country collect their birth records and records of a variety of things in their communities that simply are not there and are unavailable, and therefore their claims are delayed repeatedly.

Mr. Speaker, this is a bad amendment, and Members should have more

time to study it. What is worse is that Members today will not even have the opportunity to vote up or down on it. This rule makes it a part of H.R. 418. It is called "self-executing." It sounds like a cute way of circumventing the democratic process to me.

Stifling free speech is downright un-American. One cannot fail to see the irony here. Right this minute our troops are in harm's way to further democracy in a far-off country, while democracy here in the halls of Congress is being shoved out the door. When the opportunity for a free debate is squelched, America loses, democracy loses. There is nothing to be gained by limiting ideas; and that is what we have here today, the limiting of the ideas of the majority. They should not and it is wrong for them to shut the American people out.

Mr. Speaker, H.R. 418 also allows the Secretary of Homeland Security to waive all laws necessary for the construction of the San Diego border wall. None of us are of a mind to believe that the completion of the 3-mile gap in that wall should not be undertaken. But giving the Secretary the power to override all Federal laws that interfere with this project sets a horrible precedent. These laws exist for a reason, be it to ensure the safety of the environment or to safeguard important cultural artifacts.

Mr. Speaker, how many more laws will we override in the name of homeland security? None of us would argue that we should not do everything to protect the homeland, but rightly we should not argue to ignore the laws that also protect us in this homeland.

The data collection envisioned by H.R. 418 troubles me a lot. In this age of diminished personal privacy, this bill throws around terms such as "mandatory facial image capture," and "electronic storage of identity source documents," without fully explaining, and it is not explained; and I ask anybody to explain it on the majority side, certainly for the American public, explaining fully how all this captured data will be used and by whom.

I represent a district that, like America, is comprised of immigrants. Many of the people of the 23rd Congressional District of Florida came to America as asylum seekers themselves. They came from places where notorious persecution and violation of human rights occurred, like Haiti and Cuba; and they have worked hard, as many immigrants in this country who sought asylum, to create a new life for themselves and their families. Whether they came 5 years ago or 50 years ago, they know others like them will continue to come to our shores fleeing persecution and desperation, seeking hope, protection and the promise of a better future.

We have a moral responsibility to help them make it. It has not been lessened any more after 9/11 than it was before. The immigrants who founded this country had that moral responsibility, and throughout our history we

have waxed and waned with reference to that moral responsibility.

Last night, I watched the so-called "fair and balanced" Fox programming, and on that programming it happened that the gentleman from Wisconsin (Chairman SENSENBRENNER) was one of the guests. He made a sterling presentation. He did not falter in any of his principles with reference to this matter, and he went forward in a dignified manner to answer the questions asked.

He did say, I believe, and he has not said that this measure is something that he does not think will help secure the homeland, as my colleague from Texas has just said. But let me quote the gentleman from Wisconsin (Chairman SENSENBRENNER) from last night. He said, "The key to protecting our homeland is enforcing the immigration laws." Let me repeat the quote: "The key to protecting our homeland is enforcing the immigration laws."

Now, the gentleman from Wisconsin (Chairman SENSENBRENNER) knows that President Bush has proposed a budget that, rather than fulfilling what we said would protect our homeland by having 2,000 border patrol persons and an added number, 800, INS, or BICE, their new name, to their rolls so that we could enforce the immigration laws, what do we get in the proposed budget? Two hundred border patrol guards and 143 personnel for the Immigration and Naturalization Service.

What I am saying is let us put our emphasis where it ought to be, and let us not divert ourselves in this manner, and certainly let us not continue to shut all of those organizations, from the Governors Association all the way back across the board that are opposed to this law, let us not shut them out from having an opportunity to present themselves at a hearing.

Let us not shut out the people here in the House of Representatives, some 41 who are newly here who have no idea what we did with reference to this matter last year and have not had time in order to be able to review it, sufficient to be able to make arguments on behalf of their constituencies in a satisfactory manner. Let us not shut out the American public by continuing to not allow for open debate.

Mr. Speaker, I oppose this rule and H.R. 418. I urge my colleagues to vote "no" on the rule and this ill-conceived legislation.

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

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

Mr. Speaker, I do understand that not everybody is in agreement about what we are doing today, but for the Members that are paying attention, the 9/11 Terrorist Travel Report of the National Commission on Terrorist Attacks Upon the United States, known as the 9/11 Commission, said on page 43, and I would like to quote this: "September 11: As the hijackers boarded four flights, American Airlines Flights 11 and 77, and United Airlines Flights

93 and 175, at least six hijackers used U.S. identification documents obtained and acquired in the previous months, three of which were fraudulently obtained in Northern Virginia."

Mr. Speaker, we would have to really not respect this 9/11 Commission if we were not going to follow up on the work that they did. That is why we are here today. We are here for the best reason, for the security of this great Nation and the wonderful people who care and entrust upon the United States Congress the ability to make sure we do all that we can to avoid attacks in the future.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

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

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

Mr. Speaker, I rise in support of the rule. I rise also in support of the Sessions amendment. But I also would like to take this time to make a few comments about why I will be voting against the bill.

With the utmost sincerity and a deep conviction, I am quite confident that this bill, if you vote for it, you will be voting for a national ID card. I know some will argue against that and they say this is voluntary, but it really cannot be voluntary. If a State opts out, nobody is going to accept their driver's license. So this is not voluntary.

As a matter of fact, even the House Republican Conference, which sent a statement around with some points about this bill, said "the Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses."

This is nationalization of all identification. It will be the confirmation of the notion that we will be carrying our papers.

As a matter of fact, I think it might be worse than just carrying our papers and showing our papers, because in this bill there are no limitations as to the information that may be placed on this identification card. There are minimum standards, but no maximum limitations.

The Secretary of the Department of Homeland Security can add anything it wants. So if they would like to put on our driver's license that you belong to a pro-gun group, it may well become mandatory, because there may be an administration some day that might like to have that information.

But there is no limitation as far as biometrics and there is no limitation as far as radio frequency identification. That technology is already available and being used on our passports. This means that you do not have to show your papers. All you have to do is walk by somebody that has a radio frequency ability to read your passport or read your driver's license. There is no limitation as to what they can put on these documents.

This bill also allows the definition of “terrorism” to be re-defined. There are no limitations.

In many ways I understand how well intentioned this is, but to me it is sort of like the gun issue. Conservatives always know that you do not register guns, that is just terrible, because the criminals will not register their guns. But what are we doing with this bill? We are registering all the American people, and your goal is to register the criminals and the thugs and the terrorists.

Well, why does a terrorist need a driver’s license? They can just steal a car or steal an airplane or steal a bus or whatever they want to do. So you are registering all the American people because you are looking for a terrorist, and all the terrorist is going to do is avoid the law. But we all, the American people, will have to obey the law. If we do not, we go to prison.

So I rise in strong objection to this bill. I hope there will be a few that will oppose H.R. 418.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3 minutes to my good friend, the gentleman from Texas (Mr. DOGGETT).

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

Mr. Speaker, the REAL ID Act is a real travesty. It has little to do with homeland security, and it represents just the latest in a string of anti-immigrant proposals so unfortunately popular with certain of our Republican colleagues.

Instead of putting the safety of our families first, these are the same folks that would have turned our emergency room doctors into border patrol agents; who would have cut the funding to cities that did not conduct immigration raids; and who would interfere with the people with whom our private banking institutions could serve and encourage instead an underground, black market financial system.

This same anti-immigrant fervor continues to fuel this bad bill. The REAL ID Act is designed to make our roads real unsafe. Undocumented workers will be on our roads. That is why the Austin Police Department believes that Texans would be safer if the law allowed all drivers to obtain licenses.

□ 1045

As Assistant Police Chief Rudy Landeros testified, “In allowing the community the opportunity to obtain driver’s licenses, they will have to pass a driver’s test, and that will make them not only informed drivers, but safer drivers.”

The Texas legislature, in a bill by former Representative Miguel Wise, wisely recognized that requiring all drivers to obtain licenses would make Texas families safer. Had it not been for the veto by Texas’s myopic governor, this common-sense call for public safety would be the law in the President’s home state.

Legal immigrants could also be denied a license. Paula Waddle, an immi-

gration attorney in the Rio Grande Valley, explained that her clients are having delays of as much as 15 months in getting their legal permanent residency papers because of confusion at the Department of Homeland Security. If these legal immigrants do not have sufficient paperwork to prove their legal status, they will be caught up in this same web of anti-immigrant fervor and denied the opportunity to obtain insurance and drive.

Ironically, consideration of this bill coincides with the release this week by the U.S. Commission on International Religious Freedom. This proposal would worsen the plight of those whose conditions were the subject of investigation by that commission: asylum-seekers who already face deplorable conditions, who are often treated like common criminals and thrown into jail with common criminals, and who are subject to strip searches as well as solitary confinement. But since current law already bars those who present a security risk from getting asylum, the additional restrictions in this bill would not make us safer.

We must not sacrifice our democracy in a misguided attempt to save it. This bill strikes the wrong balance. Anti-immigrant hysteria cannot be permitted to drive an agenda that makes us less safe, less healthy, and erodes our civil liberties while failing to address real terrorist threats.

The REAL ID bill ought to be really rejected fast by this Congress.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER).

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

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule.

Contrary to what my very good friend from Fort Lauderdale has said, this is a very fair and balanced rule. If we look at the amendments that were submitted to the Committee on Rules and those that we have made in order, it is fascinating.

We made half of the amendments in order that were proposed by the Democrats, those were the priorities established, and 33 percent of the amendments made in order that were submitted by the Republicans. We have really turned ourselves inside out to try and accommodate the wide array of issues that were put forward before the Committee on Rules.

Yesterday, we had three committees of jurisdiction share an hour and 40 minutes of general debate, and we are going to have an opportunity for free-flowing debate on a wide range of issues today. And I am anxiously looking forward to that.

I would like to say that one of the priorities is the passage of the Sessions amendment, which is very, very fair and, I believe, an appropriate way to deal with one of the important challenges we face.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, does the gentleman really believe that 20 minutes of debate, 10 on each side, on these complicated issues, is free and flowing debate? We got out early yesterday; we are here today. Why only 10 minutes of debate on each side on these complicated issues?

Mr. DREIER. Mr. Speaker, reclaiming my time, I would say to my friend that clearly we are debating this right now, during consideration of the rule. We have had Special Orders held on this issue. We had a very lengthy hearing in the Committee on Rules which was available for all of the Members; we had that streamed online. So I think that these issues are pretty darned transparent.

We are trying to deal with border security. It is a very important part of the number one priority that we have, and that is our national security. I think in light of that, we are going to have an opportunity to consider these measures, and I want to say that I think we have some amendments that are very, very important that do need to be addressed.

We did make in order the amendment by the gentleman from California (Mr. FARR), my colleague, which calls for steps that would prevent the completion of the 3.5 mile gap in the 14-mile fence that goes along the border from the Pacific Ocean to the Otay Mesa in San Diego.

I have to say that it is amazing, Mr. Speaker, to observe that it took a shorter period of time to win the Second World War than it has to complete this fence. It is a fence wherein actually the provision for it was signed into law by President Clinton back in 1997, and that was done with strong bipartisan support.

I worked with my colleagues, the gentleman from California (Mr. HUNTER), and our colleague Mr. Ose in the last Congress, who was very involved in this; and I just 10 weeks ago flew with T.J. Bonner, the president of the National Border Patrol Council, over this gap in the fence. It is very clear that people have taken advantage of it.

Now, the argument that is going to be used on the fence issue, and we will be bringing that up in just a little while, has to do with the environment. There are people who say that we need to keep all of these environmental constraints in place which have prevented completion of the fence.

Mr. Speaker, what has happened is, we have seen the California Coastal Commission file a case to prevent completion of it because of something known as the Bell’s Vero bird. This bird has chosen to nest on part of the fence, and for that reason, they cannot complete the fence, and it has allowed people to come in.

Now, what has happened is, people have illegally fled across the border.

We have seen that border in what is known as the Tijuana Estuary devastated environmentally. There is all kinds of trash in there, and the environmental vote, Mr. Speaker, is to vote against the Farr amendment in favor of completion of the fence. If we were to complete the fence, we would be able to improve the environmental standard at the border.

Now, this issue is one of the important parts of it, but there is one other issue that I want to mention before I yield back the balance of my time.

I introduced legislation, H.R. 100, to deal with something known as the Saint Cyr decision, that is included in the manager's amendment; and what that does, basically, the provision that we have in the manager's amendment will finally get to the point where the appellate courts are the courts of jurisdiction, and we will not see consistent appeals. Not many people are aware of the fact that, actually, people who are here illegally have an additional appellate step over American citizens. In the manager's amendment, we will be able to rectify that very, very important issue that does need to be addressed.

This is a fair and balanced rule. It will allow us to deal with border security, a very important part of our national security; and I hope this great day will see us, at the end, pass this very important legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from Massachusetts, which I will do gladly.

I would say to the chairman that I respect very much, and I am speaking to the gentleman from California (Chairman DREIER), I respect very much what my good friend from California has said with reference to the rule, the amendments that are allowed. But I was in that same process as the chairman was in the Committee on Rules. Three-quarters of the amendments that were submitted on time pursuant to the chairman's correct direction to the body are not a part of the debate here.

The Sensenbrenner amendment, which is rather lengthy, came late to the committee. It is not being voted on up or down for the reason that it was made a self-executing part of the rule.

Now, the gentleman can call that fair and balanced, but let me just say to the chairman that there is a new section 105, and many of the Members are hearing this for the first time. It eliminates Federal court review in many conventions against torture cases, and it eliminates the power of the Federal appeals court judges to stay the removal of asylum seekers.

I do not think any irony is lost on the chairman about the Ninth Circuit's ruling.

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

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

Mr. DREIER. Mr. Speaker, let me say, there was a lot of discussion as to

whether or not we were going to make the Nadler amendment in order, as my friend knows. I know that that addresses the issue of asylum. We are going to have an opportunity for debate on that and an up-or-down vote on that issue.

We clearly had to deal with a wide range of questions as we fashioned this rule. I will tell the gentleman that I am very proud of the fact that we were able to incorporate many of the ideas that my colleagues on the other side of the aisle offered. I will tell the gentleman there were 10 amendments submitted by members of the minority, and six of those 10 amendments were, in fact, withdrawn. We made in order two of the four amendments that remained at the committee level.

We had on our side 10 amendments that were submitted, and we have only made three of our amendments in order of the original 10 that were submitted. That is why I am arguing that we have, in fact, really gone the extra mile to ensure that the rights of the minority are respected.

I appreciate the gentleman yielding.

Mr. HASTINGS of Florida. Mr. Speaker, reclaiming my time, before the chairman leaves, just one further word in that regard. I take, from the many times when the chairman was in the minority, his statement to heart; and that is that if a rule is not open, it is closed.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, did I actually say that?

Mr. HASTINGS of Florida. Yes, the gentleman from California (Mr. DREIER) said that a lot. He said that a lot.

Mr. Speaker, I am privileged to yield 4½ minutes to the gentleman from Massachusetts (Mr. FRANK), my good friend.

Mr. FRANK of Massachusetts. Mr. Speaker, hearing the chairman of the Committee on Rules describe this restricted rule as fair and balanced reinforces the fact that when people on the right in America politically tell you something is fair and balanced, you had better ask for another deck of cards.

The rule not only limits the amendments; and it makes sense, the chairman's defense makes sense if you start from the perspective that no amendments ought to be allowed. And then when you let in two out of 10, or two out of six, somehow you have been generous.

Ought not the assumption be in favor of openness, especially since the House has not been doing very much? Then the chairman said, Well, we do not have to have long debate on these things; after all, we had a hearing in the Committee on Rules, and it was streamed on line. Anyone who thinks that a hearing in the Committee on Rules that is streamed on line is a substitute for open and free debate in the United States House of Representatives, or anyone who says that, ought to remember, I would give just one

piece of advice. No matter how pressed one feels in a debate, try to avoid saying something that no one is going to believe. It really does not help your cause.

No one thinks that an online hearing in the Committee on Rules with a handful of Members in a room that has 30 seats substitutes for free and open debate in the House of Representatives, and particularly when you only give 10 minutes on a particular amendment.

I want to talk about the amendment on asylum. We heard a lot of discussion last year in the election from people complaining that religion had been driven from the public square. Well, guess who is ignoring religion this year? The majority.

The provisions on asylum have evoked overwhelming opposition from the various religious communities in America. I noted yesterday that the Commission on Interreligious Freedom set up by this Congress to protect religious freedom in the world put out earlier this week a report saying that our asylum procedures are too restrictive. And what is the response of the majority? To make what the Commission on Interreligious Freedom says is a bad situation much worse.

I noted yesterday, in Leviticus it says, and I have looked at various translations, various renderings, and in every one it sometimes says "stranger," it sometimes says "alien." It is clear it means people we would describe as immigrants. It says, Treat them as you would treat the native born.

Now, I do not purport to be a religious scholar. I do not purport to be an expert in religious interpretation, but I am puzzled. Can we turn Leviticus on and off that way? I mean, often I have heard Leviticus quoted as justification for measures that are critical of homosexuals. Do you not have to take it as a package? I mean, if you are going to use Leviticus to disadvantage homosexuals, do you not have to use it to be nice to immigrants? Is it not true that what is Leviticus for the goose is Leviticus for the gander?

Again, I acknowledge I am not a theological expert, so I will turn to some who are. I got a copy yesterday from the Interfaith Statement. "The REAL ID act," it says, "threatens the ability of victims of persecution to find safe haven in the United States," signed by a variety of Jewish and Catholic and Protestant groups, the Jesuit Religious Service, the Episcopal Migration Ministries, the Church World Service, the Jubilee Campaign, the Lutheran Immigration and Refugee Service.

Mr. Speaker, because I do not think that religion ought to be driven from the public square on an issue on which there is such an overwhelming religious consensus, I will offer a statement condemning this bill and its asylum provisions be inserted here.

REAL ID ACT THREATENS ABILITY OF VICTIMS OF PERSECUTION TO FIND SAFE HAVEN IN THE UNITED STATES

As representatives of various faith traditions, we are deeply concerned that the REAL ID Act, legislation proposed by Representative Jim Sensenbrenner (R-WI), would make asylum a more remote possibility for hundreds of persons who need protection. We understand that safeguarding our national security is an urgent issue, and we support measures that honor that concern. We also subscribe to core beliefs which require that we provide safety to victims of persecution, particularly those who have no recourse to the protection that democratic societies traditionally provide. Restricting access to asylum beyond current practice and does not serve the cause of national security and, moreover, erodes a sacred and legal responsibility to give safety to those whose only protection comes from asylum.

Each of our traditions has witnessed the suffering of persons whose beliefs often place them in jeopardy and possibly in mortal danger. As American-based faith communities, we have cherished the ability of asylum seekers to find safety in communities around our nation. We are, therefore, saddened by a further erosion of our asylum system under the pretext of national security. We urge Members of Congress to reject the notion that all asylees are prospective terrorists and that the current system needs to be made more restrictive.

The belief that we must receive persons who have been rejected and persecuted because of their ideas and religious practices is anchored in both our histories and sacred texts. We have contributed over the years to supporting and enriching practices which embrace hospitality as not only a religious but an American value. We also appreciate the need to prevent terrorism from violating both our freedom and safety. We believe that hospitality to the stranger—particularly one who has been persecuted—and security are compatible national goals. We, therefore, reject legislation that subverts hospitality in the name of security.

The current asylum system includes rigorous safeguards against terrorists abusing the asylum system. The changes proposed by the REAL ID Act raise a false issue in further victimizing legitimate asylum seekers. Requiring unreasonable levels of evidence to prove an asylum claim, placing a greater burden on asylum seekers to convince reviewers of the key motivation of their accusers, and allowing subjective considerations to guide the review process all send a chilling message to those who desperately seek the safety and protection which they have a right to expect of our great nation.

We have all seen how fear can pervert justice. We believe that the religious traditions which we embrace calls us to oppose a narrowing of the door to asylum by some of the world's most at-risk persons. We are committed to resisting a fear driven agenda which violates our faith-based principles.

Anti-Defamation League  
B'nai B'rith International  
Church World Service  
Episcopal Migration Ministries  
HIAS and Council Migration Service of Philadelphia  
Hebrew Immigrant Aid Society  
Institute on Religion and Public Policy  
Jesuit Refugee Service  
Jewish Council for Public Affairs  
Jewish Labor Committee  
Jubilee Campaign  
Lutheran Immigration and Refugee Service  
Midland Alliances  
Midland Association of Churches  
Midland Ministerial Alliance

National Council of Jewish Women  
Project for International Religious Liberty  
Religious Freedom Coalition  
Workmen's Circle/Arbeter Ring  
World Relief

Mr. Speaker, the asylum provisions make it much harder for people to get asylum. We will have 20 minutes to debate this issue. It would take me half of that time to read the full list of signers.

Last week, we were visited, those of us on the Democratic side, by a representative of the Catholic bishops, who asked us specifically to oppose this bill and particularly to condemn the asylum provisions. I do not think there has been any showing that asylumees have been terrorists.

But, in any case, I do want to stress, those of you who have said we have insufficiently paid attention to religious values, Mr. Speaker, I urge them not to turn their back on the religious community now and not to give the religious communities, a broad range of them, 10 minutes in which we can make the case that this bill violates biblical injunctions about aliens and undercuts our mission to be a haven for the religiously persecuted.

□ 1100

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

Mr. SENSENBRENNER. Mr. Speaker, I rise in support of this rule for consideration of amendments to H.R. 418, the REAL ID Act.

The manager's amendment, which will self-execute upon adoption of this resolution, makes technical changes to the bill as well as making a number of substantive improvements. One such modification will be to remove the annual cap on the number of aliens granted asylum who can become permanent residents each year. The current cap of 10,000 has resulted in a multi-year backlog that has caused unnecessary hardship to aliens already found to have been fleeing persecution. Hardly an anti-refugee provision.

The manager's amendment also extends the bill's provisions regarding the credibility determinations of immigration judges in asylum proceedings to apply to other requests for relief from removal before immigration judges.

Lastly, it includes the text of H.R. 100, introduced by the gentleman from California (Mr. DREIER), to limit criminal aliens to one bite of the apple in contesting their removal orders. I strongly support all these changes and believe they improve the underlying legislation.

Regrettably, at the request of the Committee on Government Reform, the manager's amendment also removes two provisions that I believe address important issues with regard to temporary licenses. One provision clarified the need to clearly mark temporary

driver's licenses that States remain authorized to issue people who cannot meet the identity standards as set by this bill.

The other provision provided the Secretary of DHS with the ability to intervene, but only in the interest of national security, to reduce the incredible diversity in form and appearance of driver's licenses issued by the States. Today there are over 350 valid driver's license designs issued by the 50 States. And we all know it is very difficult for security officials at airports to tell the real ID cards from the counterfeit ones.

I understand why the chairman of the Committee on Government Reform believes these two provisions should not be included at this time; however, it is my hope that as this legislation continues to move through the legislative process, we may revisit these two provisions. Both are widely supported and improve the overall bill.

I urge my colleagues to support the rule and the underlying bill.

Mr. HASTINGS of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. FOSELLA). The gentleman from Florida (Mr. HASTINGS) has 6½ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 11 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

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

Mr. Speaker, the distinguished chairman talks about section 102 of the bill, which gives the Secretary of Homeland Security the ability to waive all laws that might get in the way of building the fence; and he talks about environmental laws, and he talks about endangered species. Well, that is all well and good, but the radicalism and the irresponsibility of the majority is shown by how this is drafted.

This does not refer to environmental laws. This does not refer to endangered species. This says the Secretary of Homeland Security shall have the authority to waive all laws in his sole discretion that he determines necessary.

The Secretary of Homeland Security can tell the contractors, if anybody gets in your way, shoot them. Shoot them. The laws against men are waived. Laws against anything are waived. It makes him a total dictator. Then to make sure that the Secretary can be a total dictator in contravention of the Constitution, in contravention of all our laws, it then says, no court shall have jurisdiction to hear any clause or claim arising from any decision the Secretary takes or to order any compensatory declarative injunctive, equitable or any other relief for damages alleged to have been suffered.

So someone can be shot because the Secretary says shoot anybody that gets in the way by accident or deliberately and the courts cannot review whether

the Secretary had the authority, whether this is constitutional.

Last year we had certain court-stripping legislation before us to say that the court shall have no jurisdiction to hear a claim against the constitutionality of the Defense of Marriage Act.

One other thing, I got up on this floor and I said, this is going to become boiler plate language in bills, and here it is. It did not even mention it. Boiler plate language.

"No court shall review any action the Secretary may take."

I thought the Republican Party stood for limited government. This says the Secretary is absolute dictator, as absolute as Stalin. What kind of language is this?

Regardless of the merits of this bill, regardless of the merits of this provision in general, this is disgraceful.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

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

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Texas for yielding me time.

Mr. Speaker, I rise in favor of the rule, and I rise in favor of the Sessions amendment. The amendment makes certain that before an alien is released from DHS detention on his own recognizance pending an upcoming hearing, the immigration judge first certify that the alien is not a flight risk and, more importantly, that he does not pose a security risk to the United States.

Mr. Speaker, I appreciate the different views that we hear in the well of this House. I understand full well Dr. Franklin's admonition about the challenge confronting those who seek security and yet also wish to preserve liberty.

Mr. Speaker, one of the reasons we are here on the floor visiting this issue today is, as the distinguished chairman of the Committee on Rules pointed out, while our founders believed that all men were created equal, now we have the arcanae and absurdities of certain judicial procedures that allow illegal aliens to enjoy more legal privacy in some cases than do American citizens. We need redress.

I listened with great interest to my friends who came to the floor recently discovering States rights with reference to this legislation, and I believe that to be a hopeful sign. I listened with great interest to other friends who came to offer scriptural and spiritual entreaties in this debate, and I welcome that as well. But, Mr. Speaker, here is the fundamental question we confront. In the wake of 9/11, in the wake of clear and demonstrable evidence that there are those who come to this Nation with the intent of harming and killing Americans, who are bent on the destruction of our Nation and our system of government, at long last this

body should take the steps necessary to preserve our security and our liberty. Border security is national security.

There has been lament expressed from the other side that we are moving too quickly. Indeed, Mr. Speaker, I came to this well in a previous Congress lamenting the fact that at the behest of the other body we remove these important provisions from a piece of legislation passed at the end of the last session of Congress.

Incrementalism in wartime is unacceptable. There is a clear and present danger. We must respond.

Pass the rule. Pass the Sessions amendment. Pass the underlying legislation. Let us preserve and protect our Union and our way of life.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. BERMAN).

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

Mr. Speaker, section 101, the asylum provisions, are flawed. Existing law exempts and prohibits terrorists or threats to national security or those who the government can prove through secret evidence are threats to national security from getting asylum. That is existing law. This self-executing rule, which allows amendments which have never been considered by any committee or heard through hearing or markup, do several dangerous things.

Section 101 encourages asylum officers and immigration judges to deny an asylum claim simply because the applicant was able to recall or recount information later in the process that she did not mention when she was initially encountered by immigration officers. The amendment included in the rule would expand that to include consistency on matters that are entirely relevant to the basis of the claim for asylum.

It would mean that a woman who has been subjected to gang rape by government armed forces in her country who is too afraid or ashamed to tell the fact to the armed male immigration officer she first encounters at the airport in the United States could, if she tells the story later on in the process, be denied asylum simply because she was too afraid or too ashamed to tell the story to the first person she encountered.

Now, under the amendment, this woman could be denied asylum because she cannot recall facts that are irrelevant to establishing her need from protection, her high school graduation date, for example.

In a system where we rely on translations and statements taken from people in crisis, this is a very change in the law.

It is a fundamental challenge to the whole concept of the immigration judge considering all things coming into the record. The one thing I know is if section 101 becomes law, people with a well-founded fear of persecution, as a result of these changes, will be denied asylum, there will be no effort

whatsoever to enhance our efforts to protect this country against terrorism, but we will have struck a fundamental blow against a tradition which I think is very important to maintain in this country and that is that we are a haven for refugees from persecution for political, ethnic, religious, gender reasons.

I urge a "no" vote on the rule and a "no" vote on the bill.

Even more troubling is a fact discussed in a report released this week by the U.S. Commission on International Religious Freedom. Often Immigration Judges determine that an applicant is not credible because their statement at the airport was inconsistent with later statements because later statements included more detail. The problem with that logic is that when an asylum applicant is interviewed in inspections, the interview stops at the moment that the person establishes a fear of persecution. They are not invited to provide more detail until a later credible fear interview. In other words, the applicant isn't the reason the details are not included. This bill would codify this preposterous failure of the Immigration Judges' logic in these cases.

Section 101 also would encourage asylum officers and immigration judges to deny an asylum claim because of perceived problems with an applicant's demeanor. This would mean that a woman subjected to persecution by the Taliban who has been taught that she should not make eye contact with a man could be denied asylum simply because she did not make eye contact with the male immigration officer interviewing her.

Furthermore, it is quite common for torture survivors suffering from post-traumatic stress to exhibit characteristics in their demeanor such as lack of eye contact, the inability to recall simple details that to an untrained person may appear to be symptoms of lying. For example, Fauyiza Kassindja, a young Togolese woman who fled female genital mutilation (FGM), would have been denied asylum under this standard with little chance of getting that determination reversed on appeal. Under current law, the Board of Immigration Appeals rightly reversed the Immigration Judge's credibility finding in her case, and that decision has helped protect other women fleeing FGM.

Section 101 would encourage asylum officers and immigration judges to deny an asylum claim when the applicant cannot provide corroborating evidence of their claims if the officer, in his unreviewable discretion, believes that the applicant should be able to provide such evidence.

This disproportionately harms applicants who are detained and/or lack counsel. Relatedly, H.R. 418 would constrain judicial review of a denial of asylum based on an applicant's failure to provide corroborating evidence.

Section 101 would require some asylum applicants to prove not only that they are refugees, but also prove their persecutors' central Reason.

The additional burden on asylum applicants created by this provision is impermissible under the international law, including the U.N. Convention on Refugees to which the United States is a signatory. To meet the standard set forth in the Convention, it is sufficient to show persecution is motivated in part by one of the prohibited grounds. Asking a refugee or asylum applicant to parse his persecutor's motivations so finely as to distill the "central Reason" or "central reason" is asking asylum

seekers to read the minds of their persecutors. This additional burden will lead ineluctably to denials of legitimate asylum claims, sending helpless applicants back to face more persecution and potentially death.

The proponents of section 101 assert that we must enact this section in order to prevent terrorists from gaining asylum. My friends who are the authors of this provision are in error, however, in this assertion.

I have been informed by my staff that while several persons with terrorist connections have applied for asylum over the years, the Department of Homeland Security has not found a single terrorist has ever been granted asylum in the United States. This is because, first, current law appropriately makes terrorists ineligible for asylum, and second, the standard for granting asylum is already so high that applicants are subjected to intense scrutiny before a decision on their claims is made.

While the United States has not, as far as the Department of Homeland Security knows, ever granted asylum to a terrorist, there was, indeed, a problem more than a decade ago whereby persons could apply for asylum and then be paroled into the United States while their claims were pending. That is no longer possible today. A person who applies for asylum today is held in detention until an investigation is made on the credibility of their claim and on whether they pose a security risk to the United States.

In conclusion, Mr. Speaker, the consequences for asylum seekers to enactment of section 101 could be catastrophic. The new standards could make it far more difficult for legitimate asylum seekers to prove their claims. After all, would an asylum officer in 1938 have found Jews' claims of being thrown into the death camps and ovens of Nazi Germany credible? Would the victims of the Nazi death camps have been able to present corroboration of the specific facts asserting their claims? If a Bosnian woman who has faced rape at the hands of government agents as a systematic form of persecution is ashamed or afraid to relate her rapes in her initial interviews, should that be an automatic ground to find her not credible?

It is unclear what really motivated the drafters of H.R. 418 to put section 101 into this measure. Two things are clear, however: the provision has absolutely nothing to do with terrorism, and it was not recommended by the 9/11 Commission. Let me repeat that, because yesterday a Member of the majority claimed this bill was simply enacting recommendations of the Commission. The chairman and vice chairman of the 9/11 Commission have clearly and specifically rejected that these asylum provisions are supported by their recommendations.

We should consider changes to our asylum laws in a sober and reflective manner after hearings, subcommittee consideration, and full committee consideration. Neither section 101 of H.R. 418 nor any of the other provisions of this bill had a single hearing or markup.

I urge my colleagues to stand against this rule and if the rule is not defeated, I implore you to support the amendment that will be offered later today to strike Section 101 in its entirety.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

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

Mr. STEARNS. Mr. Speaker, I thank my distinguished colleague for yielding me time.

Mr. Speaker, I rise today in favor of the rule and in support of the underlying bill, the REAL ID Act.

This is probably one of the most important bills that we will have to vote on in the 109th Congress. The bill obviously will strengthen our borders, improve the rule of law, and protect our national security. It builds upon the recommendations of the 9/11 Commission. These are things they have talked about and had recommended, and it begins to respond to the pleas of the many families who lost loved ones on that terrible day.

It implements much needed driver's license reform. Now, driver's licenses have become the primary ID in the United States. It enables individuals to go get other identity documents, to transfer funds to U.S. bank accounts, obtain access to Federal buildings and other vulnerable facilities, purchase a firearm, rent a car, board a plane, et cetera. So lax standards and loopholes in the current issue process allow terrorists to obtain driver's licenses, often multiple licenses from different States, and abuse the license for identification purposes. The REAL ID Act corrects this.

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

The REAL ID Act would require applicants to provide proof that they are in this country legally. Currently, 11 States do not have such a requirement, meaning the majority of States have already recognized the need for tighter requirements and standards, but unnecessary and dangerous gaps still exist in this system. So that is why we need this. I urge my colleagues to support the rule and the bill.

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

Mr. Speaker, the gentleman from Texas (Mr. SESSIONS) has cited the 9/11 Commission. After 9/11, shortly thereafter, I wrote to President Bush and introduced legislation that would set the precursor to what ultimately became the Department of Homeland Security of this House of Representatives.

During that period of time, I did not have the courtesy of a response from the White House, and the White House opposed setting up inside the administration a Cabinet-level homeland security official. Ultimately, they came around. Tim Roemer, a former colleague of ours who did serve on the 9/11 Commission, and myself and others filed the original legislation leading to the development of the 9/11 independent commission.

□ 1115

And my colleague has cited that commission frequently, but I defy him

on the subject of border security, page 186, to tell me anywhere where it says anything about driver's licenses.

They talk about creating an inter-agency center to target illegal entry and human traffickers; imposing tighter controls on student visas; taking legal action to prevent terrorists from coming into the United States and to remove those already here; further increasing the number of immigration agents to FBI joint terrorism task forces; activating a special court to enable the use of classified evidence. And I could go on and on and on in the Clark working group and the 9/11 report, and not one word, not one word regarding any driver's licenses.

People that are going to do harm in this Nation are not going to do anything other than everything that is fraudulent. But what we need to know is that there are a variety of people who are significantly opposed to this legislation. The AFLCIO, the American Jewish Committee, the Asian American Legal Defense and Education Fund, Catholic Charities USA, the Hebrew Immigrant Aid Society, Irish American Unity conference, Gun Owners of America, the American Conservative Union, the Republican Liberty Caucus, the National Association of Latino Elected Officials, the National Conference of State Legislatures, the Council of La Raza, the Federation of Filipino American Association, the Service Employees Union; and there is a list that goes up to 121 organizations that have been shut out because there were no hearings and no opportunity for them to have been heard, other than through the limited debate.

We should stop this business of closing our opportunities and open up the rules. I oppose this rule.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding me this time.

Mr. Speaker, I want to address a number of numbers here. This is a little bit about numbers, and one of them is that 121 organizations that we heard about, as if they were the ones that should obstruct the safety of 282 million Americans whose lives are at risk.

Another number, 19 terrorist hijackers, 19. Nineteen of them with 63, another number, 63 valid driver's licenses in their possession. Any one of those driver's licenses got them anything they needed to do in America, full rights of citizenship for that matter, and get on board any airplane.

And another number, 3,000 dead Americans. And what have we done to close the door? Anything?

Have we even said "no" to the 121 organizations that say, Leave the door wide open, keep us at risk because somehow or another there is some kind of tone here that we object to?

We think something is in your heart. We need to close this door.

And what have we done? We have made it harder for terrorists to get on

airplanes with razor blades. We spent millions of dollars on metal detectors and millions of dollars expanding TSA and putting Federal employees in place, and we put millions of people in long lines waiting to get through.

So it is a little harder for them; they have to stand in line with the rest of us. Stand in line with the rest of us where I stand, where I see a 75-year-old lady going through a spread-eagle search while the young Middle Eastern male waltzes through with a smirk on his face, and we cannot close that door.

This bill does some of that, not all of that, but it will be the first thing that will keep the 19-type terrorist hijackers off our airplanes, keep them out of our airplanes, out of our automobiles and provide a measure of safety and security for the American people.

It is not enough, but it is the barest of common sense, and it must move through this Congress, and it must move through this Congress right now, today.

Mr. SESSIONS. Mr. Speaker, I would like to advise the gentleman from Florida (Mr. HASTINGS) that at this time I do not have additional speakers.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida's time has expired. The gentleman from Texas (Mr. SESSIONS) has 4 minutes remaining.

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

This rule makes in order five amendments for Members of both sides of the aisle, including one that I have submitted to ensure that aliens and terrorists are not in the United States illegally, and if they are, we are going to deport them.

I think that this is a good bill, a good rule; and I support H.R. 418. We need to implement much-needed driver's license reform. We need to close asylum loopholes. We need to defend our borders, and we are going to strengthen our deportation laws. And I encourage all of my colleagues to support the underlying legislation in this rule.

Mr. GINGREY. Mr. Speaker, I wanted to come to the floor today to speak in favor of reforming our system for asylum and against the move to strike the necessary reforms incorporated in H.R. 418. It has been suggested throughout out this debate yesterday and today that because there is no specific recommendation made by the 9-11 commission to reform our asylum system that we in Congress should do nothing to fix it.

That in my opinion is insane. My colleagues and friends on the other side of the isle suggest we stick our heads in the sand and ignore one of the tools used by terrorists to gain access to and remain in our country.

Make no mistake, the 9-11 commission report does specifically state that our asylum system was and is used by terrorists to carry out their schemes to kill Americans.

Let me quote from the report and its accompanying statements:

The report states, speaking of the first Trade Center bombing, ". . . Ramazi Yousef, who had also entered with fraudulent documents but claimed political asylum and was

admitted. It quickly became clear that Yousef had been a central player in the attack. He had fled to Pakistan immediately after the bombing and would remain at large for nearly two years."

Later in the report it talks about the outdated immigration benefits system, ". . . when Doris Meissner became INS Commissioner in 1993, she found . . . the asylum and other benefits systems did not effectively deter fraudulent applicants.

Finally, "Terrorists in the 1990s, as well as the September 11 hijackers, needed to find a way to stay in or embed themselves in the United States if their operational plans were to come to fruition." "this could be accomplished . . . by applying for asylum after entering. In many cases, the act of filing for an immigration benefit (such as claiming asylum) sufficed to permit the alien to remain in the country until the petition was adjudicated. Terrorists were free to conduct surveillance, coordinate operations, obtain and receive funding, go to school and learn English, make contacts in the United States, acquire necessary materials, and execute an attack."

So, if I am to understand my friends on the other side, we are to ignore the problem of asylum abuse and do nothing.

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 SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 198, not voting 7, as follows:

[Roll No. 27]

YEAS—228

Aderholt	Calvert	English (PA)	Brady (PA)	Delahunt	Lee
Akin	Camp	Everett	Brown (OH)	DeLauro	Levin
Alexander	Cannon	Ferguson	Brown, Corrine	Dicks	Lewis (GA)
Bachus	Cantor	Fitzpatrick (PA)	Butterfield	Dingell	Lipinski
Baker	Capito	Flake	Capps	Doggett	Lofgren, Zoe
Barrett (SC)	Castle	Foley	Capuano	Doyle	Lowey
Bartlett (MD)	Chabot	Forbes	Cardin	Baldwin	Lynch
Barton (TX)	Chocola	Fortenberry	Cardoza	Barrow	Emanuel
Bass	Coble	Fossella	Carnahan	Bean	Engel
Beauprez	Cole (OK)	Fox	Carson	Berkley	Etheridge
Biggert	Conaway	Franks (AZ)	Farr	Berman	Evans
Bilirakis	Cox	Frelinghuysen	Fattah	Berry	Farr
Bishop (UT)	Crenshaw	Gallegly	Filner	Bishop (GA)	Fattah
Blackburn	Cubin	Garrett (NJ)	Ford	Bishop (NY)	Filner
Blunt	Culberson	Gerlach	Frank (MA)	Blumenauer	Ford
Boehlert	Cunningham	Gibbons	Gonzalez	Boren	Frank (MA)
Boehner	Davis (KY)	Gilcrest	Gordon	Boswell	Gonzalez
Bonilla	Davis, Jo Ann	Gillmor	Green, Al	Boucher	Gordon
Bonner	Davis, Tom	Gingrey	Green, Gene	Boyd	Green, Al
Bono	Deal (GA)	Gohmert	Grijalva	Brady (PA)	Green, Gene
Boozman	DeLay	Goode	Gutierrez	Case	Grijalva
Boustany	Dent	Goodlatte	Harman	Cardin	Gutierrez
Bradley (NH)	Diaz-Balart, L.	Granger	Hastings (FL)	Cardoza	Harman
Brady (TX)	Diaz-Balart, M.	Graves	Hastings (FL)	Carpenter	Hastings (FL)
Brown (SC)	Doolittle	Green (WI)	Hastings (FL)	Conyers	Hastings (FL)
Brown-Waite,	Drake	Gutknecht	Hastings (FL)	(TX)	Hastings (FL)
Ginny	Dreier	Hall	Hastings (FL)	Conyers	Hastings (FL)
Burgess	Duncan	Harris	Hastings (FL)	(TX)	Conyers
Burton (IN)	Ehlers	Hart	Hastings (FL)	Cooper	(TX)
Buyer	Emerson	Hastings (WA)	Hastings (FL)	Costa	Cooper
				Costello	Costa
				Cramer	Jones (OH)
				Crowley	Kanjorski
				Cuellar	Kaptur
				Cummings	Kennedy (RI)
				Kildee	Kildee
				Kilpatrick (MI)	Kilpatrick (MI)
				Kind	Kilpatrick (MI)
				Kucinich	Kucinich
				Langevin	Langevin
				Lantos	Lantos
				Larsen (WA)	Larsen (WA)
				Larson (CT)	Larson (CT)

Rangel	Scott (VA)
Reyes	Serrano
Ross	Sherman
Rothman	Skelton
Royal-Allard	Slaughter
Ruppersberger	Smith (WA)
Rush	Snyder
Ryan (OH)	Solis
Sabo	Spratt
Salazar	Stark
Sánchez, Linda T.	Strickland
Sanchez, Loretta	Tanner
Sanders	Tauscher
Schakowsky	Taylor (MS)
Schiff	Thompson (CA)
Schwartz (PA)	Thompson (MS)
Scott (GA)	Tierney
	Towns

## NOT VOTING—7

Carter	Hinchey	Stupak
Eshoo	Hinojosa	
Feeney	Radanovich	

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Messrs. BLUMENAUER, KANJORSKI, OBEY, RANGEL, and TIERNEY changed their vote from "yea" to "nay."

Mr. TANCREDO changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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NOTICE OF INTENTION TO OFFER MODIFICATION TO NADLER AMENDMENT TO REAL ID ACT OF 2005

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

Mr. NADLER. Mr. Speaker, I would like to take this time to explain a unanimous consent request I am about to make.

Mr. Speaker, I regret I must request unanimous consent to amend my amendment, which I am going to offer later, but the process the majority has chosen to use is, to say the least, unfair. The rule makes in order virtually a new bill, which we did not get to see until after the deadline for submitting amendments to the Committee on Rules.

There was no opportunity to draft our amendments to reflect the bill that we are now considering. My amendment would strike section 101 from the bill as amended by the manager's amendment. But the manager's amendment adds a provision to which we do not object, namely, raising the cap on asylum adjustments. This unanimous consent request would change my amendment so as not to change this good provision added at the last minute by the chairman. If we had seen the manager's amendment before the Committee on Rules deadline, this request would not be necessary.

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If the majority is sincere in wanting a fair process, there should be no reason to object to this unanimous consent request. This unanimous consent request would not have been necessary if we had seen the manager's amendment before the rules deadline.

REQUEST FOR MODIFICATION TO AMENDMENT NO. 4 TO REAL ID ACT OF 2005

Mr. NADLER. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 418 pursuant to House Resolution 75, it may be in order to consider amendment No. 4 in House Report 109-4 in the modified form I have placed at the desk.

The SPEAKER pro tempore (Mr. FOSSELLA). The Clerk will report the amendment.

The Clerk read as follows:

AMENDMENT TO H.R. 418 OFFERED BY MR. NADLER OF NEW YORK

Strike section 101 of the bill (and redesignate the succeeding sections of title I accordingly).

Insert, Section 101:

(a) REMOVAL OF CAPS.—Section 209 of the Immigration and Nationality Act (8 U.S.C. 1159) is amended—

(1) in subsection (a)(1)—

(A) by striking "Service" and inserting "Department of Homeland Security"; and

(B) by striking "Attorney General" each place such term appears and inserting "Secretary of Homeland Security or the Attorney General";

(2) in subsection (b)—

(A) by striking "Not more" and all that follows through "asylum who—" inserting "The Secretary of Homeland Security or the Attorney general, in the Secretary's or the Attorney General, in the Secretary's or the Attorney General's discretion and under such regulations as the Secretary or the Attorney General may prescribe, may adjust to the status of an alien lawfully admitted for permanent residence the status of any alien granted asylum who—"; and

(B) in the matter following paragraph (5), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General"; and

(3) in subsection (c), by striking "Attorney General" and inserting "Secretary of Homeland Security or the Attorney General."

Mr. NADLER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

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REAL ID ACT OF 2005

The SPEAKER pro tempore. Pursuant to House Resolution 75 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 418.

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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 further 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. UPTON (the Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, February 9, 2005, all time for general debate pursuant to House Resolution 71 had expired. Pursuant to House Resolution 75, no further general debate shall be in order.

Pursuant to House Resolution 75, the amendment printed in part A of House Report 109-4 is adopted and the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered read.

The text of H.R. 418, as amended, is as follows:

H.R. 418

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "REAL ID Act of 2005".

**TITLE I—AMENDMENTS TO FEDERAL LAWS TO PROTECT AGAINST TERRORIST ENTRY**

**SECTION 101. PREVENTING TERRORISTS FROM OBTAINING RELIEF FROM REMOVAL.**

(a) CONDITIONS FOR GRANTING ASYLUM.—Section 208(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(1)) is amended—

(1) by striking "The Attorney General" the first place such term appears and inserting the following:

"(A) ELIGIBILITY.—The Secretary of Homeland Security or the Attorney General";

(2) by striking "the Attorney General" the second and third places such term appears and inserting "the Secretary of Homeland Security or the Attorney General"; and

(3) by adding at the end the following:

"(B) BURDEN OF PROOF.—

"(i) IN GENERAL.—The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of section 101(a)(42)(A). To establish that the applicant is a refugee within the meaning of such section, the applicant must establish that race, religion, nationality, membership in a particular social group, or political opinion was or will be a central reason for persecuting the applicant.

"(ii) SUSTAINING BURDEN.—The testimony of the applicant may be sufficient to sustain the applicant's burden without corroboration, but only if the applicant satisfies the trier of fact that the applicant's testimony is credible, is persuasive, and refers to specific facts sufficient to demonstrate that the applicant is a refugee. In determining whether the applicant has met the applicant's burden, the trier of fact may weigh the credible testimony along with other evidence of record. Where the trier of fact determines, in the trier of fact's discretion, that the applicant should provide evidence which corroborates otherwise credible testimony, such evidence must be provided unless the applicant does not have the evidence and cannot reasonably obtain the evidence without departing the United States. The inability to obtain corroborating evidence does not excuse