

□ 1850

IN THE COMMITTEE OF THE WHOLE

From the Committee on Agriculture, for consideration of title I of the Senate bill and title I of the House amendment, and modifications committed to conference: Messrs. GOODLATTE, LUCAS and PETERSON of Minnesota.

From the Committee on Education and the Workforce, for consideration of title VII of the Senate bill and title II and subtitle C of title III of the House amendment, and modifications committed to conference: Messrs. BOEHNER, MCKEON and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of title III and title VI of the Senate bill and title III of the House amendment, and modifications committed to conference: Messrs. UPTON, DEAL of GEORGIA and DINGELL.

From the Committee on Financial Services, for consideration of title II of the Senate bill and title IV of the House amendment, and modifications committed to conference: Messrs. OXLEY, BACHUS and FRANK of Massachusetts.

Provided that Mr. NEY is appointed in lieu of Mr. BACHUS for consideration of subtitle C and D of title II of the Senate bill and subtitle B of title IV of the House amendment.

From the Committee on the Judiciary, for consideration of title VIII of the Senate bill and title V of the House amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas and CONYERS.

From the Committee on Resources, for consideration of title IV of the Senate bill and title VI of the House amendment, and modifications committed to conference: Messrs. POMBO, GIBBONS and RAHALL.

From the Committee on Transportation and Infrastructure, for consideration of title V and Division A of the Senate bill and title VII of the House amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, LOBIONDO and OBERSTAR.

From the Committee on Ways and Means, for consideration of sections 6039, 6071, and subtitle B of title VI of the Senate bill and title VIII of the House amendment, and modifications committed to conference: Messrs. THOMAS, HERGER and RANGEL.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

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

The SPEAKER pro tempore. Pursuant to House Resolution 621 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. 4437.

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. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mr. SHIMKUS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 11 printed in House Report 109-350 by the gentleman from New York (Mr. NADLER) had been disposed of.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109-350 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 6 by Mr. STEARNS of Florida.

Amendment No. 7 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 9 by Mr. NORWOOD of Georgia.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 148, not voting 12, as follows:

[Roll No. 653]

AYES—273

| | | |
|---------------|---------------|-----------|
| Aderholt | Bonilla | Cantor |
| Akin | Bonner | Capito |
| Alexander | Bono | Cardoza |
| Bachus | Boozman | Carter |
| Baird | Boren | Case |
| Baker | Boucher | Castle |
| Barrow | Boustany | Chabot |
| Bartlett (MD) | Boyd | Chandler |
| Bass | Bradley (NH) | Chocola |
| Bean | Brady (TX) | Coble |
| Beauprez | Brown (OH) | Cole (OK) |
| Berman | Brown (SC) | Conaway |
| Berry | Brown-Waite, | Cooper |
| Biggart | Ginny | Costa |
| Bilirakis | Burgess | Costello |
| Bishop (UT) | Burton (IN) | Cramer |
| Blackburn | Buyer | Crenshaw |
| Blunt | Calvert | Cubin |
| Boehler | Camp (MI) | Cuellar |
| Boehner | Campbell (CA) | Culberson |

| | | |
|------------------|-----------------|---------------|
| Davis (FL) | Kelly | Regula |
| Davis (KY) | Kennedy (MN) | Rehberg |
| Davis (TN) | Kind | Reichert |
| Davis, Tom | King (IA) | Renzi |
| Deal (GA) | King (NY) | Reynolds |
| DeFazio | Kingston | Rogers (AL) |
| DeLay | Kirk | Rogers (MI) |
| Dent | Kline | Rohrabacher |
| Dicks | Knollenberg | Ross |
| Doolittle | Kuhl (NY) | Royce |
| Drake | Latham | Ruppersberger |
| Dreier | LaTourette | Ryan (WI) |
| Duncan | Lewis (CA) | Ryun (KS) |
| Edwards | Lewis (KY) | Sabo |
| Ehlers | Linder | Sanders |
| Emanuel | Lipinski | Saxton |
| Emerson | LoBiondo | Schmidt |
| English (PA) | Lucas | Schwartz (PA) |
| Everett | Lungren, Daniel | Schwarz (MI) |
| Feeney | E. | Sensenbrenner |
| Ferguson | Mack | Sessions |
| Fitzpatrick (PA) | Manzullo | Shadegg |
| Flake | Marchant | Shaw |
| Foley | Marshall | Shays |
| Forbes | Matheson | Sherman |
| Ford | McCaul (TX) | Sherwood |
| Fortenberry | McCotter | Shimkus |
| Fossella | McCrery | Shuster |
| Fox | McHenry | Simmons |
| Franks (AZ) | McHugh | Simpson |
| Frelinghuysen | McIntyre | Skelton |
| Gallely | McKeon | Smith (NJ) |
| Garrett (NJ) | McMorris | Smith (TX) |
| Gerlach | Melancon | Snyder |
| Gibbons | Mica | Sodrel |
| Gilchrest | Michaud | Souder |
| Gillmor | Miller (FL) | Spratt |
| Gingrey | Miller (MI) | Stearns |
| Gohmert | Miller, Gary | Strickland |
| Goode | Moore (KS) | Sullivan |
| Goodlatte | Moran (KS) | Sweeney |
| Gordon | Moran (VA) | Tancredo |
| Granger | Murphy | Tanner |
| Graves | Musgrave | Taylor (MS) |
| Green (WI) | Myrick | Taylor (NC) |
| Green, Gene | Neugebauer | Terry |
| Gutknecht | Ney | Thomas |
| Hall | Northup | Thompson (CA) |
| Hart | Norwood | Thornberry |
| Hastings (WA) | Nunes | Tiahrt |
| Hayes | Nussle | Tiberti |
| Hayworth | Obey | Turner |
| Hefley | Osborne | Udall (CO) |
| Hensarling | Otter | Udall (NM) |
| Herger | Oxley | Upton |
| Herseth | Paul | Visclosky |
| Hobson | Pearce | Walden (OR) |
| Hoekstra | Pence | Walsh |
| Holden | Peterson (MN) | Peterson (PA) |
| Hooley | Peterson (PA) | Wamp |
| Hostettler | Petri | Waxman |
| Hulshof | Pickering | Weldon (FL) |
| Hunter | Pitts | Weldon (PA) |
| Inglis (SC) | Platts | Weller |
| Issa | Poe | Westmoreland |
| Jenkins | Pombo | Whitfield |
| Jindal | Porter | Wicker |
| Johnson (CT) | Price (GA) | Wilson (NM) |
| Johnson (IL) | Pryce (OH) | Wilson (SC) |
| Johnson, Sam | Putnam | Wolf |
| Jones (NC) | Radanovich | Young (AK) |
| Keller | Ramstad | |

NOES—148

| | | |
|----------------|-----------------|-----------------|
| Abercrombie | Crowley | Harris |
| Ackerman | Cummings | Hastings (FL) |
| Allen | Davis (AL) | Higgins |
| Andrews | Davis (IL) | Hinchey |
| Baca | Davis (IL) | Hinojosa |
| Baldwin | DeGette | Holt |
| Becerra | Delahunt | Honda |
| Berkley | DeLauro | Hoyer |
| Bishop (GA) | Diaz-Balart, L. | Inslee |
| Bishop (NY) | Dingell | Israel |
| Blumenauer | Doggett | Jackson (IL) |
| Boswell | Doyle | Jackson-Lee |
| Brady (PA) | Engel | (TX) |
| Brown, Corrine | Eshoo | Jefferson |
| Butterfield | Etheridge | Johnson, E. B. |
| Cannon | Evans | Jones (OH) |
| Capps | Farr | Kanjorski |
| Capuano | Fattah | Kaptur |
| Cardin | Filner | Kennedy (RI) |
| Carnahan | Frank (MA) | Kildee |
| Carson | Gonzalez | Kilpatrick (MI) |
| Clay | Green, Al | Kucinich |
| Cleaver | Grijalva | Langevin |
| Clyburn | Gutierrez | Lantos |
| Conyers | Harman | Larsen (WA) |

| | | | | | | | | |
|----------------|------------------|---------------|-----------|---------------|----------------|------------|---------------|--------------|
| Larson (CT) | Murtha | Schakowsky | Cardin | Hart | Meeks (NY) | Shadegg | Sullivan | Walden (OR) |
| Leach | Nadler | Schiff | Cardoza | Hastings (FL) | Melancon | Shaw | Sweeney | Walsh |
| Lee | Neal (MA) | Scott (VA) | Carnahan | Hastings (WA) | Menendez | Shays | Tancredo | Wamp |
| Levin | Oberstar | Serrano | Carson | Hayes | Mica | Sherman | Tanner | Wasserman |
| Lewis (GA) | Oliver | Slaughter | Carter | Hayworth | Michaud | Sherwood | Tauscher | Schultz |
| Lofgren, Zoe | Ortiz | Smith (WA) | Case | Hefley | Millender- | Shimkus | Taylor (MS) | Waters |
| Lowe | Owens | Solis | Castle | Hensarling | McDonald | Shuster | Taylor (NC) | Watson |
| Lynch | Pallone | Stark | Chabot | Herger | Miller (FL) | Simmons | Terry | Watt |
| Maloney | Pascarell | Stupak | Chandler | Herseth | Miller (MI) | Simpson | Thomas | Waxman |
| Markey | Pastor | Tauscher | Chocola | Higgins | Miller (NC) | Skelton | Thompson (CA) | Weiner |
| Matsui | Pelosi | Thompson (MS) | Clay | Hinchey | Miller, Gary | Slaughter | Thompson (MS) | Weldon (FL) |
| McCollum (MN) | Pomeroy | Tierney | Cleaver | Hinojosa | Miller, George | Smith (NJ) | Thornberry | Weldon (PA) |
| McDermott | Price (NC) | Towns | Clyburn | Hobson | Mollohan | Smith (TX) | Tiahrt | Westmoreland |
| McGovern | Rahall | Van Hollen | Coble | Hoekstra | Moore (KS) | Smith (WA) | Tiberi | Wexler |
| McKinney | Rangel | Velázquez | Cole (OK) | Holden | Moore (WI) | Snyder | Tierney | Whitfield |
| McNulty | Reyes | Wasserman | Conaway | Holt | Moran (KS) | Sodrel | Towns | Wicker |
| Meehan | Rogers (KY) | Schultz | Conyers | Honda | Moran (VA) | Solis | Turner | Wilson (NM) |
| Meek (FL) | Ros-Lehtinen | Waters | Cooper | Hooley | Murphy | Souder | Udall (CO) | Wilson (SC) |
| Meeks (NY) | Rothman | Watson | Costa | Hostettler | Murtha | Spratt | Udall (NM) | Wolf |
| Menendez | Roybal-Allard | Watt | Costello | Hoyer | Musgrave | Stark | Upton | Woolsey |
| Millender- | Rush | Weiner | Cramer | Hulshof | Myrick | Stearns | Van Hollen | Wu |
| McDonald | Ryan (OH) | Wexler | Crenshaw | Hunter | Nadler | Strickland | Velázquez | Wynn |
| Miller (NC) | Salazar | Woolsey | Crowley | Inglis (SC) | Neal (MA) | Stupak | Visclosky | Young (AK) |
| Miller, George | Sánchez, Linda | Wu | Cubin | Insole | Neugebauer | | | |
| Mollohan | T. | Cuellar | Culberson | Israel | Ney | | | |
| Moore (WI) | Sanchez, Loretta | Wynn | Cummings | Issa | Northup | | | |

NOT VOTING—13

| | | |
|-----------------|------------|------------|
| Barrett (SC) | Istook | Payne |
| Barton (TX) | Kolbe | Weller |
| Davis, Jo Ann | LaHood | Young (FL) |
| Diaz-Balart, M. | McCarthy | |
| Hyde | Napolitano | |

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1916

Mrs. JONES of Ohio changed her vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

Mr. BERMAN. Are we now voting on the Sensenbrenner amendment to reduce the crimes on illegal immigrants?

The CHAIRMAN. Pending is the request for a recorded vote on amendment No. 7 offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. BERMAN. To soften the penalties?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 164, noes 257, not voting 12, as follows:

| | | |
|-----------------|--------|------------|
| Barrett (SC) | Hyde | McCarthy |
| Barton (TX) | Istook | Napolitano |
| Davis, Jo Ann | Kolbe | Payne |
| Diaz-Balart, M. | LaHood | Young (FL) |

NOT VOTING—12

ANNOUNCEMENT BY THE ACTING CHAIRMAN
The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1908

Mr. RUSH changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 420, noes 0, not voting 13, as follows:

[Roll No. 654]

AYES—420

| | | |
|---------------|-------------|----------------|
| Abercrombie | Berry | Bradley (NH) |
| Ackerman | Biggert | Brady (PA) |
| Aderholt | Bilirakis | Brady (TX) |
| Akin | Bishop (GA) | Brown (OH) |
| Alexander | Bishop (NY) | Brown (SC) |
| Allen | Bishop (UT) | Brown, Corrine |
| Andrews | Blackburn | Brown-Waite, |
| Baca | Blumenauer | Ginny |
| Bachus | Blunt | Burgess |
| Baird | Boehert | Burton (IN) |
| Baker | Boehner | Butterfield |
| Baldwin | Bonilla | Buyer |
| Barrow | Bonner | Calvert |
| Bartlett (MD) | Bono | Camp (MI) |
| Bass | Boozman | Campbell (CA) |
| Bean | Boren | Cannon |
| Beauprez | Boswell | Cantor |
| Becerra | Boucher | Capito |
| Berkley | Boustany | Capps |
| Berman | Boyd | Capuano |
| | | Harris |

[Roll No. 655]

AYES—164

| | | |
|-----------------|-----------------|---------------|
| Aderholt | Frelinghuysen | Norwood |
| Akin | Garrett (NJ) | Nunes |
| Alexander | Gilchrest | Nussle |
| Bachus | Gillmor | Osborne |
| Baker | Gingrey | Oxley |
| Barrow | Granger | Paul |
| Bartlett (MD) | Green (WI) | Pearce |
| Bass | Gutknecht | Pence |
| Beauprez | Hall | Peterson (PA) |
| Berry | Harris | Petri |
| Biggert | Hastings (WA) | Pickering |
| Billirakis | Hayes | Pitts |
| Bishop (UT) | Hefley | Pombo |
| Blackburn | Hensarling | Pryce (OH) |
| Blunt | Hobson | Putnam |
| Boehlert | Hoekstra | Radanovich |
| Bonilla | Hostettler | Regula |
| Bonner | Hulshof | Reichert |
| Bono | Inglis (SC) | Reynolds |
| Boustany | Issa | Rohrabacher |
| Bradley (NH) | Jenkins | Ros-Lehtinen |
| Brady (TX) | Jindal | Royce |
| Brown (SC) | Johnson (CT) | Ryan (WI) |
| Burgess | Johnson (IL) | Ryun (KS) |
| Burton (IN) | Johnson, Sam | Schwarz (MI) |
| Buyer | Keller | Sensenbrenner |
| Calvert | Kelly | Sessions |
| Camp (MI) | Kennedy (MN) | Shadegg |
| Campbell (CA) | King (NY) | Shaw |
| Cannon | Kingston | Shays |
| Cantor | Kirk | Sherwood |
| Capito | Kline | Shimkus |
| Castle | Knollenberg | Simmons |
| Chabot | Latham | Simpson |
| Chocola | Leach | Smith (TX) |
| Coble | Lewis (CA) | Souder |
| Cole (OK) | Linder | Spratt |
| Crenshaw | Lucas | Tancredo |
| Cubin | Lungren, Daniel | Tanner |
| Davis (KY) | E. | Terry |
| Deal (GA) | Mack | Thomas |
| DeLay | Manzullo | Thornberry |
| Diaz-Balart, L. | Matheson | Tiahrt |
| Doolittle | McCaul (TX) | Tiberi |
| Dreier | McCrery | Turner |
| Edwards | McKeon | Upton |
| Ehlers | McMorris | Walden (OR) |
| Emerson | McNulty | Walsh |
| English (PA) | Miller, Gary | Wamp |
| Everett | Moore (KS) | Weldon (FL) |
| Feeney | Moran (KS) | Weller |
| Flake | Murphy | Westmoreland |
| Foley | Musgrave | Wicker |
| Fortenberry | Myrick | Wilson (NM) |
| Fossella | Northup | Young (AK) |

NOES—257

| | | |
|----------------|------------------|----------------|
| Abercrombie | Conyers | Frank (MA) |
| Ackerman | Cooper | Franks (AZ) |
| Allen | Costa | Gallely |
| Andrews | Costello | Gerlach |
| Baca | Cramer | Gibbons |
| Baird | Crowley | Gohmert |
| Baldwin | Cuellar | Gonzalez |
| Bean | Culberson | Goode |
| Becerra | Cummings | Goodlatte |
| Berkley | Davis (AL) | Gordon |
| Berman | Davis (CA) | Graves |
| Bishop (GA) | Davis (FL) | Green, Al |
| Bishop (NY) | Davis (IL) | Green, Gene |
| Blumenauer | Davis (TN) | Grijalva |
| Boehner | Davis, Tom | Gutierrez |
| Boozman | DeFazio | Harman |
| Boren | DeGette | Hart |
| Boswell | Delahunt | Hastings (FL) |
| Boucher | DeLauro | Hayworth |
| Boyd | Dent | Hergert |
| Brady (PA) | Dicks | Herseth |
| Brown (OH) | Dingell | Higgins |
| Brown, Corrine | Doggett | Hinchev |
| Brown-Waite, | Doyle | Hinojosa |
| Ginny | Drake | Holden |
| Butterfield | Duncan | Holt |
| Capps | Emanuel | Honda |
| Capuano | Engel | Hooley |
| Cardin | Eshoo | Hoyer |
| Cardoza | Etheridge | Hunter |
| Carnahan | Evans | Inslee |
| Carson | Farr | Israel |
| Carter | Fattah | Jackson (IL) |
| Case | Ferguson | Jackson-Lee |
| Chandler | Filner | (TX) |
| Clay | Fitzpatrick (PA) | Jefferson |
| Cleaver | Forbes | Johnson, E. B. |
| Clyburn | Ford | Jones (NC) |
| Conaway | Fox | Jones (OH) |

| | | |
|-----------------|------------------|---------------|
| Kanjorski | Mollohan | Schmidt |
| Kaptur | Moore (WI) | Schwartz (PA) |
| Kennedy (RI) | Moran (VA) | Scott (GA) |
| Kildee | Murtha | Scott (VA) |
| Kilpatrick (MI) | Nader | Serrano |
| Kind | Neal (MA) | Sherman |
| King (IA) | Neugebauer | Shuster |
| Kucinich | Ney | Skelton |
| Kuhnl (NY) | Oberstar | Slaughter |
| Langevin | Obey | Smith (NJ) |
| Lantos | Olver | Smith (WA) |
| Larsen (WA) | Ortiz | Snyder |
| Larson (CT) | Otter | Sodrel |
| LaTourette | Owens | Solis |
| Lee | Pallone | Stark |
| Levin | Pascrell | Stearns |
| Lewis (GA) | Pastor | Strickland |
| Lewis (KY) | Pelosi | Stupak |
| Lipinski | Peterson (MN) | Sullivan |
| LoBiondo | Platts | Sweeney |
| Lofgren, Zoe | Poe | Tauscher |
| Lowe | Pomeroy | Taylor (MS) |
| Lynch | Porter | Taylor (NC) |
| Maloney | Price (GA) | Thompson (CA) |
| Marchant | Price (NC) | Thompson (MS) |
| Markey | Rahall | Tierney |
| Marshall | Ramstad | Towns |
| Matsui | Rangel | Udall (CO) |
| McCollum (MN) | Rehberg | Udall (NM) |
| McCotter | Renzi | Van Hollen |
| McDermott | Reyes | Velazquez |
| McGovern | Rogers (AL) | Visclosky |
| McHenry | Rogers (KY) | Wasserman |
| McHugh | Rogers (MI) | Schultz |
| McIntyre | Ross | Waters |
| McKinney | Rothman | Watson |
| Meehan | Roybal-Allard | Watt |
| Meek (FL) | Ruppersberger | Waxman |
| Meeks (NY) | Rush | Weiner |
| Melancon | Ryan (OH) | Weldon (PA) |
| Menendez | Sabo | Wexler |
| Mica | Salazar | Whitfield |
| Michaud | Sanchez, Linda | Wilson (SC) |
| Millender- | T. | Wolf |
| McDonald | Sanchez, Loretta | Woolsey |
| Miller (FL) | Sanders | Wu |
| Miller (MI) | Saxton | Wynn |
| Miller (NC) | Schakowsky | |
| Miller, George | Schiff | |

NOT VOTING—12

| | | |
|-----------------|--------|------------|
| Barrett (SC) | Hyde | McCarthy |
| Barton (TX) | Istook | Napolitano |
| Davis, Jo Ann | Kolbe | Payne |
| Diaz-Balart, M. | LaHood | Young (FL) |

ANNOUNCEMENT BY THE ACTING CHAIRMAN
The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1926

Mr. ABERCROMBIE and Mr. UDALL of Colorado changed their vote from “aye” to “no.”

Mr. SHAYS changed his vote from “no” to “aye.”

So the amendment was rejected.
The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD
The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. NORWOOD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.
The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 180, not voting 16, as follows:

[Roll No. 656]

AYES—237

| | | |
|------------------|-----------------|---------------|
| Aderholt | Gerlach | Neugebauer |
| Akin | Gibbons | Ney |
| Alexander | Gilchrest | Northup |
| Bachus | Gillmor | Norwood |
| Baker | Gingrey | Nunes |
| Barrow | Gohmert | Nussle |
| Bartlett (MD) | Goode | Osborne |
| Bass | Goodlatte | Otter |
| Beauprez | Granger | Paul |
| Berry | Graves | Pearce |
| Biggert | Green (WI) | Pence |
| Billirakis | Gutknecht | Peterson (MN) |
| Bishop (NY) | Hall | Peterson (PA) |
| Bishop (UT) | Harris | Petri |
| Blackburn | Hart | Pickering |
| Blunt | Hastings (WA) | Pitts |
| Boehlert | Hayes | Platts |
| Boehner | Hayworth | Poe |
| Bonilla | Hefley | Pombo |
| Bonner | Hensarling | Porter |
| Bono | Herger | Price (GA) |
| Boozman | Herseth | Putnam |
| Boren | Higgins | Radanovich |
| Boswell | Hobson | Ramstad |
| Boucher | Hoekstra | Regula |
| Boustany | Holden | Rehberg |
| Boyd | Hoolley | Reichert |
| Bradley (NH) | Hostettler | Renzi |
| Brady (TX) | Hulshof | Reynolds |
| Brown (SC) | Hunter | Rogers (AL) |
| Brown-Waite, | Inglis (SC) | Rogers (KY) |
| Ginny | Israel | Rogers (MI) |
| Burgess | Issa | Rohrabacher |
| Burton (IN) | Jenkins | Ross |
| Buyer | Jindal | Royce |
| Calvert | Johnson (CT) | Ryun (KS) |
| Camp (MI) | Johnson (IL) | Saxton |
| Campbell (CA) | Johnson, Sam | Schmidt |
| Cantor | Kanjorski | Schwarz (MI) |
| Capito | Keller | Sensenbrenner |
| Carter | Kelly | Sessions |
| Case | Kennedy (MN) | Shadegg |
| Chabot | King (IA) | Shaw |
| Chandler | King (NY) | Shays |
| Chocola | Kingston | Sherwood |
| Coble | Kirk | Shimkus |
| Cole (OK) | Kline | Shuster |
| Conaway | Knollenberg | Simmons |
| Cooper | Kuhnl (NY) | Simpson |
| Cramer | Latham | Smith (NJ) |
| Crenshaw | LaTourette | Smith (TX) |
| Cubin | Leach | Sodrel |
| Culberson | Lewis (CA) | Souder |
| Davis (KY) | Lewis (KY) | Spratt |
| Davis (TN) | Linder | Stearns |
| Davis, Tom | LoBiondo | Sullivan |
| Deal (GA) | Lucas | Sweeney |
| DeFazio | Lungren, Daniel | Tancredo |
| DeLay | E. | Tanner |
| Dent | Mack | Taylor (MS) |
| Doolittle | Manzullo | Taylor (NC) |
| Drake | Marchant | Thomas |
| Dreier | Marshall | Thornberry |
| Duncan | Matheson | Tiahrt |
| Edwards | McCaul (TX) | Tiberi |
| Emerson | McCotter | Turner |
| English (PA) | McCrery | Udall (CO) |
| Everett | McHenry | Upton |
| Feeney | McHugh | Walden (OR) |
| Ferguson | McIntyre | Walsh |
| Fitzpatrick (PA) | McKeon | Wamp |
| Foley | McMorris | Weldon (PA) |
| Forbes | Mica | Weldon (FL) |
| Ford | Miller (FL) | Weller |
| Fortenberry | Miller (MI) | Westmoreland |
| Fossella | Miller, Gary | Whitfield |
| Fox | Moran (KS) | Wicker |
| Franks (AZ) | Murphy | Wilson (SC) |
| Gallely | Musgrave | Wolf |
| Garrett (NJ) | Myrick | |

NOES—180

| | | |
|-------------|----------------|-----------------|
| Abercrombie | Brown (OH) | Conyers |
| Ackerman | Brown, Corrine | Costa |
| Allen | Butterfield | Costello |
| Andrews | Cannon | Crowley |
| Baca | Capps | Cuellar |
| Baird | Capuano | Cummings |
| Baldwin | Cardin | Davis (AL) |
| Bean | Cardoza | Davis (CA) |
| Becerra | Carnahan | Davis (FL) |
| Berkley | Carson | Davis (IL) |
| Berman | Castle | DeGette |
| Bishop (GA) | Clay | Delahunt |
| Blumenauer | Cleaver | DeLauro |
| Brady (PA) | Clyburn | Diaz-Balart, L. |

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|-----------------|----------------|------------------|
| Dicks | Lewis (GA) | Rush |
| Dingell | Lipinski | Ryan (OH) |
| Doggett | Lofgren, Zoe | Ryan (WI) |
| Doyle | Lowey | Sabo |
| Ehlers | Lynch | Salazar |
| Emanuel | Maloney | Sánchez, Linda |
| Engel | Markey | T. |
| Eshoo | Matsui | Sanchez, Loretta |
| Etheridge | McCollum (MN) | Sanders |
| Evans | McDermott | Schakowsky |
| Farr | McGovern | Schiff |
| Fattah | McKinney | Schwartz (PA) |
| Filner | McNulty | Scott (GA) |
| Flake | Meehan | Scott (VA) |
| Frank (MA) | Meek (FL) | Serrano |
| Frelinghuysen | Meeks (NY) | Sherman |
| Gonzalez | Melancon | Skelton |
| Gordon | Menendez | Slaughter |
| Green, Al | Michaud | Smith (WA) |
| Green, Gene | Millender- | Snyder |
| Grijalva | McDonald | Solis |
| Gutierrez | Miller (NC) | Stark |
| Harman | Miller, George | Strickland |
| Hastings (FL) | Mollohan | Stupak |
| Hinchey | Moore (KS) | Tauscher |
| Hinojosa | Moore (WI) | Terry |
| Holt | Moran (VA) | Thompson (CA) |
| Honda | Murtha | Thompson (MS) |
| Hoyer | Nadler | Tierney |
| Inslee | Neal (MA) | Towns |
| Jackson (IL) | Oberstar | Udall (NM) |
| Jackson-Lee | Obey | Van Hollen |
| (TX) | Olver | Velázquez |
| Jefferson | Ortiz | Viscosky |
| Johnson, E. B. | Owens | Wasserman |
| Jones (OH) | Pallone | Schultz |
| Kaptur | Pascrell | Waters |
| Kennedy (RI) | Pastor | Watson |
| Kildee | Pelosi | Watt |
| Kilpatrick (MI) | Pomeroy | Waxman |
| Kind | Price (NC) | Weiner |
| Kucinich | Rahall | Wexler |
| Langevin | Rangel | Wilson (NM) |
| Lantos | Reyes | Wu |
| Larsen (WA) | Ros-Lehtinen | Wynn |
| Larson (CT) | Rothman | Young (AK) |
| Lee | Roybal-Allard | |
| Levin | Ruppersberger | |

NOT VOTING—16

| | | |
|-----------------|------------|------------|
| Barrett (SC) | Jones (NC) | Payne |
| Barton (TX) | Kolbe | Pryce (OH) |
| Davis, Jo Ann | LaHood | Woolsey |
| Diaz-Balart, M. | McCarthy | Young (FL) |
| Hyde | Napolitano | |
| Istook | Oxley | |

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1934

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I offer an amendment.

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

The text of the amendment is as follows:

Amendment No. 12 printed in House Report 109-350 offered by Mrs. MYRICK:

In section 606, add at the end the following:

(C) UNAUTHORIZED ALIENS CONVICTED OF DWI.—Section 237(a)(2)(A)(iii) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)(A)(iii)) is amended by inserting “other than an unauthorized alien described in this clause” after “alien” and by inserting at the end the following: “In the case of an unauthorized alien (as defined in section 274A(h)(3)), a first drunk driving conviction shall be deemed to satisfy the definition of aggravated felony under section 101(a)(43)(F).”

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—
(A) by inserting after subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by inserting “or” at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

“(E) is deportable on any grounds and is apprehended for driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) by a State or local law enforcement officer covered under an agreement under section 287(g).”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in subsection (c)(1)(E) and the officer has reasonable ground to believe that the individual is an alien—

“(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

“(2) if any such database—
“(A) indicates that the individual is an alien unlawfully present in the United States—

“(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

“(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

“(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

“(B) indicates that the individual is an alien but is not unlawfully present in the United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.”.

(b) DEPORTATION FOR DWI.—
(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

“(F) DRIVING WHILE INTOXICATED.—Any alien who is convicted of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security), or who refuses in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content is deportable and shall be deported.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike “(F) CRIMINAL” and insert “(G) CRIMINAL”.

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

Mrs. MYRICK. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form I have sent to the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 12 offered by Mrs. MYRICK of North Carolina:

Strike section 606(a) and insert the following (and redesignate subsequent subsections accordingly):

(a) IN GENERAL.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (c)(1)—
(A) in subparagraph (C), by striking “or” at the end;

(B) in subparagraph (D), by inserting “or” at the end; and

(C) by inserting after subparagraph (D) the following new subparagraph:

“(E) is unlawfully present in the United States and who is deportable on any grounds and is apprehended for any offense described in section 237(a)(2)(F) by a State or local law enforcement officer covered under an agreement under section 287(g).”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

“(e) DRIVING WHILE INTOXICATED.—If a State or local law enforcement officer apprehends an individual for an offense described in section 237(a)(2)(F) and the officer has reasonable ground to believe that the individual is an alien—

“(1) the officer shall verify with the databases of the Federal Government, including the National Criminal Information Center and the Law Enforcement Support Center, whether the individual is an alien and whether such alien is unlawfully present in the United States; and

“(2) if any such database—
“(A) indicates that the individual is an alien unlawfully present in the United States—

“(i) an officer covered under an agreement under section 287(g) is authorized to issue a Federal detainer to maintain the alien in custody in accordance with such agreement until the alien is convicted for such offense or the alien is transferred to Federal custody;

“(ii) the officer is authorized to transport the alien to a location where the alien can be transferred to Federal custody and shall be removed from the United States in accordance with applicable law; and

“(iii) the Secretary of Homeland Security shall reimburse the State and local law enforcement agencies involved for the costs of transporting aliens when such transportation is not done in the course of their normal duties; or

“(B) indicates that the individual is an alien but is not unlawfully present in the

United States, the officer shall take the alien into custody for such offense in accordance with State law and shall promptly notify the Secretary of Homeland Security of such apprehension and maintain the alien in custody pending a determination by the Secretary with respect to any action to be taken by the Secretary against such alien.”.

(b) DEPORTATION FOR DWI.—

(1) IN GENERAL.—Section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following new subparagraph:

“(F) DRIVING WHILE INTOXICATED AND WHILE UNLAWFULLY PRESENT IN THE UNITED STATES.—An alien—

“(i) who at the time the alien is unlawfully present in the United States and who commits the offense of driving while intoxicated, driving under the influence, or similar violation of State law (as determined by the Secretary of Homeland Security) and who is convicted of such offense, or

“(ii) who is unlawfully present in the United States and who commits an offense by refusing in violation of State law to submit to a Breathalyzer test or other test for the purpose of determining blood alcohol content,

is deportable and shall be deported.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to violations or refusals occurring after the date of the enactment of this Act.

(c) SHARING OF INFORMATION BY MOTOR VEHICLE ADMINISTRATORS REGARDING DWI CONVICTIONS AND REFUSALS.—Each State motor vehicle administrator shall—

(1) share with the Secretary of Homeland Security information relating to any alien who has a conviction or refusal described in section 237(a)(2)(F) of the Immigration and Nationality Act;

(2) share such information with other State motor vehicle administrators through the Drivers License Agreement of the American Association of Motor Vehicle Administrators; and

(3) enter such information into the NCIC in a timely manner.

In section 608(b), amending section 237(a)(2) of the Immigration and Nationality Act, strike “(F) CRIMINAL” and insert “(G) CRIMINAL”.

Mrs. MYRICK (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

The Chair recognizes the gentlewoman from North Carolina.

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

Mr. Chairman, I would like very much to thank Chairman SENSENBRENNER and Chairman KING for their hard work in bringing this bill to the floor and allowing my amendment. It is a commonsense enhancement to a strong underlying bill.

On Saturday, July 16, Scott Gardner, a beloved school teacher in my district,

was killed by an illegal alien who was driving drunk. After the wreck, it was discovered that the illegal alien already had five prior drunk driving convictions; yet he was still on our roads and still in our country. He should never have been allowed to stay in our country after his drunk driving arrests.

Unfortunately, tragedies like this are happening all over the country, and that is why my amendment is important.

Currently, the bill says all illegal aliens must be deported after their third DWI conviction. My amendment requires the automatic deportation of an illegal alien after their first DWI conviction because it only takes one DWI to kill someone; ask Scott Gardner’s family.

Please note that this does not apply to legal immigrants; this is only illegal aliens. This amendment also gives specially trained State and locally trained local law enforcement officers the authority to detain drunk driving illegal aliens so they cannot run from their court dates and be free to drink and drive again, as is currently the case.

The amendment also allows these same officers to transport illegal aliens into Federal custody so they can be deported, and they will be reimbursed by the Department of Homeland Security for doing so.

Information on these illegal alien drunk drivers will be reported to the Department of Homeland Security, the National Criminal Information Center, and the Driver License Agreement of the American Association of Motor Vehicle Administrators. The authorities and information collection will give us another tool to use against criminal illegal aliens who continue to break our laws and threaten our safety.

By passing this amendment today, we will be sending a strong message that we will no longer tolerate criminal actions by illegal aliens.

You drink, you drive, you are illegal, you are deported. Period.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. MYRICK. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Recent news reports have underscored the tragic cost inflicted by aliens who have taken lives while driving drunk or while intoxicated.

Two cases from North Carolina have highlighted this problem. In each, the alien driver has been charged with drinking and killing another driver. Authorities have alleged that a Gaston County teacher was killed in July by an illegal Mexican national with five previous DWI charges. That alien has been charged with DWI and second degree murder. The police have also reported that a UNC Charlotte student was killed in November by an illegal Mexican national who reportedly had two prior impaired-driving arrests and had drunk six beers before the accident. That alien, who had

previously been sent back to Mexico 17 times, was also charged with second-degree murder.

Despite the risks posed by drunk drivers, this offense is not currently a ground of removal. The bill I introduced that we are considering today requires the deportation of aliens convicted of three or more drunk driving offenses.

The bill establishes a policy of three strikes and you are out for all noncitizens who are convicted of drunk driving—removal without exception. Representative MYRICK’S amendment provides for the mandatory detention and removal of illegal aliens who are convicted of drunk driving.

Second, the amendment mandates the detention of any deportable alien who is apprehended for drunk driving.

Third, the amendment makes a conviction of drunk driving a deportable offense for any alien, but still leaves open the availability of cancellation of removal by an immigration judge.

Fourth, if a local law enforcement officer apprehends an illegal alien for drunk driving, DHS shall reimburse the local agency for the costs of transporting the alien to Federal custody.

Finally, State motor vehicle administrators shall share with DHS and other States and the national criminal information center database information about aliens who have been convicted of drunk driving.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 2 minutes to the co-author of the amendment, the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in strong support of this amendment, and I thank Mrs. MYRICK for her work on this legislation.

Unfortunately, a recent tragedy in my home district in southeastern North Carolina makes clear the need for strengthening our immigration laws in this type of situation.

On July 16, Scott Gardner, a constituent of Mrs. MYRICK, was killed in my district while traveling with his family to go to the beach on vacation. He was killed by a drunk driver, an illegal immigrant who should never have been in this country in the first place, not just because he came here illegally, but because he had already broken the law three times and was still in our country.

Prior to killing Scott Gardner, this illegal alien had been charged with driving under the influence of alcohol on three separate occasions. But rather than being deported for breaking the law a third time, this illegal immigrant was sentenced to just 30 days in jail and then released back into society.

The tragedy the Gardner family experienced personifies the need for expanding efforts to stop illegal immigration and improve our border control. It is time to send a clear message to those who would break our laws and put our Nation’s citizens at risk. You are drunk, you are driving, you are illegal, you are deported.

We must honor the family of Scott Gardner and others like him by passing

this amendment. It is important to pass this amendment now before another family suffers such an unfortunate tragedy.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, the gentlewoman who is the sponsor of this amendment, MIKE MCINTYRE, and I all live in the same part of the country; and we have all seen this tragedy. Scott Gardner is from my hometown, York, South Carolina. I know his parents.

In addition to that, there was another incident in Lancaster County, someone driving drunk swerved across the road, killed the other person, got out on bail, jumped bail, and is gone. And then recently on the interstate, I-485 in Charlotte, another incident where someone got on the interstate, an illegal alien, and had a head-on collision with a car going in the wrong direction.

This is tough, one violation; but it is tough, too, when you see Scott Gardner's family. You understand the circumstances they have gone through, and they wonder how in the world someone can stay in this country with an illegal status and five DWIs.

This maybe goes a little far to the other extreme, but it begs the question, should we not hold everyone who is here to at least basic standards of behavior? And should we not apply that standard to illegal aliens?

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

I will support this amendment, and I was very sad to hear about the tragic situation that the Members have spoken of where a family was so devastated.

I would just like to note that when you look at the current Immigration Nationality Act, that individual should have been deported anyhow.

I do not mind changing law, even if it is redundant. I have never fallen prey to the argument that a redundancy is necessarily wrong. But I think it points out some of the discussions we had yesterday. We are working on a law here, but the real issue is the failure of the Bush administration to enforce the current law.

If we had the institutional removal program operating the way it used to, this person who killed people while driving drunk would not have been in this country. That person would have been deported.

So as I say, I do not object to the amendment. I appreciate the clarification because I think that was an important clarification, but it does once again point out the real ineptitude of the Department.

I remember watching just stunned after Hurricane Katrina came and devastated Louisiana and saying how inept is FEMA. I hate to admit it, but many of the elements of the Depart-

ment of Homeland Security are just as inept as what we saw at that time, and the immigration functions are prime among them.

I worry that there are some things in this measure that are completely wrong-headed and there are some things in the bill that make some sense. The things that make sense will not be accomplished because the administration is so poor, they are so inept, they are so pathetic that they actually cannot administer the law.

□ 1945

As I say, I commend the gentlewoman and my colleague for bringing this amendment. I will vote for it. But, again, this will not solve the problem, which is basically incompetence in the administration.

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

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment, as modified, offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment, as modified, was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 printed in House Report 109-350 offered by Mr. SHADEGG:

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

SEC. 6. INCREASED CRIMINAL PENALTIES FOR DOCUMENT FRAUD AND CRIMES OF VIOLENCE.

(a) DOCUMENT FRAUD.—Section 1546 of title 18, United States Code, is amended—

(1) in subsection (a)—
(A) by striking “not more than 25 years” and inserting “not less than 25 years”

(B) by inserting “and if the terrorism offense resulted in the death of any person, shall be punished by death or imprisoned for life,” after “section 2331 of this title);”

(C) by striking “20 years” and inserting “imprisoned not more than 40 years”;

(D) by striking “10 years” and inserting “imprisoned not more than 20 years”; and
(E) by striking “15 years” and inserting “imprisoned not more than 25 years”; and

(2) in subsection (b), by striking “5 years” and inserting “10 years”.

(b) CRIMES OF VIOLENCE.—

(1) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 51 the following:

“CHAPTER 52—ILLEGAL ALIENS

“Sec.
“1131. Enhanced penalties for certain crimes committed by illegal aliens.

“§ 1131. Enhanced penalties for certain crimes committed by illegal aliens

“(a) Any alien unlawfully present in the United States, who commits, or conspires or attempts to commit, a crime of violence or a drug trafficking offense (as defined in section 924), shall be fined under this title and sentenced to not less than 5 years in prison.

“(b) If an alien who violates subsection (a) was previously ordered removed under the

Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

“(c) A sentence of imprisonment imposed under this section shall run consecutively to any other sentence of imprisonment imposed for any other crime.”.

(2) CLERICAL AMENDMENT.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by inserting after the item relating to chapter 51 the following:

“52. Illegal aliens 1131”.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I yield myself such time as I might consume.

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

Mr. SHADEGG. This amendment is simple and straightforward. It does two things. First, it increases the penalty for document fraud, and, second, it imposes a mandatory minimum sentence on any illegal alien convicted of either a crime of violence or a drug trafficking offense.

Mr. Chairman, document fraud is a key component of the activities of human smugglers and human traffickers. These smugglers, many of them present in trafficking through my State of Arizona, create false Social Security cards, false green cards, visas and a variety of other fraudulent documents as an essential part of their smuggling activities.

Yet, under current law, the penalty for these crimes is insufficient to deter this type of activity. The amendment increases the penalties for document fraud, first, committed to facilitate a crime of international terrorism by imposing a minimum sentence of 25 years. It also increases the penalty for document fraud committed to facilitate drug trafficking, and it increases the penalty for document fraud; that is, the creating of these type of documents fraudulently in connection with other activities, including human smuggling.

It is widely reported that many Mexican organized crime syndicates have shifted much of their activity from drug smuggling to human smuggling and human trafficking, specifically because the penalties for human smuggling and human trafficking and for the related offense to which this amendment is directed, document fraud, are much lower, yet they can achieve the same profit.

The penalties for committing these offenses, for creating these false crimes, must be significant, and they must be sufficiently high to deter this type of activity.

Second, the amendment imposes minimum-mandatory sentences of 5 years on any illegal alien convicted of either a crime of violence here in the United States or drug trafficking.

Under current law, there is no additional penalty for someone who enters the United States illegally and then commits either a crime of violence or a drug trafficking offense. They simply come under the same penalty as we have in current law.

What this amendment does is add a minimum mandatory sentence to be imposed on top of the sentence for the crime. It is unacceptable for somebody to come to our country illegally and then prey on an American citizen and not receive a severe penalty. We must send a very clear message that if you enter our country illegally and then you commit one of these offenses, you will be dealt with harshly and you will pay a heavy price for your conduct.

I would like to thank Chairman SEN-SENRENNER and Chairman KING for their work on this legislation. I urge my colleagues to support it.

Mr. SENRENNER. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

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

Mr. SENRENNER. Mr. Chairman, I rise in support of the gentleman's amendment.

One of the primary mechanisms for the flagrant abuse of our immigration laws is the use of counterfeited immigration documents, the perpetration of identity fraud, and lying under oath in immigration applications.

This amendment significantly strengthens criminal penalties for all of these crimes and will therefore act as a strong deterrent to aliens considering immigration fraud.

The amendment also provides that if an illegal alien commits a violent crime or a drug trafficking offense, that the alien should receive a criminal sentence at least 5 years longer than he or she would have received otherwise.

If such an illegal alien had previously been ordered deported for having committed another crime, the alien will receive a sentence at least 15 years longer than he or she would have received otherwise.

These are extremely important provisions. It is bad enough for an alien to come illegally to the United States. But for such an alien to come here illegally and then perpetrate a serious, if not deadly, crime takes the offense to a whole other level. And for such an alien to return again and commit yet another offense must simply not be tolerated.

These aliens deserve to see their prison sentences dramatically increased. This is what the amendment does, and I urge my colleagues to support it.

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

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

Mr. Chairman, I cite to the gentleman from Arizona (Mr. SHADEGG) that I do not think there would be a divide on your legislation, because all of us believe that criminals should have a fast track to a point where they are not doing others any harm.

But I do have problems with this legislation. It poses a number of problems.

It creates three new mandatory-minimum criminal penalties and one new death penalty. But I think the biggest concern that I have is the fact that they are in the country and the fact that they have been able to get in the country because we failed as a Federal Government to do the job that we are supposed to do.

We have already received Ds and Fs from the 9/11 Commission's report on the work that we should be doing. For your information, we already have a criminal offense for immigrants who enter the country illegally. But there is no enforcement, because there are no resources.

So to try to enhance it from the back door, with new mandatory minimums, with death penalties, with 5-year mandatory minimums, with 15-year mandatory minimums, just simply says, we failed. We are not going to stand here and advocate for drug dealers and those who use fraudulent documents, and might I just say that I thank the gentleman from Wisconsin (Chairman SENRENNER) for joining me in supporting an amendment that was offered about fraudulent documents and creating a singular database.

But frankly, I wish that we could join together in comprehensive immigration reform so that the enforcement against those who enter illegally would start where it was supposed to be, which would be at the border.

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

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

Mr. Chairman, I appreciate the gentleman's argument, but I believe it misses the mark. Quite frankly, the current law has resulted in the circumstance where the penalty imposed for document fraud on average in this country is 8 months.

An American prosecutor is not going to go to trial and pursue a criminal offense where someone fraudulently creates a document and then gets, on average, 8 months. Indeed, it probably takes longer than 8 months to get to trial on a crime of this nature.

If the penalty is insufficient, we simply encourage this conduct. I know the gentleman makes a valid point about our failure to enforce our borders. Certainly that is our responsibility. But the point of this amendment is to say two things: Number one, the penalties connected with those who are really exploiting people, it is important to understand that human smuggling is the conduct of bringing across people who largely want to come across, but they are still being exploited; and human trafficking, the second offense, realize are people who are brought across, misrepresented and then, once they are here, become essentially indentured slaves. That is, they must work and work perhaps in a job they do not want at a sub level of pay in conditions that are unacceptable to them to pay off a huge debt for having brought them into the country.

Integral to those offenses, as a key part of those offenses, is creating these fraudulent documents, a false Social Security card, a false green card, all types of identity that they use in this country to get the job. And the smugglers do the exploiting. The smugglers create those documents. It is unacceptable to have these kinds of fraudulent schemes perpetrated on essentially victims from other countries and have the penalty for those that are victimizing them be insufficient.

In addition, I do not believe the gentleman means to oppose this, but it seems to me, if you come to this country and you victimize people in this country and you commit crimes here, we want to send a message that if you want to commit crimes, commit it back home; do not come here and commit it. And if you do come here and commit it, we are going to send you a very clear message. Because if someone comes here to victimize an American, they ought to get an additional penalty. So I urge the passage of the amendment.

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

Mr. Chairman, I respect the gentleman's argument, but I think that the American people would be somewhat surprised that a prosecutorial system, a Federal system, picks and chooses who they will prosecute. We have laws on the books to prosecute these individuals. We have laws on the books to prevent them from coming into the United States.

It is all a question of resources. How do we use our resources? In this bill, we do not have sufficient dollars for prosecutors, for court systems, for detention systems and for jails. And are the American people asking for us to bear the burden of undocumented criminals that will be here for 25 years and how many long years and we pay the bill for them? I think not.

We should be focusing today on comprehensive immigration reform. We should be focusing on putting resources at the border, the northern and southern border, so that, in fact, as we do so, we prevent these people from coming into the United States. I believe that the best defense is offense.

And I believe that homeland security starts at the border. Here we are talking about closing the barn door after the fact. And so, yes, I agree with the gentleman. We all should be against those who perpetrate crimes of violence, those who are drug traffickers and, unfortunately, happen to be illegal aliens.

But ask the Federal Government whose responsibility it is, the Justice Department, the Homeland Security Department, why they have been ineffective in enforcing our laws at the border and internally in terms of individuals who have perpetrated crimes?

These mandatory minimums are burdensome. They are expensive to us, and we do not have the system in place to

prosecute. But I would admonish our prosecutorial system that it is certainly unfortunate to tell Americans, as the gentleman from Arizona (Mr. SHADEGG) has said, that we pick and choose how we prosecute, and so we let people go when we should be prosecuting.

Maybe we might save lives if we would prosecute. Mandatory minimums are extremely expensive. And just as an example, as I close, the cost of fighting crime in the United States for police, prisons and courts rose to a record \$167 billion in 2001, \$20 billion more than was spent on the criminal justice system in 1999.

My only point is that this will go up and up and up, and now this gentleman is adding more cost. I hope my colleagues will recognize that we are interested in crime fighting as well, but we need to put the blame where it needs to be put. We have failed in the immigration process and enforcement, and that is where we need to put more resources.

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

The Acting Chairman. The question is on the amendment offered by the gentleman from Arizona (Mr. SHAD-EGG).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 printed in House Report 109-350 offered by Mr. SHADEGG of Arizona:

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

SEC. 6. LAUNDERING OF MONETARY INSTRUMENTS.

Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by inserting “section 1590 (relating to trafficking with respect to peonage, slavery, involuntary servitude, or forced labor),” after “section 1363 (relating to destruction of property within the special maritime and territorial jurisdiction),”; and

(2) by inserting “section 274(a) of the Immigration and Nationality Act (8 U.S.C.1324(a)) (relating to bringing in and harboring certain aliens),” after “section 590 of the Tariff Act of 1930 (19 U.S.C. 1590) (relating to aviation smuggling),”.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

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

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

Mr. SHADEGG. Mr. Chairman, let me begin by thanking again Chairman SENSENBRENNER for his hard work on this legislation. I think it is important to this country. I appreciate the openness of the debate. I also want to thank

the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee, for his work.

This amendment adds two laws, human smuggling and human trafficking, to the list of specified unlawful activity under the Federal money laundering statute.

Mr. Chairman, under today's law, human smuggling and human trafficking rings are highly sophisticated and organized crime operations. According to testimony here in the United States Congress before the subcommittee of my colleague, the gentleman from Illinois (Mr. SOUDER), these organizations are a complete one-stop operation.

They recruit customers from deep inside countries outside of the United States. They arrange transportation to the United States border. They provide housing at the border. They then conduct the illegal aliens across the country where prearranged vehicles meet them and transport them to a nearby large city, often a city such as Tucson in my State of Arizona or Phoenix or Los Angeles.

They also provide transportation in these cities and housing, and then they provide travel from those cities to the interior of this country, perhaps to Chicago or Philadelphia or New York. Once the illegal arrives at one of those cities, they are met by yet another agent of this sophisticated organization who provides transportation to a safe house where they are met. They are again provided housing, and they are provided the kind of documents that we just talked about, a fraudulent Social Security card, a fraudulent green card or some other documentation which will enable them to get a job.

Often they advertise, what city do you want to go to? What kind of job do you want to find? Then these sophisticated operations find them employment in the area they are interested in. An integral part of these sophisticated human smuggling operations and the human trafficking operations is money laundering. They money launder the proceeds of these crimes. Yet unfortunately, at the present time, neither human trafficking nor human smuggling, which victimize people outside of this country and bring them here and enslave them in some instances, neither of those crimes are predicates for our Federal money laundering statute.

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That is to say one can engage in that crime, but that key statute of money laundering cannot be used to get after those people. Mr. Chairman, this simply adds those two statutes so that we say clearly when we want to get after these smugglers who are smuggling or trafficking human beings into this country, we can use our sophisticated statutes, including our money laundering statute, to get at these individuals.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

International traffickers and smugglers of human beings are the most barbaric of immigration violators. They force women and children into sexual slavery and aliens into indentured servitude. They place their human cargo in extremely dangerous circumstances and often abandon them and leave them to die in the rugged terrain along much of our southwestern border.

This amendment ensures that Federal authorities can use all the powerful tools of our money laundering statutes against the money laundering activities that these persons engage in as part of their criminal enterprises.

If we can make it more difficult for them to launder their profits, and we can more easily seize their profits, we will be much better able to combat this scourge. Just as money laundering by drug dealers and organized crime demands a powerful response by law enforcement, so does money laundering by human traffickers and smugglers.

I urge my colleagues to support this amendment.

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for his support, and I reserve the balance of my time.

The Acting CHAIRMAN (Mr. CULBERSON). Who claims time in opposition to the gentleman's amendment?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition, though I will not oppose this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Texas will control the time in opposition to the amendment.

There was no objection.

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

I rise in support of this amendment, which would add human trafficking, human smuggling to the list of predicate acts under the Federal money laundering statute.

Let me just say that what Mr. SHAD-EGG has just articulated is a plague on our society across America. I have worked extensively on human trafficking issues and see them often repeated in our own jurisdictions in Texas. It is actually 20th-century human bondage. And the tragedy is that many of these individuals are women, young women, who are forced to come to the United States and are abused and utilized not only in areas of prostitution but also areas of hard work where they are not able to receive adequate compensation.

According to the State Department, the State Department estimates between 15,000 and 20,000 people are trafficked into the United States every year. Worldwide there are approximately 600,000 to 800,000 people trafficked across international borders every year. Victims of human trafficking are often forced into prostitution, hard labor, child soldiering, and

other forms of involuntary servitude. In effect, they become slaves.

It is shameful to say that this occurs in the United States. It is shameful to say that it is still going on in the 21st century. But I believe if we cut off the money supply of human traffickers, charging them with money laundering, it is a reasonable step to take in addressing this problem.

This is not the same offense, but we have seen the devastation of alien smuggling when we lost large numbers of those undocumented individuals who came here for an economic reason who lost their lives at the hands of unscrupulous smugglers. This is similar, where we bring people in under false pretenses and we hold them as human slaves.

So I think this amendment has the purpose of helping to diminish that very vicious set of circumstances.

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

Mr. SHADEGG. Mr. Chairman, I simply want to thank the gentlewoman for her kind remarks and support. I appreciate that very much.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it seems we are both asking for the support of this amendment.

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

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. SHAD-EGG).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 printed in House Report 109-350 offered by Mr. WESTMORELAND:

In paragraphs (1)(A) and (2)(A) of section 706, strike "paragraph (10)" and insert "paragraphs (10) through (12)".

In the matter inserted by section 706(1)(B), strike "not less than \$5,000" and insert "not less than \$5,000 and not more than \$7,500".

In the matter inserted by section 706(1)(C), strike "not less than \$10,000" and insert "not less than \$10,000 and not more than \$15,000".

In the matter inserted by section 706(1)(D), strike "not less than \$25,000" and insert "not less than \$25,000 and not more than \$40,000".

In section 706(3), strike "the following new paragraph" and insert "the following new paragraphs".

In section 706(3), after the paragraph (10) added by such section add the following:

"(11) EXEMPTION FROM PENALTY FOR INITIAL GOOD FAITH VIOLATION.—In the case of imposition of a civil penalty under paragraph (4)(A) with respect to a violation of subsection (a)(1)(A) or (a)(2) for hiring or continuation of employment or recruitment or referral by person or entity and in the case of imposition of a civil penalty under paragraph (5) for a violation of subsection (a)(1)(B) for hiring or recruitment or referral by a person or entity, the penalty otherwise imposed shall be waived if the violator establishes that it was the first such violation of

such provision by the violator and the violator acted in good faith.

"(12) SAFE HARBOR FOR CONTRACTORS.—A person or other entity shall not be liable for a penalty under paragraph (4)(A) with respect to the violation of subsection (a)(1)(A), (a)(1)(B), or (a)(2) with respect to the hiring or continuation of employment of an unauthorized alien by a subcontractor of that person or entity unless the person or entity knew that the subcontractor hired or continued to employ such alien in violation of such subsection."

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. WESTMORELAND) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, I rise to offer an amendment to title VII of the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

Our Nation is facing a serious crisis with illegal immigration. Our Nation's national security along with our Nation's job security are on the line as we debate this bill.

I have spent my entire life prior to coming to Congress in the building business. I have worked with many people over the years that work hard to employ, to build infrastructure, to help their communities, and to provide for their families. They are usually small business people; but the way this legislation was originally drafted, it had the potential to turn many of the people I have worked with my entire life into Federal felons.

When I read title VII of the legislation, I was surprised. The criminal penalties were high, and in some cases the fines went up by 800 percent. Businesses are overregulated as it is, and government agencies tend to pile on penalties and fines for even the smallest infractions. I did not want this House sending a flawed bill to the Senate, and I think this amendment makes very important changes that are necessary to clarify some of the issues in title VII.

First, the amendment places caps on the monetary penalties laid out in section 7. Instead of just laying out high mandatory minimum fines, the amendment places upper limits on the fines so businesses will not be subject to unlimited liability.

Second, it provides for the relief from the civil penalties for a first offense under the bill if a business violates a particular rule regarding the employment checks as long as the employer acted in good faith. This will protect companies that are doing their best to follow this complicated new system, but miss some part of it one time.

Finally, the amendment provides a safe harbor for contractors who have a subcontractor that hires an illegal alien. This ensures that general contractors will not be held liable for the

actions of a subcontractor when they are not aware that the sub is hiring illegals.

Mr. Chairman, the government requires that schools teach students whether they are legal or not. Hospitals are required to treat patients whether they are legal or not. Let us not make business the police of illegal immigration.

Right now we have laws and serious penalties on the books that prohibit people from entering our country, and that prevents businesses from hiring those here illegally. We need to be careful about requiring businesses to help us do our enforcement work. Enforcement of existing laws is absolutely necessary, but we need to make sure the government is doing its part. Many times partnering with business to help address the problem may be a better approach than imposing severe fines and ever-increasing penalties on business.

We have a problem with illegal immigration that has been decades in the making. Although this legislation is not perfect, we must begin addressing these problems before they grow even worse. True leadership sometimes involves doing things that may be unpopular, but they are right.

Mr. Chairman, I urge all my colleagues to support this amendment and the underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WESTMORELAND. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the Westmoreland amendment.

I support this amendment, which sets caps on employer sanctions penalties and provides an exemption from penalties for initial good-faith violations.

H.R. 4437 establishes very significant minimum levels for civil penalties, but sets no cap. The new minimums in H.R. 4437 for first-, second-, and third-time offenses are \$5,000, \$10,000, and \$25,000, respectively, per alien.

This amendment would create what I believe are reasonable caps on these penalty levels, giving employers some level of certainty as to the consequences of hiring an illegal alien while still maintaining a strong deterrent effect through significant penalties.

The caps would be \$7,500 for a first offense—per alien involved—\$15,000 for a second offense, and \$40,000 for the third and higher offenses. These are certainly penalties that send a necessarily strong message to employers contemplating cutting corners.

This amendment also clarifies that an employer who makes a mistake in good faith in complying with the employment eligibility verification system would be spared civil penalties.

Finally this amendment provides a safe harbor for contractors whose subcontractors employ illegal aliens. This provision clarifies current law. Under section 274A(a)(4) of the Immigration and Nationality Act, an employer may be held liable for the actions of a subcontractor if the employer knows that the subcontractor is hiring illegal aliens.

In other words, employers who have no knowledge as to whether the subcontractor's employees are work-authorized cannot be held liable or penalized. This amendment makes that protection clearer, and should help to put employers at ease that they will not be held responsible for the misdeeds of subcontractors.

This amendment improves the bill and I urge my colleagues to support it.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. BERMAN), distinguished member of the Judiciary Committee's Subcommittee on Immigration.

Mr. BERMAN. Mr. Chairman, this is a very important amendment because if this amendment passes, we go down the slippery slope of 1986.

There are three parts of this amendment. It takes the base bill, which creates one of the four steps, one of the four pillars that I think are vital to doing something about illegal immigration, which is a meaningful employer verification system. And it says, essentially, the penalties for employers who do not use that system and hire people in violation of our law, they get one free bite. They say they did not know, they were acting in good faith, penalty totally waived.

Secondly, you provide a safe harbor for subcontractors. Everybody knows what goes on in agriculture and in construction. Growers hardly at all hire the people anymore. They bring in a farm labor contractor. He hires somebody else. They get the coyote. They go out and they recruit. I did not know what the guy was doing? I get a safe harbor.

They create dummy subs. They have no assets. There are no meaningful penalties. They go off scot-free. This amendment gives them a safe harbor.

This is the employer's way of dealing with your effort to try to deal with illegal immigration, weaken and undermine the whole structure of a comprehensive system.

Now, everyone knows that I do not like the bill because it is not comprehensive, but the way to make this bill right is not to go and do the employers' work in getting them out of the problem. That was our flaw in 1986. Employer sanctions were a joke. If this amendment passes, employer sanctions are once again a joke. And you will be back here in 20 years with millions of more undocumented workers brought in by employers who have no accountability.

And the third part is you put caps on the maximum penalties. The exploitation and money that could be made by hiring people who are afraid to complain, who are willing to work at very low wages and maybe under the minimum wages of our own laws and of the States they are working in, and you now cap the penalties. The bill before it had a serious strengthening of the penalties for these activities by un-

scrupulous employers. Now you have put a cap on them.

So a safe harbor when they go out to a contractor, so they have no liability. Their first violation, they get it waived. They say, I did not know. I was acting in good faith. I did not know, even though you have a verification system under this bill. And then you put caps on it so that they can make an economic test, that it makes more sense to find the undocumented person who will work at a very low wage at very long hours under very onerous conditions, that they make more money by that, and they have a cap penalty that they know they never have to go beyond.

Do not do this and claim you are serious about dealing with illegal immigration. This is a gaping whole in the whole structure of your legislation.

I urge a "no" vote.

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

It is a shame that the gentleman did not read the amendment. It caps the penalties at \$40,000. The maximum penalty that was on there was \$20,000, and this just caps the penalties at \$40,000, regardless of the occurrence. In some cases that could be up to 10 different occurrences.

What this does is it gives safe harbor for somebody who has made a good-faith effort in getting into the system. We are going to have an overburdensome system when this thing begins. This is an opportunity that if they made one error in filling out any of the paperwork or the procedure they go through, they have a safe harbor.

And as far as the contractor and the subcontractor goes, this is already existing law. This just restates that law, and puts it into this amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from California (Ms. ZOE LOFGREN), distinguished member of the House Judiciary Committee's Subcommittee on Immigration.

Ms. ZOE LOFGREN of California. Mr. Chairman, I think it is important to note that in the underlying bill, there are no caps at all. I would direct the attention of the Members to page 152, 153, and section 706 of the underlying bill. There are no caps.

I would just like to note once again that we have a failure of administration. Last year, employers were sanctioned for hiring illegal immigrants only three times. So even if we were to change the law, the ineptitude of the administration does not mean that anything will change.

I object to this amendment for another reason in addition to what my colleague, Mr. BERMAN, has indicated. In the underlying bill, there is at least an effort to make some fairness for little companies versus big companies in terms of making a reduction for small

companies. But in this case, in this amendment, Wal-Mart would have the same penalty structure as Joe's Pizza. And it seems to me that Wal-Mart and megacompanies, I would just like to note, in the paper Wal-Mart appears to be one of the biggest offenders, going out and hiring large numbers of undocumented people and, by the way, not treating them very well. They would have their sanctions capped, and they would be treated just the same as Joe's Pizza. So I think of this as the Wal-Mart amendment. Let them go ahead and do their dirty deeds with impunity. They will not have to worry. And I will tell my colleagues for a company as big as Wal-Mart, capping the fines at this level is just the cost of doing business.

And I thank the gentlewoman for yielding me this time.

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

Mr. Chairman, I want to thank the distinguished chairman of the Committee on the Judiciary, Mr. SENSENBRENNER, for his hard work on this and the chairman of the Homeland Security Committee, Mr. KING. They have shown great leadership in us taking a first step towards this procedure. This is the first step down a long road of getting a handle on the Nation's immigration problems; and I am grateful for their leadership.

Mr. Chairman, I urge all Members to support the Westmoreland amendment to H.R. 4437.

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

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

Mr. Chairman, let me just say to Mr. WESTMORELAND, frankly, I wish that we could have worked together on the underlying problems of this legislation, which is comprehensive immigration reform. But the problem here is there were no caps in the underlying bill. We had no hearings. We do not know if these are the best numbers. They could be stronger.

I wish you would join me on Protect American Jobs, using some of these resources to provide training for American workers, to be able to outreach to American workers. This is a cap with no hearings, no standards, not knowing whether this is punitive enough. And certainly the inequity between big companies and small companies makes this amendment somewhat doubtful.

Mr. Chairman, I ask my colleagues to vote "no" on the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Georgia (Mr. WESTMORELAND).

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 printed in House Report 109-350 offered by Mr. GONZALEZ:

Strike section 706(1).

At the end of the title VII of the bill, add the following:

SEC. 709. COMPLIANCE WITH RESPECT TO THE UNLAWFUL EMPLOYMENT OF ALIENS.

(a) CIVIL PENALTY.—Paragraph (4) of subsection (e) of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) is amended to read as follows:

“(4) CEASE AND DESIST ORDER WITH CIVIL MONEY PENALTY FOR HIRING, RECRUITING, AND REFERRAL VIOLATIONS.—

“(A) IN GENERAL.—With respect to a violation by any person or other entity of subsection (a)(1)(A) or (a)(2), the Secretary of Homeland Security shall require the person or entity to cease and desist from such violations and to pay a civil penalty in the amount specified in subparagraph (B).

“(B) AMOUNT OF CIVIL PENALTY.—A civil penalty under this paragraph shall not be less than \$50,000 for each occurrence of a violation described in subsection (a)(1)(A) or (a)(2) with respect to the alien referred to in such subsection, plus, in the event of the removal of such alien from the United States based on findings developed in connection with the assessment or collection of such penalty, the costs incurred by the Federal Government, cooperating State and local governments, and State and local law enforcement agencies, in connection with such removal.

“(C) DISTRIBUTION OF PENALTIES TO STATE AND LOCAL GOVERNMENTS.—

“(i) IN GENERAL.—Penalties collected under this paragraph from a person or entity shall be distributed as follows:

“(I) 25 percent of such amount shall be distributed to the State in which the person or entity is located.

“(II) 25 percent of such amount shall be distributed to the county in which the person or entity is located.

“(III) 25 percent of such amount shall be distributed to the municipality, if any, in which the person or entity is located, or, in the absence of such a municipality, to the county described in subclause (II).

“(D) LIMITATION ON USE OF FUNDS.—Amounts paid to a State, county, or municipality under subparagraph (C) may only be used for costs incurred by such State, county, or municipality in providing public services to aliens not lawfully present in the United States.

“(E) DISTINCT, PHYSICALLY SEPARATE SUBDIVISIONS.—In applying this subsection in the case of a person or other entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or other entity.”.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Texas (Mr. GONZALEZ) and a Mem-

ber opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, let us start off with the basic fact, and that is illegal hiring of undocumented workers is a Federal problem calling for a Federal solution. But the cost of the illegal hiring of the undocumented worker falls on the States, the counties, and our cities.

This is what my amendment attempts to accomplish: first of all, the vital aspect of where the costs fall. The fines that are collected from the law-breaking employers will be equally apportioned among the Federal Government, the State, the county, and the city governments. The 25 percent that will go to the State, the county and the city in which the illegal act occurred and for which they are incurring costs, those moneys are really reimbursements. Those moneys will be limited when they are received by those entities to be spent directly for the costs incurred, for those public services being provided for the undocumented worker who has been illegally hired by the employer.

Secondly, my amendment increases the base fine to \$50,000 per incident. This amendment follows on the heels of Mr. WESTMORELAND's amendment, so we are polar opposites when it comes to what a fine represents.

Historically, a fine has a purpose. First, it is a penalty, no doubt, for wrongdoing. But it is also a deterrent. The greater value is really the deterrence to keep others from following that same type of prohibited behavior. You are not going to accomplish that under the present scheme of the underlying bill, and you surely will not do it if the other amendment that preceded this one is adopted by this House.

You say, \$50,000? Keep in mind that that is never going to be levied unless, what happens? My understanding, first of all, is if an employer completely ignores the prevailing rule of law, ignores the verification system that we are attempting to implement, and then upon being notified that legal status cannot be established, ignores it, only then. Now, you are telling me we should not have a significant fine for such outrageous and blatant disregard for our laws? How else are you going to ever get anyone's attention?

There are two component parts to immigration reform which we are not going to touch on, and, of course, that is comprehensive in nature. But if we are looking at enforcement only, let us be honest then. It is the illegal alien worker coming over, but at the behest and the request and the availability of a ready, willing employer, ready, willing and able to disobey the very laws of this country.

A \$50,000 fine would get your attention, a \$50,000 fine per incident will teach you a lesson, and a \$50,000 fine

will be a deterrent. And the beauty of what I do in this amendment is that an equal proportion will go to those governmental entities that are bearing the cost for the ineffectual governmental regulation by the Federal authorities. It is a Federal problem, and it should be a Federal solution that addresses these particular concerns.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

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

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

Mr. Chairman, this amendment increases civil penalties against employers who do not comply with the Employment Eligibility Verification System to such fantastically high levels that they could easily bankrupt companies for first offenses. When companies are bankrupted, everybody who works at that company loses their job.

The amendment would raise penalties to not less than \$50,000 for each violation for each alien. Penalties of this magnitude are not merely a deterrent; they would make almost every violation into a capital offense. And I thought the Democrats were against the death penalty.

Let me say first that the underlying legislation already dramatically increases the civil penalties for employers who knowingly hire illegal aliens or who fail to comply with the Employment Eligibility Verification System. I did this because current penalties are so low they are not a deterrent. This bill raises penalties for first-time offenses from \$250 to \$2,000 per alien for a first-time offense to not less than \$5,000 per alien; penalties for second-time offenses are raised to no less than \$10,000 per alien; and for employers with two or more previous offenses the penalty is not less than \$250,000 per alien.

The penalty levels in this bill are quite sufficient to act as a deterrent for employers who might otherwise hire illegal aliens or ignore the verification requirements. In fact, they have been attacked by practically every employer association in Washington. The amendment goes just too far in order to make a political point; thus it is not a serious amendment.

The amendment designates the proceeds of the penalties to States and localities, which would be required to use the funds to provide services to illegal aliens. When penalties are funneled back in this matter, it sets up an incentive to use immigration as a fundraiser for States and localities. That should not be the goal. We should not be using Federal funds to pay for services to illegal aliens. Money collected from civil penalties should be deposited into the Treasury.

Mr. Chairman, I urge my colleagues to oppose this amendment.

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

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

Mr. Chairman, if a company places an unauthorized call to your household and you are on the do-not-call list, it is \$11,000 for that call. DirecTV will be paying \$5.3 million in fines for basically calling 484 households. Under the present scheme of the underlying bill, an employer could hire 1,066 undocumented workers illegally employed by that employer and pay that amount of money. As you increase the fine schedule, you could still hire 533 at the next level. Even at your highest level of \$25,000, after you have a cease and desist order, you can still hire 213.

This is not about fund-raising either. These municipalities, when you go back home and talk to your Governor, your mayor or county judge, they tell you they are paying those moneys.

You get the same mail I do. This is not going to encourage some sort of irresponsible behavior at the local level. What it does is meet a Federal obligation we have to localities. It is Federal policy. It is Federal enforcement of that policy that has resulted in these additional costs.

I think it is disingenuous for us. If we are going to do enforcement, and that is all we are going to do here, let us be honest about it. Let us move forward. Let us be aggressive. Let us get the wrongdoer on both sides of this illegal transaction, the worker and the employer. If you cut off demand, you will not have supply.

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

Mr. Chairman, this really is an overkill amendment. I think that the increases that are contained in the underlying bill will be sufficient to act as a deterrent. I think we all know as far as the border security situation is concerned, we have to put more efforts on the border to prevent illegal aliens from coming across. We also have to turn off the magnet of employment of illegal aliens in the United States. The employer verification system turns off the magnet. The increase in the fines for not using the employer verification system or hiring illegal aliens are sufficient to act as a deterrent.

I can tell you that our courts are going to be tied up horrendously because everybody who gets a citation for violating the law under Mr. GONZALEZ's amendment is going to ask for a trial by jury, and I doubt we will ever be able to get very much of the money that he thinks we are going to collect.

I think what is in the underlying bill is able to do the trick. I would like to challenge those who are making the argument that we have got to get tough on the border and we have got to get tough with employers to turn off the magnet. When the time comes to vote for passage of the bill, vote "aye."

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

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

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

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 17 OFFERED BY MR. BRADLEY
OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 printed in House Report 109-350 offered by Mr. BRADLEY of New Hampshire:

At the end of title VII, insert the following:

SEC. 709. REPORT ON EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

Not later than one year after the implementation of the employment eligibility verification system and one year thereafter, the Secretary of Homeland Security shall submit to Congress a report on the progress and problems associated with implementation of the system, including information relating to the most efficient use of the system by small businesses.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to begin by thanking both chairmen, Chairman SENSENBRENNER and Chairman KING, for working with me, as well as the Rules Committee on this amendment.

Mr. Chairman, I am offering what I expect is a very simple amendment that will require reporting to Congress at the 1-year mark and at the 2-year mark of the Employment Eligibility Verification System that is going to be implemented as a result of this legislation.

This is important to have this report so that we as policymakers in Congress have the information as to how the verification system is working. Is it working as intended? Is it user-friendly? What type of response are businesses, both small and large, having with this system? Is it used primarily online by telephone? How many businesses utilize it? How are the penalties being implemented? All of these kinds of questions we need to have data on with this reporting that I am proposing in this amendment.

Mr. Chairman, I hope that my colleagues will support this amendment; and, once again, I thank the chairmen.

Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

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

Mr. Chairman, I rise in support of this amendment, which requires the Department of Homeland Security to report to Congress on the implementation of the employment eligibility verification system which this bill expands economy-wide.

One of the key components of this bill is a mandatory, national employment eligibility verification system. By checking the work authorization status of each person working in the U.S., we will finally be able to flush out the those working illegal.

We are expanding the Basic Pilot Program, which has worked extremely successfully as a voluntary program for 10 years.

Employers who use the Basic Pilot to conduct employment eligibility checks clearly like the system and that it is easy to use. A 2001 report found that "an overwhelming majority of employers participating found the basic pilot program to be an effective and reliable tool for employment verification"—96 percent of employers found it to be an effective tool for employment verification; and 94 percent of employers believed it to be more reliable than the IRCA-required document check.

The system is available to employers both over the internet, and through a toll-free telephone number. Employers may use whichever option is more convenient.

As this system is expanded to a much larger scale, I am committed to working with the Department of Homeland Security and the business community to ensure that it works well and meets the needs of America's employers. I believe it is important that the verification process is user-friendly for all businesses—large and small.

This amendment would require DHS to report to Congress after the first and second years of implementation, and specifically address the concerns of businesses. These reports will assist Congress in monitoring the progress of the program.

I urge my colleagues to support this amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who seeks time in opposition?

Ms. ZOE LOFGREN of California. I do.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes in opposition.

Ms. ZOE LOFGREN of California. Mr. Chairman, the amendment requires the Department of Homeland Security to report to Congress on the problems caused by the automated employment verification system. However, I want to point out that this amendment will not fix the problems with the Employment Eligibility Verification System, even though this underlying bill will require all employers and employees to use the system.

The GAO has already told us, at the request of Mr. SENSENBRENNER as a matter of fact, that the basic pilot program is not ready for widespread use,

that the DHS system is badly flawed, that it is unable to detect identity fraud; and this report, after the fact, is not going to change that.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

My, how times have changed. I was here in 1993 and I was the principal Republican author of a bill called the Brady Bill, which in part required the establishment of an automated system to check out whether somebody who was trying to purchase a firearm was eligible under the law to purchase and possess that firearm.

□ 2030

That had an automated system to verify the eligibility of the prospective firearm purchaser against the database that was maintained by the Department of justice. Lo and behold, the people that were pushing the Brady bill, and there were many more on that side of the aisle than the side I serve on, said this system is going to be a fool-proof system in order to make sure that convicted felons or adjudicated mental incompetents will never get a firearm in their hands by purchasing it from a licensed firearm dealer. So if it was good enough then to check out people who might not be eligible to possess a firearm because of a felony conviction or a mental incompetency adjudication, then the same type of system ought to be good enough to check out whether somebody who is asking for a job is legally entitled to work in this country.

There is a 2-year delay in implementing the verification system in this bill. That is a little bit more than we heard on the Brady bill. But I think that telling the Department of Homeland Security that they got have to get this thing up and running in 2 years to be able to verify the new hires and then, 4 years later, the existing hires is plenty of time to be able to check out, in a manner that does not create a national identification card, whether somebody is eligible to get a job.

This is a good amendment. It requires progress reports on how the Department of Homeland Security is doing. What is wrong with that? We ought to pass the amendment.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I reserve the balance of my time.

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

Mr. Chairman, I would just note that the GAO report identifies at tremendous length the problems with this system in the administration of the system. I would further draw the attention of all my colleagues to this report.

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

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

Once again, the intention of this amendment is to make sure that we as Members of Congress, the policy-makers that are going to implement this verification system, have the most accurate information with which to react and possibly make mid-course corrections should they be warranted at the 1-year mark and at the 2-year mark.

While it does not fix the process, it certainly is designed to give us all the information that we need to make sure that it works in the most user-friendly, cost-effective, efficient way for businesses in our country, and I urge my colleagues to support this.

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

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

I am listening carefully. I am trying to work in a bipartisan manner on this, but the underlying problem here with this bill and this amendment as well is the poor administration of our laws by the Department of Homeland Security.

I mentioned earlier today the pathetic performance of DHS during the Katrina disaster. And one of the things just that is seared in my memory is the, "good job, Brownie," comment. And I think we have the same problem in the Department of Homeland Security and ICE.

The chairman, I am sure, will recall that when we worked on reorganization, he insisted, I did not agree at the time but I now understand why he did, that any applicant for the head job have a minimum of 10 years experience in managing a large and complex organization.

What ended up in the law was a 5-year minimum requirement in managing a large organization. Well, the President's favorite Democratic senator, Senator LIEBERMAN, in opposing the new ICE director, Julie Myers, noted that, with over 20,000 employees, ICE is not only a big agency, it is a vital one. And Ms. Myers has virtually no immigration experience and also does not meet the minimum requirements.

We now have a crony in charge of the immigration service. She may be a lovely person, I do not know, but she worked for a Federal prosecutor for 2 years. She worked for Ken Starr when he was special assistant. Her husband is the chief of staff to Mr. Chertoff. And her dad is a general, General Myers, who we all know of and think is a very good guy, but these are not the qualifications asked for in the statute nor expected by America.

We need to move beyond cronyism into competence. And the fact that we have only had three enforcement actions in unlawful employment; that over 100,000 people have been cited and released and then failed to appear, and the department just continued to do

that over and over again in the face of that failure-to-appear rate; the fact that we have not actually followed through on the institutional removal program which requires the immigration function to go out to county jails and to State prisons and to take individuals who have been convicted of crimes and deport them, that has not happened either. Those individuals instead in many cases were simply released because the Federal Government dropped the ball. The Bush administration has dropped the ball at the border.

We have not put the staff forward. We have no technology to implement not only the bills and this amendment but the underlying law. And why? It is competence.

I think it is a sad thing that this bill has been proposed. There are some good things in it. There are a lot of bad things in it. But it is really just to cover the fact that there has been a massive failure of administering current law by the Bush administration. If current law were adequately administered, we would not be here today. Perhaps the amendment is good. Maybe the gentleman has convinced me to support it. But it will not solve the problem.

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 printed in House Report 109-350 offered by Mr. SULLIVAN of Oklahoma:

Add at the end the following new title:

TITLE IX—SECURE OUR NATION'S INTERIOR

SEC. 901. EXPEDITED REMOVAL.

Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by striking clauses (i) through (iii) and inserting the following:

“(i) IN GENERAL.—If an immigration officer determines that an alien (other than an alien described in subparagraph (F)) who is arriving in the United States, or who has not been admitted or paroled into the United States and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 1-year period immediately prior to the date of the determination of inadmissibility under this paragraph, is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States without further hearing or review, unless—

“(I) the alien has been charged with a crime, is in criminal proceedings, or is serving a criminal sentence; or

“(II) the alien indicates an intention to apply for asylum under section 208 or a fear of persecution and the officer determines that the alien has been physically present in the United States for less than 1 year.

“(ii) CLAIMS FOR ASYLUM.—If an immigration officer determines that an alien (other

than an alien described in subparagraph (F) who is arriving in the United States, or who is described in clause (i), and the alien indicates either an intention to apply for asylum under section 208 or a fear of persecution, the officer shall refer the alien for an interview by an asylum officer under subparagraph (B) if the officer determines that the alien has been physically present in the United States for less than 1 year."

SEC. 902. CLARIFICATION OF INHERENT AUTHORITY OF STATE AND LOCAL LAW ENFORCEMENT.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), in the enforcement of the immigration laws of the United States. This State authority has never been displaced or preempted by Congress.

SEC. 903. DEPARTMENT OF HOMELAND SECURITY RESPONSE TO REQUESTS FOR ASSISTANCE FROM STATE AND LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

"CUSTODY OF ILLEGAL ALIENS

"SEC. 240D. (a) IN GENERAL.—If the Governor of a State (or, if appropriate, a political subdivision of the State), exercising authority with respect to the apprehension of an illegal alien, submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary

"(1) shall—

"(A) not later than 48 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

"(B) request that the relevant State or local law enforcement agency temporarily incarcerate or transport the illegal alien for transfer to Federal custody; and

"(2) shall designate a Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of the criminal or illegal aliens to the Department of Homeland Security. The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

"(b) REIMBURSEMENT TO STATES AND LOCALITIES.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable expenses, as determined by the Secretary, incurred by a State or locality in the incarceration and transportation of an illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1). Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State) plus the cost of transporting the criminal or illegal alien from the point of apprehension, to the place of detention, and to the custody transfer point if the place of detention and place of custody are different.

"(c) INCARCERATION OF ILLEGAL ALIENS.—The Secretary of Homeland Security shall

ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

"(d) TRANSFER OF ILLEGAL ALIENS.—

"(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security may establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

"(2) AGREEMENTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement, private entities, and detention officials to implement this subsection.

"(e) DEFINITION.—For purposes of this section, the term 'illegal alien' means an alien who entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security."

SEC. 904. UNIVERSAL PROCESSING THROUGH THE AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

(a) RECORD OF ENTRY AND EXIT.—Not later than January 1, 2008, the Secretary of Homeland Security shall develop a program to collect and maintain a record of each admission for every alien arriving in the United States.

(b) PURPOSE.—The program established in subsection (a) shall verify the identity of every arriving and departing alien by comparing in real time the biometric identifier on such alien's travel or entry document or passport with the arriving or departing alien.

(c) COORDINATION.—The program established under subsection (a) shall be coordinated with the system established under section 235(a) of the Immigration and Nationality Act (8 U.S.C. 1225(a)).

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit a report to the Congress detailing the additional resources, including machine readers and personnel, that are needed at each port of entry, based on recent and anticipated volumes of admissions at such ports of entry, to fully implement subsection (a).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Oklahoma (Mr. SULLIVAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

First, I would like to thank the Rules Committee for approving my amendment. And let me say that H.R. 4437 is a good start to addressing immigration reform. However, I feel the bill needs to do more to protect and enforce immigration laws throughout our Nation's interior.

National security does not stop at our Nation's borders. Interior security is national security. My amendment is in direct response to the lack of Federal immigration enforcement in cities and towns across the Nation.

It gives willing local law enforcement and State law enforcement the ability to detain illegal aliens in the course of their regular duties. The simple truth is, our State and local law enforcement officers confront illegal aliens more often than Federal agents.

My amendment also requires Federal authorities to respond to and detain all illegal aliens reported to the Department of Homeland Security by State and local law enforcement. Federal authorities will now have a choice between either taking immediate custody of illegal or criminal aliens or paying for their continued local detention.

With my amendment, the current policy of catch and release will give way to deter and remove. The key word here is "willing." The amendment does not force or mandate State or local law enforcement to enforce immigration laws. It simply gives them the option of doing so in the course of their regular duties.

It is common sense that willing law enforcement agencies should have the inherent authority and the ability to protect citizens and their community when they come across criminal violations involving illegal aliens.

My amendment also expands expedited removal nationwide for all illegal aliens who cannot prove to the immigration officer they have been in the United States for more than 1 year. Newly arrived illegal aliens coming up from our southern border through Arizona should not get the benefit of a court date simply because they successfully circumvented U.S. law and made it to Phoenix, Arizona, which is 180 miles away. This bill only applies expedited removal up to 100 miles of the southern border.

The Department of Homeland Security has the authority to invoke expedited removal nationwide up to 2 years, but they have chosen not to do so. Expedited removal must apply nationwide.

Lastly, my amendment requires that, by 2008, all non-citizens who enter or exit the country be processed through an automated entry-exit control system Congress mandated in 1996. However, to be effective and secure, the program must require every non-citizen's entry and exit to be recorded, not just a fraction of non-immigrants entering the U.S.

The statistics on this issue are startling. According to the Government Accountability Office, the current risk of visa overstay being identified and removed is less than 2 percent. And we know that visa overstayers account for 40 percent of the illegal alien population.

I feel this amendment is a common-sense approach to deter illegal immigration and will strengthen H.R. 4437, and I encourage its passage.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I reluctantly oppose this amendment for a couple of reasons. I do not think it is workable, and it will cause huge problems on the northern border that will result in a lot of jobs being lost both in the United States and Canada.

First of all, we have got about 20,000 detention beds that ICE has got under

its control; and about 80 percent of those detention beds are currently filled by criminal aliens, and they are subject to mandatory detention. If there are more people that are put into the detention system without more beds being created by ICE, the courts will not allow for overcrowding of detention facilities. And all of a sudden, there are going to be criminal aliens that are going to be either released on the street or not being put in detention simply because there are not the slots that are available. And that is going to result in the misallocation of resources.

Now, I certainly am all for internal enforcement, but given the fact that there are a half million aliens that illegally enter the United States every year, the requirements here do not match up with the facilities and the infrastructure available. And the deadlines that the gentleman has in his amendment are going to be simply unworkable, and it is going to end up resulting in the agency shifting its resources from what it is doing now, which is concentrating on the criminal aliens and the drug smugglers and the human trafficking smugglers, to other people.

Now, I would also like to talk a little bit about the northern border. What this amendment does is that it has a requirement that there be a mandatory biometric universal processing through the automatic entry-exit control system, which is the US-VISIT program with the fingerprint scans for aliens. We do not have the facilities on the northern border to do that at the present time.

The amendment says, not later than January 1 of 2008 that this infrastructure will be in place. But what this will require is that everybody who does not prove they are a United States citizen or a permanent resident of the United States get out of their car and have a fingerprint scan and wait for the data to come up on the screen of the immigration inspector on the northern border.

Now, when 9/11 occurred and there were hours and hours of waiting to get across the border between the United States and Canada, there were a lot of businesses, and the auto business simply did not get the goods that they needed to be able to conduct their business on the dock in time for the first shift to be able to use that raw material or to use their parts. And that kind of an obstruction along the northern border is going to mean huge unemployment in those border-sensitive communities where manufacturing, particularly, is intensely reliant on the products arriving on the dock in time.

□ 2045

It is not going to be just in our country, but it is going to be in Canada as well. The amendment is a good intention, but it is going to cause all kinds of enforcement problems, as I have described; but it is going to cause a lot of

innocent people to lose their jobs along the northern border and should be opposed.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, my simple point is to suggest to the distinguished author of the amendment that even aliens have a form of due process. What he simply is trying to do is to get the young man who is the painter who has a wife and family at home and then he is immediately arrested with no rights of due process. In addition, the distinguished chairman of the Judiciary Committee has made a very good point: we do not have an exit program right now in the US-VISIT program. We do not have the resources; we do not have the space for the lanes. I would simply say we are unable to do such.

Mr. SULLIVAN. Mr. Chairman, I yield myself such time as I may consume. I respect the gentleman from Wisconsin's and the gentlewoman from Texas' opposition to my amendment, and you have done a great job. The chairman does a great job in what you do as well. But, unfortunately, we disagree on this issue.

Simply put, this bill will not be complete without my amendment in it. Our cities and towns that lie far away from the border need these resources to have the same protection of law that border towns receive.

In my State of Oklahoma, it is estimated that 40 percent of the immigrant population is illegal. I would just like to give you an example of what goes on in our district and the people out in the middle of the United States and other places.

We had a van pulled over in my community as happens dozens of times, but the van had 18 illegals in it. Our local law enforcement did its job, pulled that van over about 2 o'clock in the morning, it had five juveniles in it, 18 people, five juveniles under the age of nine, but no adult or guardians. The adults that were driving and in the van were drinking.

They found amounts of drugs in their pockets. They were on an admitted smuggling load to Chicago, and the juveniles were in there. Sometimes these juveniles, I hope they were just working in a sweat shop even though that is bad, sometimes they are subjected to child pornography and those kinds of things. But our local law enforcement did its job, called their local Immigration Customs Office, which is in Oklahoma City, and asked them, Here is the situation. What do you want us to do? And our local Immigration Office, do you know what they said? Let them go.

Well, no constituent in my district that was driving without insurance and drinking or something like that which is wrong was pulled over, they would be arrested. We let them go. We need to stop doing this. This is absolutely crazy. And it should not just apply to border towns. This is happening all

across our country, and I am standing up for the constituents across this country. It is very important.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I described that this amendment is unworkable. We will have a reallocation of resources. I would not want this bill to cost thousands of people in the northern border communities, legitimate, honest, hard-working American citizens as well as their counterparts on the Canadian side of the border to lose their jobs simply because goods cannot get across the border.

I appreciate the thought behind the gentleman's amendment, but it really is not a workable one, and it should be rejected as a result of that.

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

The Acting CHAIRMAN (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN).

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

Mr. SULLIVAN. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 19 OFFERED BY MR. RYUN OF KANSAS

Mr. RYUN of Kansas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 printed in House Report 109-350 offered by Mr. RYUN of Kansas:

Add at the end of the following new title:

TITLE IX—OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 901. OATH OF RENUNCIATION AND ALLEGIANCE.

(a) IN GENERAL.—Section 337(a) of the Immigration and Nationality Act (8 U.S.C. 1448(a)) is amended by inserting after the fourth sentence the following: "The oath referred to in this section shall be the oath provided for in paragraph (a) or (b) of section 337.1 of title 8, Code of Federal Regulations, as in effect on April 1, 2005."

(b) NOTICE TO FOREIGN EMBASSIES.—Upon the naturalization of a new citizen, the Secretary of Homeland Security, in cooperation with the Secretary of State, shall notify the embassy of the country of which the new citizen was a citizen or subject that such citizen has—

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Kansas (Mr. RYUN) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, today I offer an amendment to establish the oath of renunciation and allegiance as Federal law so that it cannot be changed without an act of Congress.

The oath of renunciation and allegiance is a solemn vow taken by thousands of immigrants each year to become a United States citizen. The oath is the fundamental statement of allegiance to the United States, and this allegiance is what unites America. We are not a Nation based upon race and creed or religion. We are a Nation based upon loyalty and allegiance to our country and her principles. As a gateway to the United States citizenship, the oath should be given the same respect and protection as our other national symbols, such as the American flag, our national anthem, and the Pledge of Allegiance.

Furthermore, given its title 1 authority over naturalization, Congress has the authority and obligation to protect the oath. The oath took its current form in the 1950s, but parts of the oath date back to 1790.

In 2003, the Bureau of Citizenship and Immigration Services proposed changes that would have significantly weakened the oath and its historical significance. Specifically, the proposed changes would have eliminated the call to bear true faith and allegiance to the Constitution. Eliminating these words would have inherently diminished the force of the Constitution, and any measure that reduces the importance of the Constitution is a blow to all American rights.

Fortunately, because of public backlash, the Bureau did not institute these changes of the oath. However, when the Bureau announced its changes, we saw the integrity and the oath was in danger. Accordingly, the House passed an amendment last year making sure that no funds would be used by the Department of Homeland Security to alter the language of the oath. This prohibition should be made permanent.

The oath is currently in the U.S. Code of Federal Regulations and can be changed at any time by this or future administrations. My amendment would codify the oath of renunciation of allegiance so that Congress would have the sole authority to alter its language. My amendment would also require the Department of Homeland Security to notify a foreign embassy when an individual from that country takes the oath and swears allegiance to the United States. I ask my colleagues to support this amendment establishing the oath of allegiance as the law of the land.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. RYUN of Kansas. I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. Let me say the significant point the gentleman from Kansas has made is that last year the Congress prohibited the Department of Homeland Security from using appropriated funds to change the oath. Because it is an appropriation bill, the Congress would have to renew that prohibition year after year after year. This will save us some work in the future by making the change permanent law. I support the amendment.

In 2003, the Department of Homeland Security proposed changes to the oath which every naturalized citizen must take which would have significantly weakened the oath and demeaned its historical significance. Due to strong public opposition, those changes were never implemented. However, since the oath is not set forth in federal statute, but only in regulation, the agency can modify its language at any time in the future in a similarly inappropriate way.

The Oath is the fundamental statement of allegiance to the United States and our Constitution, and this allegiance is what unites Americans of all backgrounds and provides for our commonality.

We are not a nation based upon race, creed, or religion—we are a nation based upon our loyalty and allegiance to our country and her principles. As the gateway into U.S. citizenship, the Oath should be protected by Congress.

The Oath of Allegiance has historic roots in the language of the founders. We should protect this historical statement of national unity and support the Ryun amendment. We have already set the precedent in an appropriations bill of requiring that no appropriated funds could be used to amend the Oath of Renunciation and Allegiance as it currently is memorialized in federal regulations.

I urge my colleagues to support this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Chairman, just two points. I go to the swearing in of the new citizens all the time, and I will say that when the oath, the part that comes “renounce absolutely any abjure absolutely foreign prince potentate,” it is pretty clear that they do not know what a potentate is, and I will bet you a lot of Members of this body do not know, either. So to freeze this language, I think, is a mistake.

Number two, there is another issue. To report back to governments when they get citizenship is going to be a risky venture for some. If we have to tell the Cuban Government that one of their former citizens has become one of our citizens, we put their relatives at risk to the Castro regime.

I would like to also note that there are some countries that permit dual citizenship. Among them, Israel. I really do not want to be part of an effort to tell Americans who also have Israeli citizenship that they have to renounce that. I thank the gentlewoman for yielding.

Mr. RYUN of Kansas. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Chairman, I rise to support the Ryun amendment. What this amendment does is it protects that long-standing and high standard that is affirmed by our oath of allegiance, and it has been referred to that this is a solemn moment, a proud moment, and for many people, it is a dream that has come true.

Let us try to put this in a little bit of a perspective. This is, in a sense, a form of what is sometimes called in old-fashioned language a covenant, a covenant between a people and a person who wants to join a nation.

What are other types of covenants? One of them is a marriage, where a man and a woman pledge allegiance to each other equally. So this is a solemn moment. Try to picture yourself getting married and saying, yes, I want to get married, but I have got a couple of other marriages going, too. That is not going to fly very well.

What this does, this is a dream come true. This is a commitment to a country and to a way of life and to a set of principles. It is something that has always been held in high regard. I think it is totally appropriate for this Chamber to control some bureaucrats that just want to change language and water it down.

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

I agree with my distinguished colleague, it is a solemn time; it is a time of commitment. Many of us who have participated in these oaths of allegiance taken by throngs of new citizens in our jurisdictions have seen the emotion, the tears, the commitment, the celebration, the family commitment and the commitment to this Nation.

There has been no evidence that my good friend can show to suggest that the allegiance as it is now written and stated is not sacred. There is no evidence in purpose for it to be codified in law because it has fragility to it, if you will.

I raise the point with my colleagues, when we have friendly nations like Israel, are we to suggest that their commitment to the United States is any less, that they would refuse to fight alongside any Americans to defend our honor? Is there a reason to deny them the commitment to a homeland that may have a particular uniqueness to them, their family heritage, but yet they are here in the United States and they would not refuse to fight for our honor and dignity?

This amendment seems to be without purpose, and certainly for those countries where the person who is renouncing their citizenship is then given to be allowed to have their name notified at that embassy, what happens to those members or their families left behind?

I think that the gentleman may have good intentions, but, frankly, I do not

think that we have found any, if you will, problem with the existence in the process of the oath of renunciation and allegiance; and I would just offer to say that when you go and see the new citizens not only pledge to the flag of the United States but pledge allegiance, you know that they are committed to the virtues and values of this country.

Mr. Chairman, I reserve my time.

Mr. RYUN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank the chairman of the committee for his support and for some of my colleagues who have worked closely on this.

The language in the oath finds its roots way back in the words of our Founders, and the language has existed since 1950. I think it is appropriate. I think we need to protect this language. I urge my colleagues to support this amendment.

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

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

I just want to remind my colleagues that we are a Nation of immigrants and a Nation of laws. I think it is important when we pass legislation that we have a basis, a purpose. I do not think the gentleman can document that anyone who has taken this oath and because they have a dual citizenship that they have been any less a citizen. John F. Kennedy said everywhere immigrants have enriched and strengthened the fabric of American life.

I think this oath stands on its own merits, and, frankly, I believe that we jeopardize our friends, those who have come to this country with good intentions, when we cause them to have to be reported to their embassy and jeopardize their families' lives. I would hope we would be sensitive to that, and I would ask my colleagues to consider that as they consider this amendment and vote "no."

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

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

The amendment was agreed to.

□ 2100

AMENDMENT NO. 20 OFFERED BY MR. ROYCE

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

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

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 109-350 offered by Mr. ROYCE:

At the end of the bill, add the following:

TITLE IX—ELIMINATION OF CORRUPTION AND PREVENTION OF ACQUISITION OF IMMIGRATION BENEFITS THROUGH FRAUD

SEC. 901. SHORT TITLE.

This title may be cited as the "Taking Action to Keep Employees Accountable in Im-

migration Matters Act of 2005" or the "TAKE AIM Act of 2005".

SEC. 902. FINDINGS.

Congress finds the following:

(1) The mission of United States Citizenship and Immigration Services (USCIS) is to faithfully execute the immigration laws enacted by Congress and to ensure that only those aliens who are eligible under such laws and who do not pose a risk to the United States or its citizens or lawful residents are able to obtain permission to remain in the United States.

(2) Only United States citizens have an absolute right to be in the United States; for all others, permission to enter and reside here, either as nonimmigrants or immigrants, is a privilege that is conditioned on following the rules of one's admission and stay.

(3) It is important that United States Citizenship and Immigration Services, like all other Federal agencies that come into close contact with the public their customers.

(4) Immigration benefits fraud has become endemic. It undermines the rule of law and threatens national security, and so must be addressed aggressively and consistently.

(5) Internal corruption also threatens national security and erodes the integrity of the immigration system. In order to restore integrity and credibility to the system, the backlog of complaints against United States Citizenship and Immigration Services employees must be cleared by experienced investigators as expeditiously as possible without compromising the quality of investigations.

(6) In separating customs and border protection and immigration and customs enforcement from United States Citizenship and Immigration Services, Congress did not intend to wholly eliminate all law enforcement functions within the latter, nor is it possible for United States citizenship and immigration services to achieve its mission without a law enforcement function. The attempt to do so has produced the current abysmal results. Thus, it is imperative that United States Citizenship and Immigration Services embrace the critical law enforcement function especially the internal audit function.

SEC. 903. STRUCTURE OF THE OFFICE OF SECURITY AND INVESTIGATIONS.

The Director of the Office of Security and Investigations shall report directly to the Director of United States Citizenship and Immigration Services.

SEC. 904. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO INVESTIGATE INTERNAL CORRUPTION.

(a) AUTHORITY.—In addition to the authority otherwise provided by this title, the Director of the Office of Security and Investigations, in carrying out the duties of the Office, has sole authority—

(1) to receive, process, dispose of administratively, and investigate any criminal or noncriminal violations of the Immigration and Nationality Act or title 18, United States Code, that are alleged to have been committed by any officer, agent, employee, or contract worker of United States Citizenship and Immigration Services, and that are referred to United States Citizenship and Immigration Services by the Office of the Inspector General of the Department of Homeland Security;

(2) to ensure that all complaints alleging such violations are handled and stored in the same manner as sensitive but unclassified materials;

(3) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigra-

tion Services which relate to programs and operations with respect to which the Director has responsibilities under this title;

(4) to request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Office from any Federal, State, or local governmental agency or unit thereof;

(5) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned to the Office of Security and Investigations, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court (except that procedures other than subpoenas shall be used by the Director to obtain documents and information from Federal agencies);

(6) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned to the Office of Security and Investigations, which oath, affirmation, or affidavit when administered or taken by or before an agent of the Office of Security and Investigations designated by the Director shall have the same force and effect as if administered or taken by or before an officer having a seal;

(7) to have direct and prompt access to the head of United States Citizenship and Immigration Services when necessary for any purpose pertaining to the performance of functions and responsibilities of the Office of Security and Investigations;

(8) to select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Security and Investigations subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

(9) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-15 of the General Schedule by section 5332 of title 5, United States Code; and

(10) to the extent and in such amounts as may be provided in advance by immigration fee accounts or appropriations Acts, to enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this title.

(b)(1) Upon request of the Director for information or assistance under subsection (a)(4), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to such Director, or to an authorized designee, such information or assistance.

(2) Whenever information or assistance requested under subsection (a)(3) or (a)(4) is, in the judgment of the Director, unreasonably refused or not provided, the Director shall report the circumstances to the Director of United States Citizenship and Immigration Services without delay.

(c) The Director of United States Citizenship and Immigration Services shall provide the Office of Security and Investigations with appropriate and adequate office space at central and field office locations of United States Citizenship and Immigration Services, together with such equipment, office supplies, and communications facilities and

services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

(d)(1) In addition to the authority otherwise provided by this title, the Director, the Deputy Director, the Assistant Director of Security Operations, the Assistant Director of Special Investigations, all 1811-series criminal investigators, certain 1801-series investigative management specialists, and security specialists supervised by such assistant directors may be authorized by the Secretary of Homeland Security to—

(A) carry a firearm while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary;

(B) make an arrest without a warrant while engaged in official duties as authorized under this title or other statute, or as expressly authorized by the Secretary, for any offense against the United States committed in the presence of such Director, Assistant Director, or designee, or for any felony cognizable under the laws of the United States if such Director, Assistant Director, or designee has reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and

(C) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed.

(2) The Secretary shall promulgate, and revise as appropriate, guidelines which shall govern the exercise of the law enforcement powers established under paragraph (1).

(3)(A) Powers authorized for the Director under paragraph (1) may be rescinded or suspended upon a determination by the Secretary that the exercise of authorized powers by that Director has not complied with the guidelines promulgated by the Secretary under paragraph (2).

(B) Powers authorized to be exercised by any individual under paragraph (1) may be rescinded or suspended with respect to that individual upon a determination by the Secretary that such individual has not complied with guidelines promulgated by the Secretary under paragraph (2).

(4) A determination by the Secretary under paragraph (3) shall not be reviewable in or by any court.

(5) No provision of this subsection shall limit the exercise of law enforcement powers established under any other statutory authority.

SEC. 905. AUTHORITY OF THE OFFICE OF SECURITY AND INVESTIGATIONS TO DETECT AND INVESTIGATE IMMIGRATION BENEFITS FRAUD.

The Office of Security and Investigations of United States Citizenship and Immigration Services shall have authority—

(1) to conduct fraud detection operations, including data mining and analysis;

(2) to investigate any criminal or non-criminal allegations of violations of the Immigration and Nationality Act or title 18, United States Code, that Immigration and Customs Enforcement declines to investigate;

(3) to turn over to a United States Attorney for prosecution evidence that tends to establish such violations; and

(4) to engage in information sharing, partnerships, and other collaborative efforts with any—

(A) Federal, State, or local law enforcement entity;

(B) foreign partners; or

(C) entity within the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 906. INCREASE IN FULL-TIME OFFICE OF SECURITY AND INVESTIGATIONS PERSONNEL.

(a) INCREASE IN GS-1811 SERIES CRIMINAL INVESTIGATORS.—(1) In each of fiscal years 2007 through 2010, the Director of the Office of Security and Investigations shall, subject to the availability of security fees described in section 910 of this title, increase by not less than 100 the number of full-time, active-duty GS-1811 series criminal Discussion draft 10 investigators, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during the preceding fiscal year.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining criminal investigators, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(b) INCREASE IN GS-1801 SERIES INVESTIGATION AND COMPLIANCE OFFICERS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS-1801 series investigation and compliance officers, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

(c) INCREASE IN GS-0132 SERIES INTELLIGENCE RESEARCH SPECIALISTS.—(1) Subject to the availability of security fees described in section 910 of this title, the Director of the Office of Security and Investigations shall by fiscal year 2008 increase by not less than 150 the number of full-time, active-duty GS-0132 series intelligence research specialists, along with support personnel and equipment, within the Office of Security and Investigations above the number of such positions for which funds were made available during fiscal year 2006.

(2) DIVISION OF DUTIES.—

(A) INTERNAL AFFAIRS.—No fewer than one-third of the investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in paragraph (1) of section 904(a) of this title;

(B) BENEFITS FRAUD.—The remaining investigation and compliance officers, and support personnel, hired under paragraph (1) shall be assigned to investigate allegations described in section 905 of this title.

SEC. 907. ANNUAL REPORT.

The Director of the Office of Security and Investigations shall annually submit to Congress a report detailing the activities of the Office. The report shall include data on the following:

(1) The number of investigations the Office of Security and Investigations began, completed, and turned over to a United States

Attorney for prosecution during the past 12 months.

(2) The types of allegations investigated by the Office of Security and Investigations during the past 12 months, including both the allegations of misconduct by employees of United States Citizenship and Immigration Services and allegations of immigration benefits fraud.

(3) The disposition of all investigations conducted by the Office of Security and Investigations during the past 12 months.

(4) The number, if any, of allegations pending at the end of the 12-month period according to the type of allegation, the grade level of the employee, if applicable, along with an assessment of the resources the Office of Security and Investigations would need, if any, to remain current with new allegations received.

SEC. 908. INVESTIGATIONS OF FRAUD TO PRECEDE IMMIGRATION BENEFITS GRANT.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

“(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, or any court may not—

“(1) grant or order the grant of adjustment of status to that of an alien lawfully admitted for permanent residence,

“(2) grant or order the grant of any other status, relief, protection from removal, or other benefit under the immigration laws, or

“(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court, until any suspected or alleged fraud relating to the benefit application has been fully investigated and found to be unsubstantiated.”.

SEC. 909. ELIMINATION OF THE FRAUD DETECTION AND NATIONAL SECURITY OFFICE.

Not later than 30 days following the date of enactment of this title, the Secretary of Homeland Security shall eliminate the Fraud Detection and National Security Office of United States Citizenship and Immigration Services and transfer all authority of such office to the Office of Security and Investigations.

SEC. 910. SECURITY FEE.

Section 286(d) of the Immigration and Nationality Act (8 U.S.C. 1356(d)) is amended by inserting “(1) ” before “monies” and adding at the end the following:

“(2) In addition to any other fee authorized by law, the Secretary of Homeland Security shall charge each alien who files an application for adjustment of status or an extension of stay a security fee of \$10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

“(3) In addition to any other fee authorized by law, the Secretary of State shall charge each alien who files an application for an immigrant or nonimmigrant visa a security fee of \$10, which shall be made available to the Office of Security and Investigations to conduct investigations into allegations of internal corruption and benefits fraud.

“(4) Any fees collected under paragraphs (2) and (3) that are in excess of the operating budget of the Office of Security and Investigations shall be made available to Immigration and Customs Enforcement for the sole purpose of investigating immigration benefits fraud referred to it by United States Citizenship and Immigration Services.”.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from California (Mr. ROYCE) and the

gentlewoman from Texas (Ms. JACKSON-LEE) each will control 5 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I am urging my colleagues to support this amendment. We need only look at a new study done by a staff member of the 9/11 Commission to see why we need to ensure that the U.S. Citizenship & Immigration Service has a strong law enforcement component, which this amendment guarantees, and why we need to have stronger measures to fight fraud.

In this study, they looked at 94 terrorists, including six of the 9/11 hijackers, who have operated on the U.S. soil between the early 1990s and 2004, and here is what they found: Two-thirds, 59 of them, two-thirds of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity. In 47 of these instances, immigration benefits sought or acquired prior to 9/11 enabled the terrorists to stay in the United States after 9/11 and continue their terrorist activities. In two of these instances, terrorists were able to acquire immigration benefits after 9/11. There were 11 cases of passport fraud and 12 instances of visa fraud amongst these 94 terrorists. In total, 34 individuals were charged with making false statements to an immigration official.

Fraud was used not only to gain entry into the U.S. but also to remain in the country. And once they were in the United States, 23 terrorists applied for lawful permanent residence. Sixteen of those were approved by the INS. Twenty-one terrorists applied for naturalization, and 20 of them were approved and became citizens.

We need this amendment to ensure the U.S. Citizenship & Immigration Service focuses on a law enforcement component to act as a backstop to interior and Customs enforcement, and we fund it by providing that aliens using our immigration system pay a modest security fee to provide USCIS the resources and personnel it needs to fully investigate and prosecute immigration benefits fraud and corruption. And just as importantly, it stops potential fraud by prohibiting the granting of any immigration benefits that are in question until a thorough investigation has been conducted.

Mr. Chairman, I yield to the gentleman from Wisconsin.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

The amendment acknowledges that immigration fraud has become endemic and, even more seriously, that internal corruption at U. S. Citizenship and Immigration Services threatens the national security and erodes the integrity of our immigration system.

The extent and seriousness of the problem was brought to light in a closed bipartisan ses-

sion of the Subcommittee on Immigration, Border Security and Claims of the Judiciary Committee earlier this year. Although the serious allegations and investigations discussed there cannot be discussed in the open, I urge my colleagues in the strongest terms to pass this important amendment.

The ease with which unscrupulous immigration officials can be tempted to issue visas or benefits in return for money, goods, or favors was brought to light a month ago with the issuance of a Government Accountability Office report on consular malfeasance. In that report, it was revealed that the Diplomatic Security Service had investigated 28 cases of visa selling by State Department employees in the last few years. Those were only the cases that were discovered in the some 200 consular sections located abroad. U.S. Citizenship and Immigration Services conducts its application processing in the United States, and yet thousands of allegations of misconduct, some involving criminal acts and foreign influence, have yet to be investigated because of lack of focus, resources, and confusion of sub-agency jurisdiction.

This amendment would ensure that an internal law enforcement division within U.S. Citizenship and Immigration Services would receive, process, and investigate allegations of misconduct and internal corruption in a timely manner. To fund this office, a \$10 fee will be charged to all visa applicants.

The amendment would also provide that the Director of the division would have the authority to subpoena documents, reports, and data, and to appoint such officers as necessary to carry out the internal affairs functions.

I urge my colleagues to support this very important amendment.

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

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

Mr. Chairman, I appreciate the gentleman's intent on trying to fix a problem that clearly needs to be fixed. We do not dispute the idea that individuals applying for and receiving an immigration benefit should be properly vetted and screened and that any and all allegations of fraud should be thoroughly investigated, as I indicated earlier when I thanked Mr. SENSENBRENNER for joining me in an amendment that would create a single database for fraudulent documents and have reports made back to Congress on the trends.

I believe that individuals should be vetted and screened and that any and all allegations of fraud should be thoroughly investigated, but the problem is various agencies involved have been incredibly negligent in ensuring that the checks and investigations are performed in a timely fashion. Moreover, their respective databases are ripe with erroneous information, and for the most part, they are still inoperable.

That speaks to the increasing need of resources to improve our technology and to encourage and push the Federal Government to do its job. This amendment, however, seeks to address the problem from the wrong angle. Penalizing aliens by keeping them in limbo is no solution to the problem. Indeed,

our national security is further compromised by the government's failure to timely vet these individuals.

I would like to work with the gentleman on increasing the resources and giving a protracted time frame for these issues to be worked out. Background checks are important, and the attendant investigations are important to enable our government to identify and pursue the tiny handful of immigrants and visitors who wish to do us harm. We want to keep those who want to do us harm out; and those who are in, we want to catch them and prosecute them and penalize them. We want to separate them from the overwhelming majority who wish only to contribute to this country, who come here for economic reasons and to support themselves and their families.

So I would just suggest to the gentleman, if he wants to reform the process, the solution is to require that the multiple agencies involved put in place a workable system for conducting background checks and fraud investigations in a manner that is timely, accurate and secure and to provide them with the necessary resources to do so.

The gentleman's amendment has good intentions, and I support generally the amendment, but it has a number of problems, and so I would ask the gentleman to reconsider it.

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

Mr. ROYCE. Mr. Chairman, we do not want these agencies to waive instances where they have not had time to do the criminal background checks or to check the terrorist watch list. And in order to make it timely, in the amendment, we provide the revenue by having aliens who use our immigration system pay a modest security fee. That provides the very resources necessary here.

What do those resources go to besides to ensure this is done in a timely manner? Well, this amendment also consolidates the data-gathering function of the Office of Fraud Detection and National Security in a law-enforcement focused division whose mission is to detect, investigate and prosecute fraud and corruption, whether internal or external to USCIS, and to serve as a centralized security-related information clearinghouse for USCIS. So this information is shared, and it encourages the criminal investigators responsible for rooting out corruption and preventing immigration benefits fraud to partner with the adjudications officers so that fraud may be detected and prevented early in the application process.

For all of these reasons, I think this answers the very concerns raised by the gentlewoman's objection, and it certainly provides the additional resources to do it. Thus, I urge adoption of the amendment, and I would just close by pointing out the one inescapable fact of the 94 terrorists studied in this country since 9/11: Two-thirds of

these foreign-born terrorists committed fraud, got past our immigration system prior to taking part in attempted terrorist operations in our country.

It only makes sense to tighten the system and ensure that we have the proper investigations to catch the flags which had we caught prior to 9/11 might have prevented a terrorist attack. This amendment addresses precisely that problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I hope that we will be able to join with the gentleman on his purpose to vet and to ensure that those who are receiving immigration benefits are vetted and screened properly and that any allegations of fraud be investigated. I do not think anyone has come to this floor to divide on the question of ensuring that the homeland is protected. That means that we are screening more carefully the visas as individuals are requesting to come into the country.

We have implemented a number of new efforts to ensure that we are in fact keeping terrorists away from the United States. But, again, the concerns that I have are clearly that the resources are not there in order to do the vetting that the gentleman is speaking of. And the question is whether or not benefits will be held up while we are attempting to vet without the necessary resources.

I would hope as this amendment makes its way through the Congress that we will find a way to also push the Department of Homeland Security, push the Federal Government to comply with the recommendations of the 9/11 Commission and put in place the procedures and the dollars that it takes to make the system work. As I indicated to you, background checks and the attendant investigations are important. It is important for the government to identify and pursue the tiny handful of individuals who really come to do us harm. But we have to separate the overwhelming majority who wish only to contribute to this country.

We want reform. We have to reform the process. But the solution is to require the multiple agencies involved to put in place a workable system. That is my concern with the gentleman's amendment. But I would simply hope that, as we look for solutions, we can work together for a workable solution and a working system to make his plan work.

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

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 109-350 on

which further proceedings were postponed, in the following order:

Amendment No. 15 by Mr. WESTMORELAND of Georgia.

Amendment No. 16 by Mr. GONZALEZ of Texas.

Amendment No. 18 by Mr. SULLIVAN of Oklahoma.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 247, noes 170, answered "present" 1, not voting 15, as follows:

[Roll No. 657]
AYES—247

| | | |
|---------------|------------------|-----------------|
| Aderholt | Cuellar | Hefley |
| Akin | Culberson | Hensarling |
| Alexander | Davis (AL) | Hergert |
| Bachus | Davis (KY) | Higgins |
| Baker | Davis (TN) | Hobson |
| Bartlett (MD) | Davis, Tom | Hoekstra |
| Bass | Deal (GA) | Hostettler |
| Beauprez | DeLay | Hulshof |
| Berkley | Dent | Hunter |
| Berry | Diaz-Balart, L. | Inglis (SC) |
| Biggert | Doolittle | Issa |
| Bilirakis | Drake | Jenkins |
| Bishop (GA) | Dreier | Jindal |
| Bishop (UT) | Duncan | Johnson (CT) |
| Blackburn | Edwards | Johnson (IL) |
| Blunt | Ehlers | Johnson, Sam |
| Boehlert | Emerson | Jones (NC) |
| Boehner | English (PA) | Keller |
| Bonilla | Etheridge | Kelly |
| Bonner | Everett | Kennedy (MN) |
| Bono | Feeney | Kind |
| Boozman | Ferguson | King (IA) |
| Boren | Fitzpatrick (PA) | King (NY) |
| Boswell | Flake | Kingston |
| Boustany | Foley | Kirk |
| Boyd | Forbes | Kline |
| Bradley (NH) | Ford | Knollenberg |
| Brady (TX) | Fortenberry | Kuhl (NY) |
| Brown (SC) | Fossella | Latham |
| Brown-Waite, | Foxx | LaTourette |
| Ginny | Franks (AZ) | Leach |
| Burgess | Frelinghuysen | Lewis (CA) |
| Burton (IN) | Galleghy | Lewis (KY) |
| Buyer | Garrett (NJ) | Linder |
| Calvert | Gerlach | LoBiondo |
| Camp (MI) | Gibbons | Lucas |
| Campbell (CA) | Gilchrest | Lungren, Daniel |
| Cannon | Gillmor | E. |
| Cantor | Gingrey | Mack |
| Capito | Gohmert | Manzullo |
| Carter | Goode | Marchant |
| Castle | Goodlatte | Marshall |
| Chabot | Gordon | Matheson |
| Chandler | Granger | McCaul (TX) |
| Chocola | Graves | McCotter |
| Coble | Green (WI) | McCrery |
| Cole (OK) | Gutknecht | McHenry |
| Conaway | Hall | McHugh |
| Cooper | Harman | McIntyre |
| Costello | Harris | McKeon |
| Cramer | Hart | McMorris |
| Crenshaw | Hastings (WA) | Mica |
| Cubin | Hayes | Miller (FL) |

| | | |
|---------------|---------------|--------------|
| Miller (MI) | Ramstad | Smith (TX) |
| Miller, Gary | Regula | Sodrel |
| Moran (KS) | Rehberg | Spratt |
| Murphy | Reichert | Stearns |
| Musgrave | Renzi | Sullivan |
| Myrick | Reynolds | Sweeney |
| Neugebauer | Rogers (AL) | Tancredo |
| Ney | Rogers (KY) | Tanner |
| Northup | Rogers (MI) | Taylor (MS) |
| Norwood | Rohrabacher | Taylor (NC) |
| Nunes | Ros-Lehtinen | Terry |
| Nussle | Royce | Thomas |
| Osborne | Ryan (WI) | Thornberry |
| Otter | Ryun (KS) | Tiahrt |
| Oxley | Salazar | Tiberti |
| Paul | Saxton | Turner |
| Pearce | Schmidt | Upton |
| Pence | Schwarz (MI) | Walden (OR) |
| Peterson (MN) | Scott (GA) | Walsh |
| Peterson (PA) | Sensenbrenner | Wamp |
| Petri | Sessions | Weldon (FL) |
| Pickering | Shadegg | Weldon (PA) |
| Pitts | Shaw | Weller |
| Platts | Shays | Westmoreland |
| Poe | Sherwood | Whitfield |
| Pombo | Shimkus | Wicker |
| Porter | Shuster | Wilson (NM) |
| Pryce (OH) | Simmons | Wilson (SC) |
| Putnam | Simpson | Wolf |
| Radanovich | Smith (NJ) | Wynn |

NOES—170

| | | |
|----------------|-----------------|------------------|
| Abercrombie | Herseth | Obey |
| Ackerman | Hinchey | Olver |
| Allen | Hinojosa | Ortiz |
| Andrews | Holden | Owens |
| Baca | Holt | Pallone |
| Baird | Honda | Pascarell |
| Baldwin | Hoolley | Pastor |
| Barrow | Hoyer | Pelosi |
| Bean | Inslee | Price (GA) |
| Becerra | Israel | Price (NC) |
| Berman | Jackson (IL) | Rahall |
| Bishop (NY) | Jackson-Lee | Rangel |
| Blumenauer | (TX) | Reyes |
| Boucher | Jefferson | Ross |
| Brady (PA) | Johnson, E. B. | Rothman |
| Brown (OH) | Jones (OH) | Royal-Allard |
| Brown, Corrine | Kanjorski | Ruppersberger |
| Butterfield | Kaptur | Rush |
| Capps | Kennedy (RI) | Ryan (OH) |
| Capuano | Kildee | Sabo |
| Cardin | Kilpatrick (MI) | Sanchez, Linda |
| Cardoza | Kucinich | T. |
| Carnahan | Langevin | Sanchez, Loretta |
| Carzon | Lantos | Sanders |
| Case | Larsen (WA) | Schakowsky |
| Clay | Larson (CT) | Schiff |
| Cleaver | Lee | Schwartz (PA) |
| Clyburn | Levin | Scott (VA) |
| Conyers | Lewis (GA) | Serrano |
| Costa | Lipinski | Sherman |
| Crowley | Lofgren, Zoe | Skelton |
| Cummings | Lowey | Slaughter |
| Davis (CA) | Lynch | Smith (WA) |
| Davis (FL) | Maloney | Snyder |
| Davis (IL) | Markey | Solis |
| DeFazio | Matsui | Stark |
| DeGette | McCollum (MN) | Strickland |
| Delahunt | McDermott | Stupak |
| DeLauro | McGovern | Tauscher |
| Dicks | McKinney | Thompson (CA) |
| Dingell | McNulty | Thompson (MS) |
| Doggett | Meehan | Tierney |
| Doyle | Meek (FL) | Towns |
| Emanuel | Meeks (NY) | Udall (CO) |
| Engel | Melancon | Udall (NM) |
| Eshoo | Menendez | Van Hollen |
| Evans | Michaud | Velázquez |
| Farr | Millender- | Vislosky |
| McDonald | McDonald | Wasserman |
| Fattah | Miller (NC) | Schultz |
| Filner | Miller, George | Waters |
| Frank (MA) | Mollohan | Watson |
| Gonzalez | Moore (KS) | Watt |
| Green, Al | Moore (WI) | Waxman |
| Green, Gene | Murtha | Weiner |
| Grijalva | Nadler | Wexler |
| Gutierrez | Nadler | Woolsey |
| Hastings (FL) | Neal (MA) | Wu |
| Hayworth | Oberstar | |

ANSWERED "PRESENT"—1

Souder

NOT VOTING—15

| | | |
|---------------|-----------------|----------|
| Barrett (SC) | Diaz-Balart, M. | Kolbe |
| Barton (TX) | Hyde | LaHood |
| Davis, Jo Ann | Istook | McCarthy |

Moran (VA)
Napolitano

Payne
Pomeroy

Young (AK)
Young (FL)

Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLahunt
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman

Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchev
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeke (NY)
Mica
Michaud
Millender-
McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Murggrave
Myrick
Nadler
Neal (MA)
Neugebauer

Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schakowsky
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman
Schultz
Watt

Weiner
Weldon (FL)
Weldon (PA)
Weller

Westmoreland
Whitfield
Wicker
Wilson (NM)

Wilson (SC)
Wolf
Woolsey
Wynn

□ 2138

Ms. BEAN, Messrs. SMITH of Washington, BRADY of Pennsylvania, DIN-GELL and STRICKLAND changed their vote from “aye” to “no”.

Ms. HART, Messrs. OTTER, BOSWELL, BISHOP of Georgia, DAVIS of Alabama, KING of Iowa and CHAN-DLER changed their vote from “no” to “aye”.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against.

Mr. MORAN of Virginia. Mr. Speaker, during rollcall vote No. 657 on 12/16/05 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. GONZALEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-ment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic de-vice, and there were—ayes 87, noes 332, not voting 14, as follows:

[Roll No. 658]

AYES—87

Ackerman
Andrews
Becerra
Berman
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carnahan
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Emanuel
Engel
Eshoo
Evans
Fattah
Gonzalez

Green, Al
Green, Gene
Herseth
Honda
Hookey
Israel
Jackson (IL)
Jackson-Lee
(TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lipinski
Lofgren, Zoe
Maloney
Markey
Marshall
Matsui
McCullum (MN)
McDermott
McGovern
McKinney
Melancon
Menendez
Miller (NC)
Obey
Ortiz
Owens

Pallone
Pascarell
Pelosi
Pomeroy
Rahall
Reyes
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanders
Schiff
Schwartz (PA)
Smith (WA)
Stark
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Waxman
Wexler
Wu

NOES—332

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker

Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert

Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Bilalakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Bilalakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Bilalakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla

Aderholt
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)

Brown-Waite,
Ginny
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Case
Chabot
Chandler
Chocola
Coble
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Doolittle

Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Forbes
Ford
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Gutknecht
Hall
Harris
Hart

NOT VOTING—14

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 2147

Ms. HARMAN, Messrs. ETHERIDGE, KENNEDY of Rhode Island, DELAHUNT, GEORGE MILLER of California, SPRATT, BACA, OLVER, and MEEHAN changed their vote from “aye” to “no.”

Mr. CUMMINGS, Mr. CONYERS, and Ms. HOOLEY changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. REYNOLDS. Mr. Speaker, on Friday, December 16, 2005, I was unavoidably absent during rollcall vote No. 658.

Had I been present, I would have voted “nay” on rollcall vote No. 658.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-ment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic de-vice, and there were—ayes 163, noes 251, answered “present” 1, not voting 18, as follows:

[Roll No. 659]

AYES—163

| | | | | | |
|--------------------|---------------|--------------|-------------------|---------------|-------------|
| Hayes | McCrery | Rogers (AL) | Ryan (OH) | Smith (NJ) | Udall (NM) |
| Hayworth | McHenry | Rogers (MI) | Ryan (WI) | Smith (WA) | Upton |
| Hefley | McIntyre | Rohrabacher | Sabo | Snyder | Van Hollen |
| Herger | McKeon | Ross | Salazar | Sodrel | Velázquez |
| Herseth | Melancon | Royce | Sánchez, Linda T. | Solis | Visclosky |
| Holden | Mica | Ryun (KS) | T. | Souder | Walsh |
| Hostenetler | Miller (FL) | Saxton | Sanchez, Loretta | Spratt | Wasserman |
| Hulshof | Miller, Gary | Schmidt | Sanders | Stark | Schultz |
| Hunter | Moran (KS) | Sessions | Schakowsky | Strickland | Waters |
| Inglis (SC) | Murphy | Shays | Schiff | Stupak | Watson |
| Jenkins | Musgrave | Sherwood | Schwartz (PA) | Tauscher | Watt |
| Jindal | Myrick | Shimkus | Schwarz (MI) | Terry | Waxman |
| Johnson, Sam | Neugebauer | Shuster | Scott (GA) | Thomas | Weiner |
| Jones (NC) | Ney | Simpson | Scott (VA) | Thompson (CA) | Weldon (PA) |
| Keller | Norwood | Skelton | Sensenbrenner | Thompson (MS) | Weller |
| Kelly | Nussle | Smith (TX) | Serrano | Thornberry | Wexler |
| Kennedy (MN) | Osborne | Stearns | Shadegg | Tiaht | Wilson (NM) |
| King (IA) | Otter | Sullivan | Shaw | Tierney | Wolf |
| Kingston | Paul | Sweeney | Sherman | Towns | Woolsey |
| Kline | Peterson (MN) | Tancredo | Simmons | Turner | Wu |
| Latham | Peterson (PA) | Tanner | Slaughter | Udall (CO) | Wynn |
| Lewis (KY) | Pickering | Taylor (MS) | | | |
| Linder | Pitts | Taylor (NC) | | | |
| LoBiondo | Platts | Tiberi | | | |
| Lucas | Poe | Walden (OR) | | | |
| Lungren, Daniel E. | Pombo | Wamp | | | |
| Mack | Porter | Weldon (FL) | | | |
| Manzullo | Price (GA) | Westmoreland | | | |
| Marchant | Pryce (OH) | Whitfield | | | |
| Marshall | Putnam | Wicker | | | |
| Matheson | Ramstad | Wilson (SC) | | | |
| McCaul (TX) | Renzi | | | | |
| | Reynolds | | | | |

ANSWERED "PRESENT"—1

McCotter

NOT VOTING—18

| | | |
|-----------------|--------------|------------|
| Barrett (SC) | Istook | McHugh |
| Barton (TX) | Kennedy (RI) | Napolitano |
| Cole (OK) | Kolbe | Payne |
| Davis, Jo Ann | LaHood | Rothman |
| Diaz-Balart, M. | Lewis (CA) | Young (AK) |
| Hyde | McCarthy | Young (FL) |

□ 2155

NOES—251

| | | |
|-----------------|------------------|--------------------|
| Abercrombie | Engel | LaTourette |
| Ackerman | Eshoo | Leach |
| Akin | Etheridge | Lee |
| Allen | Evans | Levin |
| Andrews | Farr | Lewis (GA) |
| Baca | Fattah | Lipinski |
| Baird | Feeney | Lofgren, Zoe |
| Baldwin | Ferguson | Lowey |
| Bass | Filner | Lynch |
| Bean | Fitzpatrick (PA) | Maloney |
| Becerra | Flake | Markey |
| Berkley | Foley | Matsui |
| Berman | Fossella | McCollum (MN) |
| Biggert | Fox | McDermott |
| Bishop (GA) | Frank (MA) | McGovern |
| Bishop (NY) | Frelinghuysen | McKinney |
| Blumenauer | Gerlach | McMorris |
| Boehlert | Gilchrest | McNulty |
| Bonilla | Gillmor | Meehan |
| Boucher | Gonzalez | Meek (FL) |
| Boustany | Granger | Meeks (NY) |
| Brady (PA) | Green (WI) | Menendez |
| Brown (OH) | Green, Al | Michaud |
| Brown, Corrine | Green, Gene | Millender-McDonald |
| Burgess | Grijalva | Miller (MI) |
| Burton (IN) | Gutierrez | Miller (NC) |
| Butterfield | Harman | Miller, George |
| Camp (MI) | Hastings (FL) | Mollohan |
| Cannon | Hastings (WA) | Moore (KS) |
| Capps | Hensarling | Moore (WI) |
| Capuano | Higgins | Moran (VA) |
| Cardin | Hinche | Murtha |
| Cardoza | Hinojosa | Nadler |
| Carnahan | Hobson | Neal (MA) |
| Carson | Hoekstra | Northup |
| Carter | Holt | Nunes |
| Castle | Honda | Oberstar |
| Clay | Hooley | Obey |
| Cleaver | Hoyer | Olver |
| Clyburn | Inslee | Ortiz |
| Conyers | Israel | Owens |
| Costa | Issa | Oxley |
| Costello | Jackson (IL) | Pallone |
| Crowley | Jackson-Lee | Pascarell |
| Cuellar | (TX) | Pastor |
| Cummings | Jefferson | Pearce |
| Davis (AL) | Johnson (CT) | Pelosi |
| Davis (CA) | Johnson (IL) | Pence |
| Davis (FL) | Johnson, E. B. | Petri |
| Davis (IL) | Jones (OH) | Pomeroy |
| Davis, Tom | Kanjorski | Price (NC) |
| DeFazio | Kaptur | Radanovich |
| DeGette | Kildee | Rahall |
| Delahunt | Kilpatrick (MI) | Rangel |
| DeLauro | Kind | Regula |
| DeLay | King (NY) | Rehberg |
| Diaz-Balart, L. | Kirk | Reichert |
| Dicks | Knollenberg | Reyes |
| Dingell | Kucinich | Rogers (KY) |
| Doggett | Kuhl (NY) | Ros-Lehtinen |
| Doyle | Langevin | Roybal-Allard |
| Dreier | Lantos | Ruppersberger |
| Ehlers | Larsen (WA) | Rush |
| Emanuel | Larson (CT) | |

on the United States, and made solid suggestions to the Nation about how the Government could prevent similar attacks in the future.

On the issues of Border Patrol agents and detention beds, the 9/11 Commission said the very least the United States needed to do was add 2,000 agents annually—for 10 years—and 8,000 detention beds annually. Congress agreed, and passed the bill overwhelmingly.

How did the President and Congress react when it came time to pay for it all? The President's budget proposed funding 200 Border Patrol agents this year—that's 1,800 short of the least we should do—and 1,900 detention beds—that's 6,100 short of the least we should do.

Congress acted a little better, passing an emergency spending bill and a spending bill for homeland security that netted us a total of 1,500 Border Patrol agents—still 500 short of 9/11 Commission recommendations—and 4,250 detention beds—still 3,750 short of 9/11 Commission recommendations.

We are playing a shell game with our border security and, by extension, our national security. On the one hand, every single elected official is for more border security. Yet, the leadership in Congress does not have the political courage to pay for it.

This is what always hangs us up. There's no money and no political will to change the equation.

The American people deserve an honest debate on how to protect our homeland. All of us in Congress understand the world changed after September 11. For that reason, we must put forth a solution to bring out of the shadows the 8 to 11 million people who are in this country now, paying taxes and doing hard labor and have an honest discussion, absent the politics.

Mr. VAN HOLLEN. Mr. Chairman, the Congress has been negligent in dealing with the challenge of border security, homeland security and immigration policy reform. We must do what is necessary to protect our homeland and implement comprehensive immigration reform. It is time to address these issues in a meaningful way.

Unfortunately, this legislation fails to meet the test. This bill does contain some important provisions that will enhance border security. Indeed, the bill that emerged from the Homeland Security Committee was one that I could basically support. Unfortunately, the Judiciary Committee put politics over policy and added a number of highly objectionable provisions. Some of these provisions will turn a number of well-intentioned and law abiding citizens into criminals and felons. Other provisions penalize many individuals who have come to this country lawfully but have, through no fault of their own, become ensnared in a bureaucratic snafu with the Citizenship and Immigration Services where if someone misses a deadline by a day in changing their visa category they can be prosecuted for unlawful presence. Moreover, visitors from other countries who are here on tourist visas but cannot return to their country within the visa timeframe because of a natural disaster or the outbreak of civil war will be made into criminals.

This bill is also flawed in a number of other respects. First, it creates the dangerous illusion that we are addressing the most pressing homeland security issues, when we are not. The 9/11 Commission recently released its assessment of the progress being made by the

So the amendment was rejected. The result of the vote was announced as above recorded.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman from Wisconsin for his effort at pulling together this bill. Reforming immigration in this Nation—and reinforcing the borders, as I have advocated for over a year and a half—is a difficult proposition.

However, the gentleman from Wisconsin and those that are in support of this bill do not seem to understand the complexities of border and immigration policy. The bill before us today would do little to solve the immigration problem, and it is not what we need to reform immigration policy and to reinforce our borders.

Any effort by Congress to truly reform immigration and protect our borders must address the root causes of illegal immigration. As President Bush has stated, people come to the country to do the jobs Americans do not want to do. We must understand that it is our labor market that draws them to the U.S., and we must address how the U.S. could absorb the economic blow of losing this part of our labor market that keeps prices artificially low for consumers. Are businesses ready to pay high wages to agriculture workers? Are Americans ready to absorb that cost and pay higher prices for their produce?

An honest policy discussion is needed to address the complete problem—our broken immigration system and the needs of our labor market.

Although my colleagues on the other side of the aisle claim this bill will secure our borders, it does nothing of the sort. Nothing in this bill guarantees funding for detention facilities, Border Patrol agents, immigration judges or prosecutors.

The single most important thing we can do in Congress is invest in homeland security. However, our experience has been this: Numerous Members of Congress put forth ideas about how to fix border security, but funding these ideas has been impossible.

Lef's use 2005 as an example. One year ago, the 9/11 Commission did what Congress's current majority could not do: It investigated the events leading up to the attacks

Bush administration and this Congress on the adoption of its recommendations. More than half of the grades issued by the commission were Ds or Fs. This bill does not address any of the shortcomings identified by the 9/11 Commission. As such, it is a fraud on the American people to pretend that this bill significantly enhances homeland security. We are missing an important opportunity to remedy the homeland security failures identified by the 9/11 Commission.

Finally, this bill contains another gaping hole—the failure to address the issue of the approximately 11 million undocumented persons that are currently in the United States. President Bush has repeatedly stated that any immigration reform effort must find a way to bring these individuals out of the shadows of our communities. A number of thoughtful bills have been introduced to address that issue, including one introduced by two of our Republican colleagues, Representatives FLAKE and KOLBE. On the Senate side, the McCain-Kennedy legislation contains a number of ideas to address this issue. By refusing to allow a vote on these proposals, we do a disservice to our Nation. Once again, the House is abdicating its responsibility by failing to squarely meet the challenge we face.

Let me also say a word about the amendment offered to this bill to construct a partial fence along our southwest border. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, the amendment offered by Mr. DUNCAN doesn't simply provide for a fence. In a typical example of congressional over-reaching and micromanagement, the amendment specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of limiting illegal immigration and allow it to be built in the most cost-effective manner.

Mr. Chairman, I believe that this bill contains some positive changes that enhance border security at the same time it leaves a number of gaping holes and includes a number of provisions that take us in the wrong direction. On balance, I believe this is a flawed bill. I hope the Senate will address the serious shortcomings in this bill so we can adopt a meaningful bill that meets the challenges that we face.

Mr. MENENDEZ. Mr. Chairman, from the congressional district that I have had the honor of representing over the past 13 years, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success. Like millions of Americans, my own parents came to this country fleeing tyranny and searching for freedom. Because of this, the debate that we started yesterday and continue today is of special and personal interest to me.

So, America has a proud tradition as a nation of immigrants and a nation of laws. But unfortunately, our current immigration laws and system have failed us.

As a predicate for labor to grow, and for the country to achieve all the things it needs to, we need tough, smart, and comprehensive immigration reform that reflects current economic realities, that respects the core values of family unity and fundamental fairness, and that upholds our proud tradition as a nation of immigrants.

We need to aggressively seek to curtail crossings at the border and we need smart enforcement measures that prevent illegal immigration, so that our immigration system is safe, legal, orderly, and fair to all. Our goal should be neither open borders nor closed borders, but smart borders.

Now, tough enforcement laws may make us feel good, but they do not do the job all by themselves. Since 1986, we have tripled the number of Border Patrol agents and increased the enforcement budget 10 times over, but we haven't made a dent in the number of undocumented workers who make it here.

Mr. Chairman, 1 year ago tomorrow, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act. As one of the conferees on that bill, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures include, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators and detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

I am sure that the American people assume that their government has not only implemented, but also fully funded these tough measures to ensure our Nation's safety. Unfortunately, the President's budget and the Republican Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, the Republican Congress has provided a shortfall of: 500 Border Patrol agents of the 2,000 new Border Patrol agents called for this year by that law; 482 investigators of the 800 immigration enforcement investigators; and 4,130 detention beds of the 8,000 additional detention beds required.

So much for being tough. And so much for fully funding what is called for in the bill we are currently debating. I mean, who truly believes that we will fully fund and build the fence along the southwest border of the United States that so many of my colleagues voted for last night?

So we are not only passing a variety of provisions that will most likely never be fully funded or enforced, but we are also criminalizing not only millions of undocumented workers in the United States, but also citizens of this country.

Under the guise of a much broader definition of smuggling, this bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants. Certainly alien smuggling and trafficking for profit are activities that need to be sanctioned, and current law, part of last year's intelligence reform bill, provides for harsh penalties.

However, under the broad language contained in this bill:

A soccer mom who drives her neighbor to the grocery store, or has a live-in nanny could be penalized for "transporting";

The church group that provides food aid, shelter, or other assistance to members of its

community could be penalized for "assisting or encouraging";

An aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital could be penalized for "transporting";

A counselor who assists a victim of domestic violence and her children could be penalized for "assisting or encouraging";

The landscaper who drives his workers to jobs could be penalized for "transporting";

A U.S. citizen living with an undocumented spouse could be considered to be "assisting or encouraging" her spouse's presence; and

Last, but certainly not least, our district caseworkers could be penalized for either "assisting or encouraging" or even "transporting" as part of their official congressional duties.

I urge my colleagues on both sides of the aisle to vote against the underlying bill. By doing so, we then could work not as Democrats and Republicans, or Congressmen and Senators, but as Americans to bring our policies in line with our Nation's ideals and values.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply concerned by this bill's enforcement-only focus and the simple fact that it fails to seriously address our Nation's true immigration problems.

Our Nation's immigration system is broken. It does not work. Our legal immigration system does not meet the needs of American employers, lawful immigrants seeking residence in the U.S., and families seeking to reunite and pursue the American dream.

And yet that does not need to be the case.

One of the main reasons we have a huge illegal immigration problem is that our legal immigration system just does not work. We could be talking today about the widely recognized problems and debate comprehensive immigration reform. But we will not do that today.

I am deeply troubled that this bill, which would drastically alter our Nation's immigration laws, was rushed to the House floor just a little more than a week after it was introduced and after only one committee hearing it was voted out on party lines. On this key issue we should be able to work together.

Immigration is not a Republican or Democratic issue. It is truly an American issue.

The history of America is a history of immigration and immigrants. From the first Europeans to settle on our shores in places like Jamestown and Plymouth, to the millions who were greeted by the Statue of Liberty and Ellis Island trying to flee hunger and poverty in the Old World in search of a new life and a new start in America, legal immigrants continue to this day to be a vital part of our social fabric and our economic growth.

I firmly believe in the necessity of legal immigration. Our country was founded on the principle of immigration, and we are fortunate to have millions of hardworking, law-abiding immigrants living in this country. Studies show that, far from being a tax burden on us, immigrants add billions of dollars to the

U.S. economy. Statistics also reveal that immigrants are likely to set up their own businesses, which creates jobs for workers and sales opportunities for American companies. It is important to recognize the many benefits—economic and otherwise—that legal immigrants provide to our country.

However, like many Americans, I am concerned about the influx of illegal immigrants into our country. I believe the best answer to this problem is to comprehensively address our Nation's legal immigration system and to also fully and effectively enforce our immigration laws on the books.

But this bill focuses almost solely on new enforcement actions. It is a piecemeal attempt to solve a much larger problem and it will end up jailing foreign citizens who come illegally into the United States and make all employers in the country deputy immigration officials. These are not sensible solutions to the immigration problems that exist. I strongly believe that we need to secure both our southern and northern borders. It is also imperative to secure our seaports and airports. But we also need to acknowledge and deal with the fact that an estimated 11 million illegal immigrants hide in the shadows of our country. This bill simply ignores them and tries to fool the public into thinking that real changes are being made to secure our borders.

Over the last 20 years, Congress has passed into law 17 different immigration-related pieces of legislation. But a clear problem still remains. Rather than seriously doing something about immigration, the Congress has passed politically expedient but not policy-based legislation. It is clear that the Immigration and Nationality Act, INA, needs dramatic changes and the American people have continually called for such changes. The INA needs to be updated to meet the labor shortages that American employers face. It needs also to be fundamentally altered in how it handles foreign-born workers. Too often the INA is more complex and arcane than even the IRS Tax Code. This leaves businesses, citizens and prospective immigrants confused and unsure of what to do.

In my central New Jersey district alone this means that I have more than one full-time employee to help the citizens and residents of my district navigate these laws and the out-of-control bureaucracy they have created.

This bill is extreme and will not fix these arcane rules and procedures. And it will certainly fail to do what it promises. This bill requires the Department of Homeland Security to detain all illegal immigrants who enter the United States until they can be returned to their country of origin. Yet the bill does nothing to provide DHS with facilities or capacity to do just that. DHS will not be able to meet this flawed expectation and it will prove to be an untenable burden on an already over-extended detention system.

The bill also creates a new Employment Eligibility Verification System, EEVS, based on a small previously existing pilot program. This would require all employers to check their employees' work status. This essentially deputizes employers as immigration officers and forces an undue burden on them to do the Government's work. Currently, employers are already required to check the work documents of all of their employees. The GAO has estimated that this new provision alone will push an unfunded mandate on employers of close

to \$12 billion a year. This simply is not a practical solution.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Nursery & Landscape Association, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, and even the U.N. High Commissioner for Refugees. This broad coalition of organizations and interest groups understands that this is not a solution to our existing immigration problem and in fact may exacerbate the problem.

I urge my colleagues to oppose this bill and to seriously and comprehensively address the important issue of immigration.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my strong opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

While I believe that immigration reform is urgently needed and must include strong and effective enforcement provisions, this legislation will not solve our Nation's immigration problems. It fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of immigrants, and the presence of a sizable undocumented community in the United States. Instead it harms American families, businesses, and communities. Its impact on the Latino and immigrant communities would also be devastating.

Among the many anti-immigrant measures in H.R. 4437 are provisions that would: (1) strip citizenship opportunities that are currently available to legal immigrants; (2) curtail crucial due process rights in immigration proceedings; (3) make it a criminal offense to remain in the country illegally after entering legally; and (4) deputize local law enforcement officials to enforce Federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.

This enforcement-only approach has not worked in the past and will not work in the future if it is not combined with measures that address the 11 million undocumented immigrants already in the country. That is why I support and have cosponsored H.R. 2330, the bipartisan comprehensive immigration reform bill sponsored by Representatives JIM KOLBE, JEFF FLAKE, and LUIS GUTIERREZ. This bill combines tough enforcement with realistic admission policies, has bipartisan support, and is workable.

All Americans want effective reforms of the Nation's immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. H.R. 4437 does not take us down the path of real immigration reform.

I stand should-to-shoulder with groups like the AFL-CIO, ACLU, Anti-Defamation League, U.S. Chamber of Commerce, Human Rights Watch, Leadership Conference on Civil Rights, MALDEF, and National Council of La Raza.

I ask that all my colleagues join me in my opposition to this flawed immigration bill.

Mr. CROWLEY. Mr. Chairman. I rise in opposition to H.R. 4437.

Immigrants—who are likely counted among the families of most members of this body—work, pay taxes, serve in our military, and contribute in a resoundingly positive way.

And our burdensome, inefficient immigration system is not working for immigrants and it is not working for our country.

Unfortunately, this bill lets down immigrants, those who depend on them, and our Nation on the whole.

There is a lot that is troubling in this bill, but also troubling is what is not in this bill.

Real immigration reform and security improvements cannot end with a discussion on enforcement anymore than you can make a peanut butter and jelly sandwich without peanut butter.

Immigration is about so much more. Immigration is also about bringing families together, and supplying a pathway to citizenship for those who come here and contribute.

Moreover, it is foolish to pretend that we have somehow solved our immigration or security concerns by simply making it harder for people to come or stay here. That is simply increasing the incentive for immigrants to immigrate, live and work in the shadows.

And that is a loss for immigrants, their families, society, and national security.

Make no mistake—our immigration system needs reform. And it is appropriate to discuss how to best enforce our laws and secure our borders. Certainly none of my constituents in New York City are interested in making things easier on terrorists who use our immigration system to harm America.

But let's make sure the enforcement tactics we're talking about make sense. And let's make sure our tactics actually make us safer. And let's make sure that immigration reform does not end with enforcement. Because at the end of the day, immigration is too important to just take the most simplistic response and label it a solution.

Fortunately, there is a better bill—a bipartisan bill offered by Congressmen KOLBE, FLAKE, and GUTIERREZ. A bill that reduces immigration backlogs and helps family reunification. A bill that recognizes that comprehensive immigration reform—as opposed to strictly discussing enforcement—is the only way to protect both the security and the ideals of the U.S.

And this is certainly not that bill.

Mr. DINGELL. I rise in opposition to H.R. 4437. Like many of my colleagues, I believe we should enforce our immigration laws and ensure we stem the tide of illegal immigration. However, this bill goes too far.

It is a heavy handed approach to immigration. But you may say, "DINGELL, we have a problem, we must do something." I say to that: Read the fine print. This bill not only penalizes illegal immigrants, but families, asylum seekers, good Samaritans, and most importantly, law abiding, U.S. citizens. This bill goes too far.

First, this bill harshly penalizes families, in particular family unity. For instance, under Title VI of the bill, millions of immigrants would be barred from gaining lawful resident status, even those whose spouses or children are

U.S. citizens. Without lawful resident status, those immigrants would be sent to their country of origin, forced to leave their loved ones behind. This bill goes too far.

Next, good Samaritans would be harshly penalized. If a person finds an illegal immigrant injured, and takes that person to a hospital, the law would label the Samaritan a felon. This bill goes too far.

Mr. Speaker, asylum seekers would be unduly penalized. This bill redefines the status of many asylum seekers, making them felons under the law, and would disallow many from having a hearing before they are deported back to the country from which they are seeking asylum. This bill goes too far.

Most importantly, U.S. citizens would be penalized. This bill mandates that employers use the Employment Verification System. According to the GAO, building the type of database to verify employment envisioned by this bill will cost at least \$11.7 billion per year. Furthermore, the GAO identified other problems within this flawed system that threaten to deny employment for many able bodied Americans. This bill goes too far.

I would note that a wide array of groups is opposed to this legislation from the United Auto Workers, to the United States Conference of Catholic Bishops, to the United States Chamber of Commerce, Americans for Tax Reform, and the American Immigration Lawyers Association. During these very polarized times, when these vastly different groups are opposed, it raises a few eyebrows. And it does so for good reason. I urge my colleagues to vote against this bill. Let's craft a well rounded bill that enforces our immigrant laws, allows for avenues for citizenship, and that does not drive illegal immigration further underground.

Mr. CARDIN. Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security, DHS, and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

I supported the bipartisan version of the homeland security and immigration reform bill that passed the House Homeland Security Committee last month. As a former member of the committee, I agree that the United States must: move rapidly to establish operation control of all borders and ports; end our "catch and release" practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I also agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the administration have much more work to do to make America safer, and gave our Government fair to poor grades for our current level of border security. I agree that Congress and the administration should take immediate action to: produce a terrorist travel strategy to intercept and disrupt their operations; create a comprehensive screening system for travelers; create a biometric entry-exit screening system

for all land borders; improve international collaboration on borders and document security; and standardize secure identifications.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The bill before the House, passed on a party-line vote in the Judiciary Committee, is not a balanced, thoughtful approach to the issue. This bill is a punitive bill which is neither enforceable nor workable. This bill has little chance of enactment. Border security is too important and should be included in legislation that can be quickly enacted.

This legislation is opposed by a vast number of groups from across the political spectrum, including businesses, labor unions, faith-based organizations, civil rights organizations, human rights organizations, and immigrant advocacy organizations.

I therefore ask my colleagues to reject this legislation.

Mr. CANNON. Mr. Chairman, I rise today to commend Chairmen SENSENBRENNER and KING for their work on the manager's amendment to H.R. 4437.

The manager's amendment amends Title VII of H.R. 4437 by including language that I authored that prevents the mandatory construction of day labor facilities by private businesses in order for them to conduct business.

An increasing number of local governmental entities are requiring businesses to undertake new, onerous obligations with regard to day laborers as a condition of getting a use permit necessary to conduct business. Examples include requirements that businesses build structures with toilets and water fountains at or near their private property to house day laborers, while they wait for employment opportunities with contractors or customers of the business. The local ordinances typically require that a business maintain the structures, including providing security and janitorial services.

These obligations are costly and represent an unwarranted interference by governmental entities with the rights of businesses to use and operate their private property. Worse, these local ordinances are unreasonable because they go beyond safety issues. They force businesses to use their property to facilitate employment through the creation of a de facto hiring hall.

These ordinances expose the businesses to potential liability on a number of fronts.

I offered language that amends the existing preemption of the employer sanctions provisions of the INA (8 U.S.C. § 1324a) as they relate to State and local governments.

Enacted in 1986, this section preempts State and local governments from applying the employer sanctions provisions of the INA.

The language of Section 708 included in the manager's amendment adds an additional preemption paragraph that preempts any State or local law that requires a private business to build and maintain what is essentially a hiring hall as the price of doing business in that city.

I understand and empathize with the State and local governments as they grapple with illegal immigration, but immigration is a national problem that must be addressed by Congress.

Piecemeal and patchwork local ordinances only add to the confusion surrounding this issue.

I thank the Chairmen for working with me to resolve this issue.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

This bill is fundamentally flawed. By taking an approach that implements only enforcement measures, and does not look comprehensively at the problem, we will only worsen our current situation and do nothing to solve our immigration problems.

I support border enforcement.

In my State of Arizona, we have increased the number of Border Patrol agents by tenfold, quintupled the immigration enforcement budget, and overhauled the arsenal of high-tech equipment along the border.

But we have learned a hard lesson in Arizona: No matter how much we increase our enforcement, still the illegal migrants kept coming, at the same rate or faster than they had come in previous years. In fact, during that period, the probability of catching illegal immigrants along the U.S.-Mexico border actually fell to an all-time low of 5 percent in 2002. The border buildup did not stop the flow; it merely shifted it to more dangerous areas, where apprehensions are more difficult and death more likely.

This bill would continue that failed policy, by seeking only enforcement provisions, without creating a realistic, legal channel for workers to come here and help grow our economy.

The only way to truly solve the problem is to include a legal channel for willing American employers to connect with willing foreign workers where no U.S. citizens are available or willing to fill the job. Otherwise, immigrants will continue to pour over our borders in search of jobs and a better way of life.

At the same time, we must also create a tough but workable way to bring out of the shadows the millions of people who currently live in our country without documentation. We must say to those who break our laws that they will pay a stiff fine and they must go behind everyone else that wants to become a proud citizen of this country. Anything less than this will undermine our national security at a time when Americans are demanding to know who is living within our borders. Some have called the payment of large fines and other penalties "amnesty." But I say that it is this bill's unrealistic, unworkable approach that amounts to amnesty. That's true because under this bill undocumented people living here will remain in the country with nothing happening to them. This bill ignores the problem. I think most members know this. But we are going to continue this charade, continue trying to fool the American people, continue pretending we are doing something to prevent illegal immigration.

Without real, workable provisions, the American people will rightly be even more angry over our duplicitous shell game.

Enhanced enforcement is an integral part of improving our Nation's security. But, enforcement alone without other reforms has not and will not secure the border.

Mr. Chairman, simply stated, we should defeat this bad bill and bring back to the House a real bill, a comprehensive bill that tackles all the pieces of the immigration puzzle.

Mr. BLUMENAUER. Mr. Chairman, the Border Security Act of 2005 will not mend our broken immigration system. This legislation is narrowly focused on interior security and enforcement while it falls far short of providing

the workable solution that we desperately need. With more than 11 million undocumented immigrants living and working in our country, simply increasing the already harsh penalties for immigration violations and placing a larger burden on employers is an inadequate approach to our immigration crisis.

By not containing a guest worker program, this legislation fails to address the presence of the sizable undocumented community in the United States. It's widely recognized that agribusiness, manufacturing, hospitality and restaurant industries depend on millions of undocumented workers. Without a practical approach to this issue, real reform remains out of reach.

American taxpayers have invested billions of dollars to secure our borders and end illegal immigration, yet the number of undocumented immigrants in the U.S. has increased more in the past five years than ever before in our Nation's history.

In order to secure our borders, legalize our workforce, and advance our economy we must develop true comprehensive immigration reform.

Mr. FARR. Mr. Chairman, I rise in opposition to H.R. 4437. It is so egregious I do not even know where to begin.

H.R. 4437 does not address the heart of the immigration problem—what to do with those 11 million undocumented people who already reside in this country. This bill is ready, however, to intimidate and criminalize any immigrant who believes in the American Dream and acts on it. H.R. 4437 contains border and law enforcement provisions that give this bill the facade of substance but in reality, this legislation is hollow. It's like having the framework of an army tank, but no engine. Just as an army tank will not work without an engine, America's immigration problem will remain unresolved without addressing a guestworker program.

This legislation only offers a false promise of protection. Real protection would come from identifying those undocumented aliens already residing in this country. Real protection would come from assimilating and welcoming immigrants into our society, as we have done in the 230 years before today. Real protection would not automatically condemn the bus boy at your local favorite restaurant, your house keeper, or farmworkers who ensure you can eat fresh vegetables year round. Creating an "us verses them" attitude will not foster true homeland security.

I urge you to reject H.R. 4437.

Miss McMORRIS. Mr. Chairman, what has made America great have been the opportunities given to everyone in this country. Since our founding, individuals and families have come to America to seek freedom, opportunity and the choice for a better life.

Everywhere I travel throughout Eastern Washington, I hear from people demanding we do a better job of controlling our borders and reducing illegal immigration. This past year, my office helped with nearly 150 immigration cases. It has become increasingly difficult for those who would like to enter our country legally and choose to obey the law to do so. For example, one family went through a 17-year process before they were allowed to come over legally. We must find a way to have responsive and legal immigration for those who desire to come.

In Congress my priorities include growing our economy and keeping our Nation and

community safe. In my opinion, this includes a comprehensive immigration policy that addresses the growing problems related to illegal immigration but also ensures that our efforts do not unduly hurt our local and national economy.

The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 will bolster our border security, increase interior enforcement efforts, crack down on human trafficking, and reestablish respect for current immigration laws.

While this is an important component, any comprehensive immigration bill must take into account our national and regional economy, which must have the workforce to meet the demands in agriculture and other service industries. Agriculture is the number one industry in Washington State, producing thousands of jobs and over \$1 billion in revenue for Eastern Washington. Our farmers help supply the country with a safe and stable food supply and they must have enough workers.

The agriculture industry in Washington is currently experiencing overall labor shortages. When I visited Crane and Crane Orchards last month in Brewster, I learned that labor shortages are hurting their business. This year alone, over 80,000 boxes worth of apples were left on the trees because they didn't have enough labor; they needed over 300 pickers. They are experiencing labor shortages despite the fact that they pay between 10 to 12 dollars an hour and provide housing to their workers. They couldn't find workers anywhere.

As Congress proceeds with immigration reform, Eastern Washington's agriculture and service related industries need to address the impact of these policy changes on their workforce. We need to keep our economy and workforce competitive in the 21st century by establishing a legal workforce. A comprehensive immigration bill must take into account potential impacts on our workers, their families and the overall economy.

Immigration is a complex problem, with no easy solution or quick fix. Controlling our borders is an important first step, but we cannot stop there. Immigration reform will not be complete until we can adequately resolve the labor needs of our agriculture community. As we continue to update and improve our immigration laws, it is important that we retain our compassionate and welcoming system that defines who we are as Americans.

Mr. STEARNS. Mr. Chairman, obviously our immigration system is broken. Recent reports have revealed that there are approximately 10–12 million illegal immigrants within the United States. Unless we act quickly, this number is estimated to grow by 400,000 each year.

The problem of illegal immigration has legal, economic and national security ramifications.

As Peggy Noonan recently observed in the Wall Street Journal, "what does it mean that your first act on entering a country—your first act on that soil—is the breaking of that country's laws? What does it suggest to you when that country does nothing about your lawbreaking because it cannot, or chooses not to? What does that tell you? Will that make you a better future citizen, or worse? More respecting of the rule of law in your new home, or less?"

We are a nation of immigrants, but we are also a nation of laws. The fact of the matter

is that illegal immigration violates our laws, and goes against our Nation's dedication to the rule of law. It is wrong, both legally and morally, and must be stopped.

From an economic perspective, illegal immigrants fill jobs that would otherwise be filled by American citizens or legal residents. Public funds are being used to provide social welfare benefits and services to those here illegally at the expense of the American taxpayer. And our border patrols are using precious resources to track down these scofflaws, when they can be focusing instead on preventing terrorists from entering our country.

And in the aftermath of 9/11, we learned that illegal immigration endangers our national security. It is self-evident that we must secure our borders. Even if it were true that terrorists are not necessarily sneaking over the Mexican or Canadian borders, a proposition which I am certainly not prepared to admit, the fact is that the millions of illegal aliens in our country are creating an overwhelming demand for false identity documents and smuggling networks that could also be used to assist those with less than pure motives.

That's why I have cosponsored this legislation. As it stands now, it contains the reforms needed to remedy these problems. And I hope it will include my amendment to close a loophole in existing immigration law to ensure that criminal and security checks are completely finished before offering immigrants any sort of benefits.

I would also caution against including any sort of language in this legislation providing a green-light to legitimizing the millions of illegal "guest workers" here already.

Mr. Chairman, it is a shame that those of us who support this legislation have been accused of being anti-immigrant or worse, when nothing can be further from the truth. We all understand why foreigners, the vast majority whom are well-meaning and in search of a better life for themselves and their families, would want to come to America. We are the land of opportunity, but as I said before, we are also a nation of laws. Speaking for myself, I know that over the course of my career in Congress, my staff and I have helped hundreds, perhaps thousands of these aspiring Americans become citizens. I am sure that many of the supporters of this bill have done the same.

If we allow illegal immigration to continue on its present course, not only does it hurt our commitment to the rule of law, our economy, and our national security, but it also hurts these legal immigrants. Why should they obey the law and wait their turn? What do they think when they go through the whole process, but then see our government and our employers look the other way with millions of illegal aliens?

This bill will not only uphold the rule of law, protect American tax dollars and enhance our national security, it will also restore a sense of dignity and pride to those immigrants who come here legally.

I urge my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, a primary duty of our government is to protect and defend our Nation—and that includes controlling our borders.

This bill aims to strengthen our border control through increased manpower, new technology and smarter law enforcement coordination. These critical components to border control have my full support.

However, by leaving out a reformed guestworker program, this bill is not the comprehensive solution that we need.

If we fail to address why many people from other countries seek to enter our country illegally, we make the job of securing our Nation more difficult.

I cannot fault anyone for wanting to come here to work for a better life for themselves and their families—most of us have family members who came to America for that very reason. That is the American way—and it's a tradition deeply rooted in our Nation's history.

Central Washington is the top producer of labor intensive agriculture products like apples, pears, cherries and grapes and is heavily dependent upon immigrant labor.

To stop illegal immigration and fix our broken immigration system, we must strengthen our borders and create a legal channel for workers to come here and fill jobs that Americans are not.

The existing H2A guestworker program is unworkable—as evidenced by chronic labor shortages in many agricultural areas. There simply is not a ready pool of American workers to fill most of the jobs currently held by migrant farmworkers.

Without a legal channel for hardworking individuals to fill these jobs, many American industries would be left with no labor force. Our entire economy would feel the punch. The United States would be at serious risk of losing our fresh fruit and vegetable farms to foreign countries. And, the cost of construction and basic services would increase—raising prices for every American.

A functional guestworker program means our government decides who enters our country, where they are, when they must leave, and what rules they must follow. A guestworker program makes certain that the Federal Government is in control of immigration. Providing a legal way for honest, willing workers to fill these jobs reduces the number of people trying to enter our country illegally.

A reformed guestworker program is critical to our Nation's security, to our economy and to preventing illegal immigration. Without a guestworker plan, I must withhold my support for H.R. 4437 and continue working for the comprehensive solution we need.

Mr. ISSA. Mr. Chairman, I rise today in support of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. The passage of this legislation is fundamental to the security of our citizens and to reducing the flow of illegal immigrants into the United States.

The number one issue that my constituents contact me about is securing our borders and fighting illegal immigration. This bill does both. Among the bill's provisions are greater cooperation between border sheriffs and Federal law enforcement, increased penalties for human smugglers, elimination of "catch and release" policies, and a requirement that employers screen for illegal applicants.

This legislation is the outgrowth of a movement within Congress to address enforcement of our immigration laws prior to looking at any need for temporary worker provisions. I, along with dozens of my colleagues, signed the let-

ter to President George Bush stressing the importance of addressing enforcement first. Today we accomplish that goal.

I want to thank House Judiciary Committee Chairman JIM SENSENBRENNER and House Homeland Security Committee Chairman PETER KING for their hard work in bringing this legislation before the House, but I want to especially thank Chairman SENSENBRENNER for incorporating my bill, the Criminal Alien Accountability Act, into the broader bill. Providing a strong disincentive to criminal aliens and human smugglers is integral to protecting our communities, and by strengthening penalties for these groups, the legislation effects such an end.

We have a great deal of work left to do with regard to strengthening our borders and enforcing our workplace immigration laws, but this legislation is a strong start. I look forward to working with my fellow members of the Judiciary Committee and my constituents as we continue to improve our Nation's immigration enforcement policies.

Mr. CANNON. Mr. Chairman, as we conclude the debate on H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act, I wanted to share with my colleagues a thoughtful letter I received outlining Republican philosophy and the need for comprehensive immigration reform.

DECEMBER 16, 2005.

DEAR MEMBER OF CONGRESS: Watching the action in the House of Representatives this week, we feel compelled to write and express our disappointment with the direction of the debate about immigration.

There can be no question: we as a nation need to retake control of our borders and restore the rule of law in our communities. But enforcement alone—without more realistic, more enforceable laws in line with our need for foreign workers to do jobs Americans no longer want to do—will not solve the problem of illegal immigration.

The restrictionist wing of the Republican Party—those who would revoke birthright citizenship for immigrants and build a fence from the Pacific to the Gulf of Mexico—has been getting most of the air time this week. These members have seized on an emotional issue, and party leaders have humored them—at the expense of more reasonable Republicans advocating broader, more realistic reform.

But make no mistake: the reform-minded wing of the party is alive and well—and standing ready for the next phase of the battle, in the Senate and beyond.

Who makes up the reform wing? There are political operatives like Ken Mehlman concerned about how immigration plays with Latino voters. There are business-friendly Republicans at the Wall Street Journal, the Cato Institute and elsewhere who know that immigration is good for the economy: not just good for individual employers—in agriculture, food-processing, hospitality, health care, construction and other sectors—who depend on these workers to keep their businesses open and growing, but also for native-born workers employed by these companies and others that trade with them.

There are security-minded Republicans like Homeland Security Secretary Michael Chertoff and his predecessor Tom Ridge who know that creating a system for immigrant laborers to enter the country legally is the best way to free up border agents whose real job is protecting us from terrorists. And then there are Republicans like Ronald Reagan and now George W. Bush who understand in a more general way that immigrants are good for the country: that they bring entre-

preneurial energy and family values and fresh patriotism—and that, as Reagan emphasized, the nation must remain a beacon to the world.

None of these Republicans think enforcement or legality are unimportant. But they are convinced that the best way to restore the rule of law is to start with more honest, more enforceable immigration quotas—a temporary worker program more in line with the reality of our labor needs—and then make those realistic limits stick with all the means at our disposal. This is the approach that the Senate will almost certainly pursue when it turns to immigration in January or February, and it is the approach the President hopes to sign into law, perhaps as soon as next spring.

House Republican leaders face a difficult challenge—precisely because of the way the issue divides us from one other. But we remain convinced that reason—and the party's traditional values—will prevail in the end. Instead of trying punitively to enforce unrealistic law, the majority of the GOP will eventually come together around an immigration policy worthy of the label Republican—one that encourages the American Dream and rewards work, even as it restores the rule of law and enhances national security.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act because border security without immigration reform is no more effective than an umbrella in a hurricane.

Our immigration system is flooded with undocumented workers because there is a fundamental mismatch between the number of non-citizen workers needed in our economy and the number of visas available. In 2004, only 359 people were admitted in the category of "unskilled shortage workers," and yet thousands of illegal immigrants can find enough work to warrant the dangerous border crossing. The solution is obvious: bring legal immigration in line with the supply of jobs not taken by U.S. citizens and there would be little incentive to break the law.

There is bipartisan legislation—which I have co-sponsored—to do just that, and even though everyone from the ACLU to the Chamber of Commerce agrees that it is the best solution, it won't get a vote today because the Republican Party wants some red meat to throw to the xenophobic fringe. So they will tell you that they're fixing the system and protecting America by turning millions of workers into criminals and telling the Border Patrol that there's no difference between a student who drops a class in violation of his student visa and a known terrorist. They're both "aggravated felons" according to this bill. The Department of Homeland Security has no control over the border, and this bill suggests that expanding the mission will somehow solve the problem.

It also contradicts American values and numerous international treaties by:

Allowing immigration officials, without judicial review, to return asylum applicants on the next plane home if they find their story to be unconvincing;

Requiring low-level immigration officials to expel, without a hearing, anyone found within 100 miles of the border believed to be a recently arrived undocumented immigrant; and

Permitting indefinite detention of non-citizens who have not even been convicted of a crime, including those who have fled persecution or who cannot be deported because they would be tortured if returned.

Saying that this policy will stop illegal immigration or meet our employment needs or fix the immigration bureaucracy is patently ridiculous. This is a political game that I refuse to play. I vote "no".

Mr. LANGEVIN. Mr. Chairman, today I rise in strong opposition to H.R. 4437, the Border Security, Antiterrorism, and Illegal Immigration Control Act. This bill is not about border security or terrorism prevention, as the name implies. H.R. 4437 is a one-sided, mean-spirited approach that will not solve our nation's immigration problems. The Republicans are so fearful of real reform that they did not even allow a vote on the President's own guestworker program or a bipartisan comprehensive border security and immigration plan, such as the Kolbe-Gutierrez bill. Instead, we are stuck voting on a bill that is opposed by almost every reasonable business, labor, civil liberties, and religious advocacy group in the country, and which has no chance of passage in the Senate.

For our own security, it is of vital importance to know who is entering our country and who is here. Our current border policy of "catch and release" is not working. We need real security, but we also need to address the eight to fourteen million undocumented immigrants currently in our country.

I am disappointed that this bill veers away from the bipartisan approach that we took in the Homeland Security Committee. While our bill was not perfect, Chairman KING and Ranking Member THOMPSON were able to draft a proposal the entire Committee could support. During markup, I was pleased the Committee accepted my amendment to require radiation portal monitors to be installed at ports of entry within one year. This is an example of a common-sense measure that protects all Americans from the risk of terrorists smuggling nuclear weapons across our border. While this provision is included in H.R. 4437, the bill before us today also includes several egregious provisions that do very little to keep us safe from terrorists.

Should this bill become law, millions of undocumented immigrants, including young children, already in our country will automatically become felons, subject to imprisonment. Aside from the cost of tracking down these newly charged felons, who will be entitled to a government funded public defender, and jailing them, we must also consider the economic and social costs to our country.

Many undocumented immigrants play an important role in certain industries that depend on temporary or seasonal work. Their vital role in the economy explains why this bill is opposed by every major business group. For this reason, Democrats and the President support a temporary guestworker proposal, but this bill contains no such acknowledgement of our country's economic needs.

Instead, under H.R. 4437, these immigrants would never be eligible for any guestworker program like the one requested by the President. People who have been living, working, paying taxes, and raising families in our country for 20 years, will now be pushed into a new underclass. Many of these families have children who are U.S. Citizens. Not only will this bill tear families apart, but by defining illegal immigrants as felons, this legislation could also create a backlash against anyone who appears to be of foreign origin, most of whom are here legally.

In addition, the bill criminalizes assistance to undocumented immigrants, even if provided by church or non-profit volunteers. Now, if a person shows up at a church's doorstep hungry, the church will provide that person something to eat. However, under the terms of this bill, if that person happens to be an undocumented immigrant, the person who provided the food will be subject to up to 5 years in prison, and the church would have its property seized and sold to the highest bidder. These kinds of punitive responses do not represent the values of the American people.

We need comprehensive immigration reform in the mold of H.R. 2330, the Secure America and Orderly Immigration Act, which I am proud to support. This bill would secure our borders, require immigration status verification by employers, and create a path to citizenship for currently undocumented workers, while not penalizing those who are patiently waiting for legal entry to our country. This type of reform addresses the fact that it is unrealistic to track down and deport every undocumented immigrant, but it others from entering our country illegally in the future. Unfortunately, the House leadership did not permit so much as a vote on this measure, as they knew it would likely pass, and their conservative base would be upset by real reform.

This bill before us today is a farce. The leaders of the House know that this bill will never see the light of day in the Senate. They have given us an unrealistic proposal to gain favor with their most vocal supporters. Their bill is so outlandish that it is opposed by nearly every advocacy group in the country: from the AFL-CIO to the U.S. Chamber of Commerce, and ACLU to Americans for Tax Reform. I cannot think of another measure where these groups were united. I urge my colleagues to join me in opposing H.R. 4437 and instead support comprehensive immigration reform.

Mr. ISTOOK. Mr. Chairman, although I cannot be present for the final vote, I support and have co-sponsored H.R. 4437, to improve America's border security dramatically.

I am absent so that I can be at my daughter's wedding. It was scheduled long ago, when nobody expected that the House would be in session at this time.

As the grandson of immigrants, I have a deep and personal appreciation for the desire and courage it takes to leave your home in search of a new and better life. My father's parents were born in Hungary and they came to America legally through Ellis Island. I welcome and embrace those who come here and who do so legally.

But entering our country illegally is different—very different. It is difficult to obey the laws of this country when your very first act is to break them. Illegal immigration is an affront to those who wait patiently for the chance to come here legally. Illegal immigration drains the resources of our schools and of our social support network. It encourages disrespect for the laws which are necessary for a good and orderly society.

This bill represents the first serious effort in decades to address this immense problem which has constantly worsened due to a lack of resources, a lack of resolve and a lack of enforcement of our laws. When our borders are not secure against illegal immigration, it means they also are not secure against drug-smuggling or against terrorists. This bill adopts

a unified approach to border security that protects us against all those threats. It also deters illegal entry by helping us to detect the millions who are already here wrongfully. It enlists employers in the common-sense effort to deny work to illegals, thus motivating them to return to their own country.

Everyone sympathizes with those who lack opportunity in their home country and who hope to find it here. But the long-term solution is not to have the whole world arrive at our doorstep. If other nations would adopt America's principles—including free-enterprise, constitutionally-protected freedoms, and government by the people—they could create prosperity in their own lands. Those countries need hard-working citizens who will change their societies, and we should help them with policies that encourage reforms in their countries. Meantime, the American people expect and deserve that we will protect our Nation by passing this bill.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIRK) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, pursuant to House Resolution 621, he reported the bill, as amended pursuant to House Resolution 610, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am, Mr. Speaker, in its current form.

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

The Clerk read as follows:

Mr. Reyes moves to recommit the bill, H.R. 4437, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Border Security and Terrorism Prevention Act of 2005".

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

- TITLE I—SECURING UNITED STATES BORDERS**
- Sec. 101. Achieving operational control on the border.
- Sec. 102. National strategy for border security.
- Sec. 103. Implementation of cross-border security agreements.
- Sec. 104. Biometric data enhancements.
- Sec. 105. One face at the border initiative.
- Sec. 106. Secure communication.
- Sec. 107. Border patrol agents.
- Sec. 108. Coast Guard enforcement personnel.
- Sec. 109. Immigration enforcement agents.
- Sec. 110. Port of entry inspection personnel.
- Sec. 111. Canine detection teams.
- Sec. 112. Secure border initiative financial accountability.
- Sec. 113. Border patrol training capacity review.
- Sec. 114. Airspace security mission impact review.
- Sec. 115. Repair of private infrastructure on border.
- Sec. 116. Border Patrol unit for Virgin Islands.
- Sec. 117. Report on progress in tracking travel of Central American gangs along international border.
- Sec. 118. Collection of data.
- Sec. 119. Deployment of radiation detection portal equipment at United States ports of entry.
- Sec. 120. Sense of Congress regarding the Secure Border Initiative.
- Sec. 121. Report regarding enforcement of current employment verification laws.
- TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT**
- Sec. 201. Joint strategic plan for United States border surveillance and support.
- Sec. 202. Border security on protected land.
- Sec. 203. Border security threat assessment and information sharing test and evaluation exercise.
- Sec. 204. Border Security Advisory Committee.
- Sec. 205. Center of excellence for border security.
- Sec. 206. Sense of Congress regarding cooperation with Indian Nations.
- TITLE III—DETENTION AND REMOVAL**
- Sec. 301. Enhanced detention capacity.
- Sec. 302. Increase in detention and removal officers.
- Sec. 303. Expansion and effective management of detention facilities.
- Sec. 304. Enhancing transportation capacity for unlawful aliens.
- Sec. 305. Report on financial burden of repatriation.
- Sec. 306. Training program.
- Sec. 307. GAO study on deaths in custody.
- TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES**
- Sec. 401. Enhanced border security coordination and management.
- Sec. 402. Making Our Border Agencies Work.
- TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER**
- Subtitle A—Equipment enhancements to address shortfalls to securing United States borders
- Sec. 501. Emergency deployment of United States Border Patrol agents.
- Sec. 502. Helicopters and power boats.
- Sec. 503. Motor vehicles.
- Sec. 504. Portable computers.
- Sec. 505. Radio communications.
- Sec. 506. Hand-held global positioning system devices.
- Sec. 507. Night vision equipment.
- Sec. 508. Body armor.
- Sec. 509. Weapons.
- Subtitle B—Human capital enhancements to improve the recruitment and retention of border security personnel
- Sec. 511. Maximum student loan repayments for United States Border Patrol agents.
- Sec. 512. Recruitment and relocation bonuses and retention allowances for personnel of the Department of Homeland Security.
- Sec. 513. Law enforcement retirement coverage for inspection officers and other employees.
- Sec. 514. Increase United States Border Patrol agent and inspector pay.
- Sec. 515. Compensation for training at Federal Law Enforcement Training Center.
- Subtitle C—Securing and Facilitating the Movement of Goods and Travelers
- Sec. 531. Increase in full time United States Customs and Border Protection import specialists.
- Sec. 532. Certifications relating to functions and import specialists of United States Custom and Border Protection.
- Sec. 533. Expedited traveler programs.
- TITLE VI—ENSURING PROPER SCREENING**
- Sec. 601. US-VISIT Oversight Task Force.
- Sec. 602. Verification of security measures under the Customs-Trade Partnership Against Terrorism (CTPAT) program and the Free and Secure Trade (FAST) program.
- Sec. 603. Immediate international passenger prescreening pilot program.
- TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS**
- Subtitle A—Alien Smuggling
- Sec. 701. Combating human smuggling.
- Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit.
- Sec. 703. New nonimmigrant visa classification to enable informants to enter the United States and remain temporarily.
- Sec. 704. Adjustment of status when needed to protect informants.
- Sec. 705. Rewards program.
- Sec. 706. Outreach program.
- Sec. 707. Establishment of a special task force for coordinating and distributing information on fraudulent immigration documents.
- Subtitle B—Northern Border Prosecution Initiative Reimbursement Act
- Sec. 711. Short title.
- Sec. 712. Northern Border Prosecution Initiative.
- Sec. 713. Authorization of appropriations.
- Subtitle C—Criminal Aliens
- Sec. 721. Removal of criminal aliens.
- Sec. 722. Assistance for States incarcerating undocumented aliens charged with certain crimes.
- Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
- Sec. 724. ICE strategy and staffing assessment.
- Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated.
- Sec. 726. Increase in prosecutors and immigration judges and United States Marshals.
- Subtitle D—Operation Predator
- Sec. 731. Direct funding for Operation Predator.
- TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004**
- Subtitle A—Additional Authorizations of Appropriations
- Sec. 801. Aviation security research and development.
- Sec. 802. Biometric center of excellence.
- Sec. 803. Portal detection systems.
- Sec. 804. In-line checked baggage screening.
- Sec. 805. Checked baggage screening area monitoring.
- Sec. 806. Improved explosive detection systems.
- Sec. 807. Man-portable air defense systems (MANPADS).
- Sec. 808. Pilot program to evaluate use of blast resistant cargo and baggage containers.
- Sec. 809. Air cargo security.
- Sec. 810. Federal air marshals.
- Sec. 811. Border security technologies for use between ports of entry.
- Sec. 812. Immigration security initiative.
- Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States
- Sec. 821. Establishment of Commission.
- Sec. 822. Purposes.
- Sec. 823. Composition of Commission.
- Sec. 824. Powers of commission.
- Sec. 825. Compensation and travel expenses.
- Sec. 826. Security clearances for commission members and staff.
- Sec. 827. Reports of Commission.
- Sec. 828. Funding.
- TITLE IX—FAIRNESS FOR AMERICA'S HEROES**
- Sec. 901. Short title.
- Sec. 902. Naturalization through combat zone service in Armed Forces.
- Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service.
- Sec. 904. Effective date.
- TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT**
- Sec. 1001. Short title and purpose.
- Sec. 1002. Immigration reform for the Commonwealth of the Northern Mariana Islands.
- TITLE XI—MISCELLANEOUS PROVISIONS**
- Sec. 1101. Location and deportation of criminal aliens.
- Sec. 1102. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody deportable aliens.
- Sec. 1103. Denying admission to foreign government officials of countries denying alien return.
- Sec. 1104. Border patrol training facility.
- SEC. 2. DEFINITIONS.**
- In this Act:
- (1) **APPROPRIATE CONGRESSIONAL COMMITTEE.**—The term “appropriate congressional committee” has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).
- (2) **STATE.**—The term “State” has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) **IN GENERAL.**—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) **OPERATIONAL CONTROL DEFINED.**—In this section, the term “operational control” means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) **SURVEILLANCE PLAN.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) **NATIONAL STRATEGY FOR BORDER SECURITY.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed

and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection.

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) **CONSULTATION.**—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) **PRIORITY OF NATIONAL STRATEGY.**—The National Strategy for Border Security de-

scribed in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) **IMMEDIATE ACTION.**—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) **REPORTING OF IMPLEMENTING LEGISLATION.**—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) **IN GENERAL.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) **UPDATES.**—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

- (1) among all Border Patrol agents conducting operations between ports of entry;
- (2) between Border Patrol agents and their respective Border Patrol stations;
- (3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) **INCREASE IN BORDER PATROL AGENTS.**—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) **ASSOCIATED COSTS.**—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

- (1) the number of mission or operational support staff needed;
- (2) associated relocation costs;
- (3) required information technology enhancements; and
- (4) costs to train such new hires.

SEC. 108. COAST GUARD ENFORCEMENT PERSONNEL.

The Secretary of Homeland Security shall increase by not less than 2,500 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty Coast Guard personnel, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 110. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

- (1) \$107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;
- (2) \$154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;
- (3) \$198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and
- (4) \$242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 111. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 112. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) **IN GENERAL.**—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than \$20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

- (1) not later than 60 days after the date of the initiation of the action; and
- (2) upon the conclusion of the performance of the contract.

(b) **REPORT BY INSPECTOR GENERAL.**—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) **REPORT BY SECRETARY.**—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 113. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) **IN GENERAL.**—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) **COMPONENTS OF REVIEW.**—The review under subsection (a) shall include the following components:

- (1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.
- (2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs,

effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 114. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the "NCR") will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 115. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) **IN GENERAL.**—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

- (1) the result of unlawful entry of aliens; and
- (2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) **VALUE OF REIMBURSEMENTS.**—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) **REPORTS.**—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There shall be authorized to be appropriated an initial \$50,000 for each fiscal year to carry out this section.

SEC. 116. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 117. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 118. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 119. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) **DEPLOYMENT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 120. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 121. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) **IN GENERAL.**—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) **REPORT.**—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) **IN GENERAL.**—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) **SUPPORT FOR BORDER SECURITY NEEDS.**—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of

Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) **ESTABLISHMENT OF COMMITTEE.**—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the "Committee").

(b) **DUTIES.**—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) **MEMBERSHIP.**—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) **ESTABLISHMENT.**—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) **ACTIVITIES OF THE CENTER.**—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the "catch and release" policy and to address long-standing

shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108-458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

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

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

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of de-

tainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, in-

cluding ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: “**Bureau of Border Security and Customs**”;

(2) by striking section 401 and inserting the following section:

“SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

“(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the ‘Bureau’).

“(b) COMMISSIONER.—

“(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the ‘Commissioner’). The Commissioner shall report directly to the Secretary.

“(2) APPOINTMENT.—The Commissioner shall be appointed—

“(A) by the President, by and with the advice and consent of the Senate; and

“(B) from individuals who have—

“(i) a minimum of ten years professional experience in law enforcement; and

“(ii) a minimum of ten years of management experience.

“(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

“(1) coordinating all Federal border security activities;

“(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

“(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

“(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

“(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

“(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

“(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

“(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

“(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

“(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.”;

(3) in section 402, in the matter preceding paragraph (1), by striking “acting through the Under Secretary for Border and Transportation Security,” and inserting “acting through the Commissioner of Border Security and Customs,”; and

(4) by inserting after section 403 the following new section:

“SEC. 404. TRANSFER.

“The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the ‘Reorganization Plan Modification for the Department of Homeland Security’ submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.”

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

“Sec. 401. Bureau of Border Security and Customs.”

; and

(2) by inserting after the item relating to section 403 the following new item:

“Sec. 404. Transfer.”

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O’odham Indian reservation (commonly known as the “Shadow Wolves” unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security’s Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking “under the Under Secretary for Border Transportation and Security”.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking “The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.” and inserting “There shall be in the Department an Office for Domestic Preparedness.”; and

(B) in subsection (b), in the second sentence, by striking “Under Secretary for Border and Transportation Security” and inserting “Secretary of Homeland Security”.

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking “, acting through the Under Secretary for Border and Transportation Security.”;

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

“(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.”;

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

“SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

“(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

“(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

“(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

“(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

“SEC. 406. IMMIGRATION LEGAL ADVISOR.

“There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.”; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting “and Customs” after “Border Security” each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking “Under Secretary for Border and Transportation Security” and inserting “Commissioner of Border Security and Customs”;

(ii) in section 443, as redesignated by subsection (c)(3), by striking “Under Secretary for Border and Transportation Security” and inserting “Commissioner of Border Security and Customs”;

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking “Assistant Secretary” and inserting “Commissioner”;

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking “Assistant Secretary” and inserting “Commissioner”;

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking “Assistant Secretary” and inserting “Commissioner”.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

“Sec. 405. Chief of Policy and Strategy.

“Sec. 406. Legal advisor.”;

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security’s ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than

100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a "panic button" and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are

reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements To Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

"(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

"(A) paragraph (2)(A) shall be applied by substituting '\$20,000' for '\$10,000'; and

"(B) paragraph (2)(B) shall be applied by substituting '\$80,000' for '\$60,000'."

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking "and" at the end of subparagraph (C), and by adding at the end the following:

"(E) an employee (not otherwise covered by this paragraph)—

"(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

"(ii) who is authorized to carry a firearm; and

"(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;"

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking "(A) and (B)" and inserting "(A), (B), (E), and (F)".

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after "position." (in the matter before subparagraph (A)) the following: "For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F)."

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply

only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term "incumbent" means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term "prior service" means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS-11 of the General Schedule to the annual rate of basic pay for positions at GS-12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such

section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2006, 2007, and 2008, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2006, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM (C-TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter,

the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs-Trade Partnership Against Terrorism (C-TPAT) program and the Free And Secure Trade (FAST) program.

(b) **POLICIES FOR NONCOMPLIANCE WITH C-TPAT PROGRAM REQUIREMENTS.**—The Commissioner shall establish policies for non-compliance with the requirements of the C-TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

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

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

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

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

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

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

(1) in not fewer than 2 foreign airports; and

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

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

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

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

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

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

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

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a

description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

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

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

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

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

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

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) **REQUIREMENT FOR PLAN.**—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) **CONTENT.**—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) **REPORT.**—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) **IN GENERAL.**—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the comma at the end and inserting "or";

(3) by inserting after clause (ii) the following:

"(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

"(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

"(II) is willing to supply or has supplied such information to a Federal or State court; or

"(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.";

(4) by inserting "or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General" after "jointly"; and

(5) by striking "(i) or (ii)" and inserting "(i), (ii), or (iii)".

(b) **ADMISSION OF NONIMMIGRANTS.**—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: "The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400."; and

(2) by adding at the end the following:

"(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection."

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking "(1) or (2)," and inserting "(1), (2), (3), or (4).";

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

"(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

"(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

"(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

“(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.”; and

(4) by adding at the end the following:

“(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.”.

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

“(e) REWARDS PROGRAM.—

“(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

“(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

“(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

“(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

“(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

“(B) the arrest or conviction of any individual committing such an act;

“(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

“(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

“(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

“(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

“(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

“(8) LIMITATIONS AND CERTIFICATION.—

“(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed \$100,000, except as personally authorized by the Secretary of Homeland Security.

“(B) APPROVAL.—Any reward under this subsection exceeding \$50,000 shall be personally approved by the Secretary of Homeland Security.

“(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.”.

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

“(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

“(1) the penalties for—

“(A) bringing in and harboring aliens in violation of this section; and

“(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

“(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.”.

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the “Northern Border Prosecution Initiative Reimbursement Act”.

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term “eligible northern border entity” means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term “federally initiated” means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term “federally declined-referred” means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term “case disposition”, for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect’s arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section \$28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years after fiscal year 2006.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate

and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act, ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and Nationality Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the institutional removal program—

- (A) \$100,000,000 for fiscal year 2007;
- (B) \$115,000,000 for fiscal year 2008;
- (C) \$130,000,000 for fiscal year 2009; and
- (D) \$145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting “charged with or” before “convicted”.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

“(5) There are authorized to be appropriated to carry out this subsection \$500,000,000 for fiscal year 2006 and \$1,000,000,000 for each of the succeeding ten fiscal years.

“(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.”

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking “for the costs” and inserting the following: “for—

“(1) the costs”; and

(B) by striking “such State.” and inserting the following: “such State; and

“(2) the indirect costs related to the imprisonment described in paragraph (1).”; and

(2) by striking subsections (c) through (e) and inserting the following:

“(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

“(1) shares a border with Mexico or Canada; or

“(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

“(d) DEFINITIONS.—As used in this section:

“(1) INDIRECT COSTS.—The term ‘indirect costs’ includes—

“(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

“(B) indigent defense costs; and

“(C) unsupervised probation costs.

“(2) STATE.—The term ‘State’ has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).”

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement

could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHAL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2006 through fiscal year 2010.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

In addition to such other sums as are authorized under law, to carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$20,000,000 for fiscal year 2007 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 802. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated \$1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 803. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary

of Homeland Security for the use of the Transportation Security Administration \$250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 804. IN-LINE CHECKED BAGGAGE SCREENING.

In addition to such other sums as are authorized under law, to carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2007 \$400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 805. CHECKED BAGGAGE SCREENING AREA MONITORING.

In addition to such other sums as are authorized under law, to carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2007 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 806. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration \$100,000,000 for fiscal year 2007 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 807. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

In addition to such other sums as are authorized under law, to carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2007.

SEC. 808. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

In addition to such other sums as are authorized under law, to carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated \$2,000,000 for fiscal year 2007. Such sums shall remain available until expended.

SEC. 809. AIR CARGO SECURITY.

In addition to such other sums as are authorized under law, to carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary \$100,000,000 for fiscal year 2007 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 810. FEDERAL AIR MARSHALS.

In addition to such other sums as are authorized under law, to carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement \$83,000,000 for fiscal year 2007 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 811. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated \$25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 812. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) \$40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the "Commission").

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2006.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107-306.

SEC. 824. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with

any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) **RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.**—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—

(1) **GENERAL SERVICES ADMINISTRATION.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) **OTHER DEPARTMENTS AND AGENCIES.**—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) **GIFTS.**—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) **POSTAL SERVICES.**—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) **IN GENERAL.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) **PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.**—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) **PUBLIC HEARINGS.**—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) **COMPENSATION.**—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for

each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) **TRAVEL EXPENSES.**—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, \$10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the "Fairness for America's Heros Act".

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

"(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

"(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

"(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of

naturalization reflecting such date and any other information the Secretary determines to be appropriate."

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440-1(e)) is amended to read as follows:

"(e) **BENEFITS FOR SURVIVORS.**—

"(1) **IN GENERAL.**—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

"(2) **SPOUSE.**—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

"(3) **CHILDREN.**—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

"(4) **PARENTS.**—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

"(5) **SELF-PETITIONS.**—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

"(6) **NO BENEFITS FOR OTHER RELATIVES.**—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection."

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

SEC. 1001. SHORT TITLE AND PURPOSE.

(a) **SHORT TITLE.**—This title may be cited as the "Northern Mariana Islands Covenant Implementation Act".

(b) **STATEMENT OF PURPOSE.**—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intent of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for—

(A) the orderly phasing-out of the non-resident contract worker program of the Commonwealth of the Northern Mariana Islands; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and

(2) to minimize, to the maximum extent practicable, potential adverse effects the orderly phase-out might have on the economy

of the Commonwealth of the Northern Mariana Islands by—

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands, consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the “Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America” through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of those officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials of the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 1002. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO JOINT RESOLUTION APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94-241 (48 U.S.C. 1801 note; 90 Stat. 263) is amended by adding at the end the following:

“SEC. 6. IMMIGRATION AND TRANSITION.

“(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

“(1) IN GENERAL.—Subject to paragraph (2), effective on the first day of the first full month beginning 1 year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (referred to in this section as the ‘transition program effective date’), the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

“(2) TRANSITION PERIOD.—

“(A) IN GENERAL.—There shall be a transition period ending December 31, 2014 (except for subsection (d)(3)(D)), following the transition program effective date, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) (referred to in this section as the ‘transition program’).

“(B) IMPLEMENTATION.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by each agency having responsibilities under the transition program.

“(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H-2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C.

1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations established in section 214(g) of that Act (8 U.S.C. 1184(g)).

“(c) TEMPORARY ALIEN WORKERS.—With respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act, the transition program shall conform to the following requirements:

“(1) TREATED AS NONIMMIGRANTS.—Aliens admitted under this subsection shall be treated as nonimmigrants under subparagraph (A), (C), (D), (G), (J), (K), or (S) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of that Act (8 U.S.C. 1258), or adjustment of status, if eligible, under this section and section 245 of that Act (8 U.S.C. 1255).

“(2) PERMIT SYSTEM.—

“(A) IN GENERAL.—The Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(B) REDUCTION IN ALLOCATION OF PERMITS.—The permit system shall—

“(i) provide for a reduction in the allocation of permits for workers described in subparagraph (A) on an annual basis, to zero, over a period not to extend beyond December 31, 2014; and

“(ii) take into account the number of petitions granted under subsection (i).

“(C) VALIDITY OF PERMIT.—A permit shall not be valid beyond the expiration of the transition period.

“(D) BASIS OF PERMIT SYSTEM.—The permit system may be based on any reasonable method and criteria determined by the Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of Federal law.

“(E) USER FEES.—

“(i) IN GENERAL.—The Secretary of Labor may establish and collect appropriate user fees for the purposes of this section.

“(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected pursuant to this section shall—

“(I) be deposited in a special fund of the Treasury;

“(II) be available, to the extent and in the amounts provided in advance in appropriations Acts, for the purposes of administering this section; and

“(III) remain available until expended.

“(3) VISAS FOR NONIMMIGRANT TEMPORARY ALIEN WORKERS.—

“(A) IN GENERAL.—Subject to subparagraph (B)—

“(i) the Secretary of Homeland Security shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program; and

“(ii) the Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection.

“(B) LIMITATION.—Visas described in subparagraph (A) shall not be valid for admission to the United States (as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38))), except

the Commonwealth of the Northern Mariana Islands.

“(C) EMPLOYMENT.—An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa may engage in employment only as authorized pursuant to the transition program.

“(D) PROHIBITION.—No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

“(4) TRANSFER BETWEEN EMPLOYERS.—An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of the authorized stay of the alien in the Commonwealth, without advance permission of the current or prior employer of the employee, to the extent that the transfer is authorized by the Secretary of Homeland Security in accordance with criteria established by the Secretary and the Secretary of Labor.

“(d) IMMIGRANTS.—

“(1) IN GENERAL.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2))) and persons granted an immigrant visa under paragraph (2) or (3), aliens shall not be granted initial admission as lawful permanent residents of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

“(2) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Secretary of Homeland Security, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate Federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as authorized by sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

“(3) EMPLOYMENT-BASED IMMIGRANT VISAS.—

“(A) EXCEPTIONAL CIRCUMSTANCES.—

“(i) IN GENERAL.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Secretary of Homeland Security may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

“(ii) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this paragraph.

“(B) ADMISSION AS LAWFUL PERMANENT RESIDENTS.—

“(i) IN GENERAL.—Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-

entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States.

“(ii) ADJUSTMENT OF STATUS.—Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

“(C) NO PRECLUSION ON OTHER APPLICATIONS.—Nothing in this paragraph precludes an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for an immigrant visa or admission as a lawful permanent resident under that Act.

“(D) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

“(i) IN GENERAL.—During 2013, and in 2019 if a 5-year extension is granted, the Secretary of Homeland Security and the Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to determine—

“(I) the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands; and

“(II) whether a 5-year extension of the provisions of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry.

“(ii) LEGITIMATE BUSINESS.—

“(I) IN GENERAL.—For the purpose of this paragraph, a business shall not be considered legitimate if the business engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law.

“(II) DETERMINATION.—The determination of whether a business is legitimate and whether the business is sufficiently related to the tourism industry shall be made by the Secretary of Homeland Security and shall not be reviewable.

“(iii) NOTICE OF EXTENSION.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an extension of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Secretary of Homeland Security shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a 5-year period with respect to the tourism industry only.

“(iv) FURTHER EXTENSION.—The Secretary of Homeland Security may authorize 1 further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Secretary of Homeland Security consults with the Secretary of Labor, the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Secretary of Homeland Security determines that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

“(v) EXTENSION FOR CERTAIN LEGITIMATE BUSINESSES.—The Secretary of Homeland Security, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Labor and the Secretary of Commerce, may extend the provisions of this paragraph to legitimate businesses in industries outside the tourism industry for a single 5-year period if the Sec-

retary of Homeland Security determines that—

“(I) the extension is necessary to ensure an adequate number of workers in that industry; and

“(II) the industry is important to growth or diversification of the local economy.

“(vi) CONSIDERATIONS.—In making a determination for the tourism industry or for industries outside the tourism industry, the Secretary of Homeland Security shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in the industry.

“(vii) PROHIBITION ON ADDITIONAL EXTENSIONS.—No additional extension beyond the initial 5-year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension.

“(viii) REPORT.—If an extension is granted, the Secretary of Homeland Security shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing—

“(I) the reasons for the extension; and

“(II) whether the Secretary believes authority for additional extensions should be enacted.

“(e) NONIMMIGRANT INVESTOR VISAS.—

“(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Secretary of Homeland Security may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

“(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

“(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

“(C) is otherwise admissible; and

“(D) maintains the investment or investments that formed the basis for such long-term investor status.

“(2) REGULATIONS.—Not later than 180 days after the transition program effective date, the Secretary of Homeland Security and the Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

“(3) INTERIM TREATMENT OF ALIENS.—The Secretary of Homeland Security shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) until the regulations implementing this subsection are published.

“(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

“(1) REMOVAL.—No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that the presence of the alien in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of—

“(A) the completion of the period of the admission of the alien under the immigration

laws of the Commonwealth of the Northern Mariana Islands; or

“(B) the second anniversary of the transition program effective date.

“(2) EMPLOYMENT AUTHORIZATION.—Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth of the Northern Mariana Islands until the earlier of—

“(A) the expiration of the employment authorization of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

“(B) the second anniversary of the transition program effective date.

“(3) NO LIMITATION.—Nothing in this subsection prevents or limits the removal under section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of an alien described in paragraph (1) or (2) at any time, if—

“(A) the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act; and

“(B) the Secretary of Homeland Security has determined that the Government of the Commonwealth of the Northern Mariana Islands violated section 2(f) of that Act.

“(g) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

“(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall, by reason of the violation be counted for purposes of the ground of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

“(i) 1-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

“(1) IN GENERAL.—An alien may be granted an immigrant visa, or have the status of the alien adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (B) and (C) of subsection (d)(3), if—

“(A) the alien is employed directly by an employer in a business that the Secretary of Homeland Security has determined is legitimate;

“(B) not later than 180 days after the transition program effective date, the employer has filed a petition for classification of the alien as an employment-based immigrant with the Secretary of Homeland Security pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154);

“(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and is authorized to be employed in the Commonwealth of the Northern Mariana Islands for the 4-year period immediately preceding the filing of the petition;

“(D) the alien has been employed continuously in that business by the petitioning employer for the 4-year period immediately preceding the filing of the petition;

“(E) the alien continues to be employed in that business by the petitioning employer as of the date on which—

“(i) the immigrant visa is granted; or

“(ii) the status of the alien is adjusted to permanent resident;

“(F) the business of the petitioner has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding 4 years; and

“(G) the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

“(2) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

“(3) NONIMMIGRANT STATUS.—The fact that an alien is the beneficiary of an application for a preference status that was filed with the Secretary of Homeland Security under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Joint Resolution or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), if the alien is otherwise eligible for that nonimmigrant status.

“(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).”

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(A) in paragraph (36), by striking “and the Virgin Islands of the United States.” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.”; and

(B) in paragraph (38), by striking “and the Virgin Islands of the United States.” and inserting “the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.”.

(2) INADMISSIBLE ALIENS.—Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking “stay on Guam”, and inserting “stay on Guam or the Commonwealth of the Northern Mariana Islands”;

(ii) by inserting “a total of ” after “exceed”;

(iii) by striking “after consultation with the Governor of Guam,” and inserting “after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands.”; and

(iv) in subparagraph (A), by striking “on Guam”, and inserting “on Guam or the Commonwealth of the Northern Mariana Islands, respectively.”;

(B) in paragraph (2)(A), by striking “into Guam”, and inserting “into Guam or the Commonwealth of the Northern Mariana Islands, respectively.”; and

(C) in paragraph (3), by striking “Government of Guam” and inserting “Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first full month beginning 1 year after the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor.

(2) FUNDING.—For each of the first 5 fiscal years beginning after the date of enactment of this Act, \$500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104-134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative, of which—

(A) \$200,000 shall be available to reimburse the Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy; and

(B) \$300,000 shall be available to reimburse the Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands.

(3) ECONOMIC GROWTH AND DIVERSIFICATION.—

(A) IN GENERAL.—The Secretary of Commerce shall—

(i) consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the Secretary of the Interior, regional banks, and other experts in the local economy; and

(ii) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy.

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(A), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Commerce shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Commerce—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary decides will encourage diversification and growth of the Commonwealth economy.

(E) ADDITIONAL WORKERS.—If the Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Secretary of Homeland Security, the Secretary of Labor, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the

House of Representatives of the conclusion of the Secretary with an explanation of—

(i) how many workers may be needed;

(ii) over what period of time the workers will be needed; and

(iii) what efforts are being carried out to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(4) RECRUITMENT.—

(A) IN GENERAL.—The Secretary of Labor shall—

(i) consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the Secretary of the Interior, and the Secretary of Commerce; and

(ii) assist in the development and implementation of a training program described in paragraph (2)(B).

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(B), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Labor shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Labor—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary determines will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor may establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing the responsibilities of the Secretaries under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the transition program established under section 6 of Public Law 94-241, as added by this Act.

(2) RECRUITMENT OF RESIDENTS.—To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the Secretary of Homeland Security and the Secretary of Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing operations described in paragraph (1).

(e) REPORT TO CONGRESS.—Not later than 66 months after the date of enactment of this Act, and subsequently, as the President considers appropriate, the President shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, a report that—

(1) evaluates the overall effect of the transition program and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth of the Northern Mariana Islands; and

(2) describes what efforts have been undertaken to diversify and strengthen the local economy, including efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between the date of enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94–241, as added by this title, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

TITLE XI—MISCELLANEOUS PROVISIONS
SEC. 1101. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a “catch and release” policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1102. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is an alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1103. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

“(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.”

SEC. 1104. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes on his motion.

Mr. REYES. Mr. Speaker, the bipartisan 9/11 Commission recently released a report grading our government’s response to its recommendations of a year ago, and that report is sadly filled with failing marks.

Now, more than 4 years after the terrorist attacks of September 11, 2001, this House is finally getting around to considering legislation that is supposed to address illegal immigration and border security. The only problem is that the bill offered by my Republican colleagues is completely inadequate to do the vitally important job and would surely earn yet another failing grade by the 9/11 Commission.

Mr. Speaker, as the Members may know, before being elected to Congress, I served for 26½ years in the United States Border Patrol, including 13 of those years as sector chief in McAllen and El Paso.

□ 2200

I have years of experience patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and doing everything within our power to strengthen our borders and reduce illegal immigration. Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea of what Congress really needs to do to help keep Americans safe, or they are more interested in scoring political points with voters back home than protecting our country.

This is a bad bill. This bill is being motivated more, in my opinion, by partisan politics than by sound policy. I personally believe that the underlying legislation betrays our heritage as a Nation of immigrants whose rich history has been enhanced by those who have come to this country to share our American dream.

While we can disagree about the motives behind the bill, what is absolutely indisputable is that it fails to provide the Department of Homeland Security with the tools to protect the American people. That is why I am offering this motion to recommit with the support of my colleagues, Mr. CONYERS and Mr. THOMPSON, who are the ranking members of the Judiciary and Homeland Security Committees.

Under this motion, we require DHS to develop a comprehensive border security strategy to establish control of all of our borders and ports. Unlike the base bill, we also provide significant personnel and equipment necessary to apprehend, to process and deport ille-

gal immigrants: 12,000 additional Border Patrol agents are provided for in this motion; 8,000 more immigration and Customs enforcement inspectors; 4,000 additional inspectors at our ports-of-entry; 1,000 additional U.S. Marshals; 1,000 more detention officers; and 300 additional immigration judges.

You see, Mr. Speaker, the effective control of our borders involves a little bit more than proposals for fences or mandatory sentencing. In fact, it is more about listening to and understanding the challenges that are faced by hardworking Federal officers and officials in every phase of the process. That includes Border Patrol agents, detention officers, Customs inspectors, U.S. Marshals, immigration judges and Federal prosecutors.

In this motion, we also provide 100,000 new detention beds to ensure that DHS has the space to detain illegal immigrants so that we can put an end to that absurd policy of catch and release once and for all. Furthermore, we instruct DHS to locate and deal with the 110,000 undocumented immigrants who have already been released so that we can apprehend them and deport them back to their home countries.

In short, Mr. Speaker, this motion to recommit would fulfill and even surpass the recommendations of the 9/11 Commission.

Mr. Speaker, it has been over 4 years since the September 11 attacks. We need real action, not rhetoric. The American people are counting on us, and we cannot continue to fail them. Vote in favor of the motion to recommit and against this terribly misguided underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. KIRK). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, securing our Nation’s borders is an imperative, and this bill does it. Turning off the magnet that brings people into the United States to work illegally is an imperative. This bill does it.

This 149-page motion to recommit, which we received a couple of minutes before the author made his motion, we have been able to look at enough of this 150 pages to see that it does not provide one bit of enhancement to the employment verification system. That is the big hole in this bill. So there is no way that employers will be able. There are no enhancements to employer verification.

Mr. Speaker, throughout this debate, both yesterday and today, my friends on the minority side have been doing their best to try to make this bill unworkable, one of which was their almost unanimous support for keeping the penalties for illegal presence in the United States as a felony. Let me tell you that even though my amendment to reduce those penalties was voted down largely by people on the other

side of the aisle, when this bill gets to conference, those penalties will be made workable. You can count on that.

Keep immigration reform on track. To secure our borders and to have a secure employer verification system, pass this bill. Vote against the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding. I thank him for his close cooperation and his staff and members of the Judiciary Committee.

Mr. Speaker, I speak out strongly against the motion to recommit. In many ways, it copies what we did in the Homeland Security Committee except it leaves out the most important sections.

There was nothing in the motion to recommit about mandatory detention, expedited removal, and it dramatically weakens the repatriation sanctioning authority. By doing that, it takes away the entire strength of the underlying bill. The bill that came out of the Homeland Security Committee by unanimous vote, unfortunately, the motion to recommit dramatically weakens that.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I strongly urge defeat of the motion to recommit and passage of the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and suspending the rules and agreeing to H. Res. 598.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 14, as follows:

[Roll No. 660]

AYES—198

| | | |
|-------------|----------------|------------|
| Abercrombie | Brown (OH) | Cummings |
| Ackerman | Brown, Corrine | Davis (AL) |
| Allen | Butterfield | Davis (CA) |
| Andrews | Capps | Davis (FL) |
| Baca | Capuano | Davis (IL) |
| Baird | Cardin | Davis (TN) |
| Baldwin | Cardoza | DeFazio |
| Bean | Carnahan | DeGette |
| Becerra | Carson | Delahunt |
| Berkley | Chandler | DeLauro |
| Berman | Clay | Dicks |
| Berry | Cleaver | Dingell |
| Bishop (GA) | Clyburn | Doggett |
| Bishop (NY) | Conyers | Doyle |
| Blumenauer | Cooper | Edwards |
| Boren | Costa | Emanuel |
| Boswell | Costello | Engel |
| Boucher | Cramer | Eshoo |
| Boyd | Crowley | Etheridge |
| Brady (PA) | Cuellar | Evens |

| | |
|-----------------|----------------|
| Farr | Markey |
| Fattah | Marshall |
| Filner | Matheson |
| Ford | Matsui |
| Frank (MA) | McCollum (MN) |
| Gonzalez | McDermott |
| Gordon | McGovern |
| Green, Al | McIntyre |
| Green, Gene | McKinney |
| Grijalva | McNulty |
| Gutierrez | Meehan |
| Harman | Meek (FL) |
| Hastings (FL) | Meeks (NY) |
| Herseth | Melancon |
| Higgins | Menendez |
| Hinchey | Michaud |
| Hinojosa | Millender- |
| Holden | McDonald |
| Holt | Miller (NC) |
| Honda | Miller, George |
| Hooley | Mollohan |
| Hoyer | Moore (KS) |
| Inslee | Moore (WI) |
| Israel | Moran (VA) |
| Jackson (IL) | Murtha |
| Jackson-Lee | Nadler |
| (TX) | Neal (MA) |
| Johnson, E. B. | Oberstar |
| Jones (OH) | Obey |
| Kanjorski | Olver |
| Kaptur | Ortiz |
| Kennedy (RI) | Owens |
| Kildee | Pallone |
| Kilpatrick (MI) | Pascarell |
| Kind | Pastor |
| Kucinich | Payne |
| Langevin | Pelosi |
| Lantos | Peterson (MN) |
| Larsen (WA) | Pomeroy |
| Larson (CT) | Price (NC) |
| Lee | Rahall |
| Levin | Rangel |
| Lewis (GA) | Reyes |
| Lipinski | Ross |
| Lofgren, Zoe | Rothman |
| Lowe | Roybal-Allard |
| Lynch | Ruppersberger |
| Maloney | Rush |

NOES—221

| | |
|---------------|------------------|
| Aderholt | DeLay |
| Akin | Dent |
| Alexander | Diaz-Balart, L. |
| Bachus | Doolittle |
| Baker | Drake |
| Barrow | Dreier |
| Bartlett (MD) | Duncan |
| Bass | Ehlers |
| Beauprez | Emerson |
| Biggart | English (PA) |
| Bilirakis | Everett |
| Bishop (UT) | Feeney |
| Blackburn | Ferguson |
| Blunt | Fitzpatrick (PA) |
| Boehlert | Flake |
| Boehner | Foley |
| Bonilla | Forbes |
| Bonner | Fortenberry |
| Bono | Fossella |
| Boozman | Foxx |
| Boustany | Franks (AZ) |
| Bradley (NH) | Frelinghuysen |
| Brady (TX) | Gallegly |
| Brown (SC) | Garrett (NJ) |
| Brown-Waite, | Gerlach |
| Ginny | Gibbons |
| Burgess | Gilchrest |
| Burton (IN) | Gillmor |
| Buyer | Gingrey |
| Calvert | Gohmert |
| Camp (MI) | Goode |
| Campbell (CA) | Goodlatte |
| Cannon | Granger |
| Cantor | Graves |
| Capito | Green (WI) |
| Carter | Gutknecht |
| Case | Hall |
| Castle | Harris |
| Chabot | Hart |
| Choccola | Hastings (WA) |
| Coble | Hayes |
| Cole (OK) | Hayworth |
| Conaway | Hefley |
| Crenshaw | Hensarling |
| Culberson | Hergert |
| Davis (KY) | Hobson |
| Davis, Tom | Hoekstra |
| Deal (GA) | Hostettler |
| DeFazio | Hulshof |
| Dent | |

| | |
|------------------|-----------------|
| Ryan (OH) | Norhup |
| Sabo | Norwood |
| Salazar | Nunes |
| Sánchez, Linda | Osborne |
| T. | Otter |
| Sanchez, Loretta | Oxley |
| Sanders | Paul |
| Schakowsky | Pearce |
| Schiff | Pence |
| Schwartz (PA) | Peterson (PA) |
| Scott (GA) | Petri |
| Scott (VA) | Pickering |
| Serrano | Pitts |
| Sherman | Platts |
| Skelton | Poe |
| Slaughter | Pombo |
| Smith (WA) | Porter |
| Snyder | Price (GA) |
| Solis | Pryce (OH) |
| Spratt | Putnam |
| Stark | Radanovich |
| Strickland | Ramstad |
| Stupak | Regula |
| Tanner | Rehberg |
| Tauscher | Reichert |
| Taylor (MS) | Renzi |
| Thompson (CA) | |
| Thompson (MS) | Barrett (SC) |
| Tierney | Barton (TX) |
| Towns | Davis, Jo Ann |
| Udall (CO) | Diaz-Balart, M. |
| Udall (NM) | Hyde |
| Van Hollen | |
| Velazquez | |
| Visclosky | |
| Wasserman | |
| Schultz | |
| Waters | |
| Watson | |
| Watt | |
| Waxman | |
| Weiner | |
| Wexler | |
| Woolsey | |
| Wu | |
| Wynn | |

| | |
|---------------|--------------|
| Reynolds | Stearns |
| Rogers (AL) | Sullivan |
| Rogers (KY) | Sweeney |
| Rogers (MI) | Tancredo |
| Rohrabacher | Taylor (NC) |
| Ros-Lehtinen | Terry |
| Royce | Thomas |
| Ryan (WI) | Thornberry |
| Ryun (KS) | Tiahrt |
| Saxton | Tiberi |
| Schmidt | Turner |
| Schwarz (MI) | Upton |
| Sensenbrenner | Walden (OR) |
| Sessions | Walsh |
| Shadegg | Wamp |
| Shaw | Weld (FL) |
| Shays | Weldon (PA) |
| Sherwood | Weller |
| Shimkus | Westmoreland |
| Shuster | Whitfield |
| Simmons | Wicker |
| Simpson | Wilson (NM) |
| Smith (NJ) | Wilson (SC) |
| Smith (TX) | Wolf |
| Sodrel | |
| Souder | |

NOT VOTING—14

| | |
|-----------|------------|
| Istook | Napolitano |
| Jefferson | Nussle |
| Kolbe | Young (AK) |
| LaHood | Young (FL) |
| McCarthy | |

□ 2224

Mr. TOM DAVIS of Virginia and Mr. JOHNSON of Illinois changed their vote from “aye” to “no”.

Mr. BAIRD and Mr. GORDON changed their vote from “no” to “aye”.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KIRK). The question is on the passage of the bill.

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

RECORDED VOTE

Ms. ZOE LOFGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 182, not voting 13, as follows:

[Roll No. 661]

AYES—239

| | | |
|--------------|---------------|------------------|
| Aderholt | Burgess | Doolittle |
| Akin | Burton (IN) | Drake |
| Alexander | Buyer | Dreier |
| Bachus | Calvert | Duncan |
| Baker | Camp (MI) | Edwards |
| Barrow | Campbell (CA) | Ehlers |
| Bass | Cannon | Emerson |
| Bean | Cantor | English (PA) |
| Beauprez | Capito | Everett |
| Berry | Carter | Feeney |
| Biggart | Case | Ferguson |
| Bilirakis | Castle | Fitzpatrick (PA) |
| Bishop (UT) | Chabot | Flake |
| Blackburn | Chandler | Foley |
| Blunt | Chocola | Forbes |
| Boehlert | Coble | Ford |
| Bonilla | Conaway | Fortenberry |
| Bonner | Costello | Fossella |
| Bono | Cramer | Foxx |
| Boozman | Crenshaw | Franks (AZ) |
| Boren | Cubin | Frelinghuysen |
| Boswell | Culberson | Gallegly |
| Boucher | Davis (KY) | Garrett (NJ) |
| Boustany | Davis (TN) | Gerlach |
| Bradley (NH) | Davis, Tom | Gibbons |
| Brady (TX) | Deal (GA) | Gilchrest |
| Brown (SC) | DeFazio | Gillmor |
| Brown-Waite, | Dent | Gingrey |
| Ginny | | Gohmert |

Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hefley
Hensarling
Herger
Hersteth
Higgins
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell

Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)

NOT VOTING—13

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.

Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney

□ 2233

Hyde
Istook
Kolbe
LaHood
McCarthy

Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

Napolitano
Young (AK)
Young (FL)

answered “present” 1, not voting 23, as follows:

[Roll No. 662]
YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggett
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeFazio

DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hersteth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hoolley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Insee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal

Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Millender
McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Oliver
Ortiz
Osborne

Mr. RYAN of Ohio changed his vote from “aye” to “no.”

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4437, the Clerk be authorized to make technical and clerical changes to reflect the actions of the House.

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

There was no objection.

—

HOOR OF MEETING ON TOMORROW

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

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

There was no objection.

—

CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 598, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 5,