

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

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

#### IMPLEMENTING MUCH NEEDED DRIVER'S LICENSE REFORMS

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

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

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

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

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

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

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

#### CLOSING ASYLUM LOOPHOLES

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

Examples of Terrorists Abusing Our Asylum Laws:

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

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

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

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

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

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

#### DEFENDING BORDERS

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

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

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

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

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

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

#### STRENGTHENING DEPORTATION LAWS

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

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

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

The SPEAKER pro tempore laid before the House the following message

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

*To the Congress of the United States:*

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

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

#### GENERAL LEAVE

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

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

There was no objection.

#### REAL ID ACT OF 2005

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

□ 1359

#### IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

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

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

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

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

□ 1400

Mr. Chairman, in December, the President signed into law legislation intended to respond to the recommendations of the 9/11 Commission. Unfortunately, the legislation that was enacted failed to include several key provisions critical to addressing vulnerabilities found in both the 9/11 Commission Report and of the 9/11 staff report on terrorist travel. To that end, on January 26th of this year, I introduced H.R. 418, the REAL ID Act. The bill, which now has 139 cosponsors, encompasses four of the most important border and document security provisions that the House overwhelmingly approved as a part of H.R. 10 last year.

The goal of the REAL ID Act is straightforward. It seeks to prevent another 9/11-type terrorist attack by disrupting terrorist travel. The 9/11 Commission terrorist travel report stated that "Abuse of the immigration system and the lack of interior enforcement were unwittingly working together to support terrorist activities."

The report further states that "Members of al Qaeda clearly valued freedom of movement as critical to their ability to plan and carry out the attacks prior to September 11th."

Finally, the report observed, "If terrorist travel options are reduced, they may be forced to rely on means of interaction which can be more easily monitored and to resort to travel documents that are more easily detectable."

The REAL ID Act contains four provisions aimed at disrupting terrorist travel. First, the legislation does not, does not, try to set States' policy for those who may or may not drive a car, but it does address the use of a driver's license as a form of identification to a Federal official such as an airport screener at a domestic airport.

American citizens have the right to know who is in their country, that the people are who they say they are, and that the name on the driver's license is the real holder's name, not some alias.

Second, this legislation will tighten our asylum system, which has been abused by terrorists. The 9/11 Commission staff report on terrorist travel states that "Once the terrorists had entered the United States, their next challenge was to find a way to remain here." Their primary method was immigration fraud.

Irresponsible judges have made asylum laws vulnerable to fraud and abuse. We will end judge-imposed presumptions that benefit suspected terrorists in order to stop providing a safe haven to some of the worst people on Earth. The REAL ID Act will reduce the opportunity for immigration fraud so that we can protect honest asylum seekers and stop rewarding the terror-

ists and criminals who falsely claim persecution.

Liberal activist judges in the Ninth Circuit have been overturning clearly established precedent and are preventing immigration judges from denying bogus asylum applications by aliens who are clearly lying. If criminal juries can sentence a defendant to life imprisonment or execution based on adverse credibility determinations, certainly an immigration judge can deny an alien asylum on this basis. It is one of the foundations of our system of jurisprudence that juries and trial judges should be able to decide cases on the basis of credibility or lack of credibility of witnesses. This bill will again allow immigration judges to deny asylum claims based on the lack of credibility.

The bill also overturns an even more disturbing Ninth Circuit precedent that has made it easier for terrorists to receive asylum. The circuit has actually held that an alien can receive asylum on the basis that his or her government believes that the alien is a terrorist.

Third, the REAL ID Act will waive Federal laws to the extent necessary to complete gaps in the San Diego border security fence which is still stymied 8 years after congressional authorization. Neither the public safety nor the environment are benefiting from the current stalemate.

Finally, the REAL ID Act contains a common-sense provision that helps protect Americans from terrorists who have infiltrated the United States. Currently, certain terrorism-related grounds of inadmissibility to our country are not also grounds for deportation of aliens already here. The REAL ID Act makes aliens deportable from the United States for terrorism-related offenses to the same extent they would be inadmissible to the United States to begin with. The act provides that any alien who knowingly provides funds or other material support to a terrorist organization will be subject to immigration consequences.

The REAL ID Act will make America a safer place. It is even endorsed by the 9/11 Families for a Secure America, an association of family members of 9/11 victims.

I urge my colleagues to support this bill.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, February 9, 2005.

Hon. JOE BARTON,  
Chairman, House Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN BARTON: Thank you for your letter, dated February 8, 2005, regarding H.R. 418, the "REAL ID Act." As you noted, some of the provisions of the bill contained in section 102 fall within the Rule X jurisdiction of the Committee on Energy and Commerce. I appreciate your willingness to forgo consideration of the bill, and I acknowledge that by agreeing to waive its consideration of the bill, the Committee on Energy and Commerce does not waive its jurisdiction over these provisions.

Pursuant to your request, I will include a copy of your letter and this response in the

Congressional Record during consideration of H.R. 418 on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, JR.,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, February 8, 2005.  
Hon. F. JAMES SENSENBRENNER, JR.,  
Chairman, Committee on the Judiciary, Wash-  
ington, DC.

DEAR CHAIRMAN SENSENBRENNER: I understand that you will shortly bring H.R. 418, the REAL ID Act of 2005, to the House floor. This legislation contains provisions that fall within the jurisdiction of the Committee on Energy and Commerce.

Section 102 of the bill provides the Secretary of Homeland Security with the authority to waive applicable environmental law, such as the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response, Compensation, and Liability Act CERCLA, for the purpose of building roads and barriers. As you know, Rule X of the Rules of the House of Representatives gives the Committee on Energy and Commerce jurisdiction over these statutes.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 418. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 418 or similar legislation.

I request that you include this letter in the Congressional Record during consideration of H.R. 418. Thank you for your attention to these matters.

Sincerely,

JOE BARTON,  
Chairman.

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

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

Mr. Chairman, I rise, regrettably in opposition to this anti-immigrant legislation.

Mr. Chairman, if we truly believe in all we have heard about the importance of freedom and liberty from our President and others, then we have no other choice but to vote down this bill which denies so much freedom and liberty to the immigrants in our own country.

H.R. 418 includes provision after provision limiting the rights of refugees, imposing onerous new driver's license requirements on the States, unfunded mandates, making it easier to deport legal immigrants, waiving all Federal laws concerning construction of barriers and fences anywhere within the United States and denying immigrants long-standing habeas corpus rights. This is a work of art that has to be examined very, very carefully and very critically.

If this measure becomes law, this will close America's doors to Cubans fleeing

from their country, religious minorities attempting to escape religious persecution, women fleeing from sex trafficking, rape or forced abortions.

Unfortunately, in our history, there have been a number of examples of this overreaction in the past. For example, during the Civil War, General Ulysses Grant, no less, sought to expel the Jews from the South. The aftermath of World War I brought the notorious Red scare, and the very long remembered anti-immigrant Palmer raids from the attorney general of that era. Of course, World War II gave us the searing memory of the unconscionable internment of Japanese Americans.

In the wake of the 9/11 tragedy, and even after the PATRIOT Act, which did its share of violating the rights of those who were in this country, this legislation would even further target immigrants for crimes they have not committed and for which they are not responsible.

At some point we have to treat terrorism as a problem that requires intelligent response, as opposed to an excuse to scapegoat immigrants.

For all these reasons, there are so many groups lined up behind the American Civil Liberties Union to oppose the bill: immigration rights groups, civil rights groups, civil liberty organizations, private rights groups, labor organizations, environmental groups, Native American rights, States' rights and international human rights groups.

So, I urge us in good conscience and serious concern over the direct and the subtle import of this legislation, please, we cannot and should not close ourselves off to the most vulnerable members of our society.

Mr. Chairman, I ask unanimous consent that the gentlewoman from Texas (Ms. JACKSON-LEE) be permitted to manage the bill on this side of the floor.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin (Chairman SENSENBRENNER) for yielding me time.

Mr. Chairman, this bill is the first step back on the long road to real homeland security. First, this bill prevents terrorists and others from getting driver's licenses by requiring applicants to prove that they are in the country legally. Driver's licenses can be used to board an aircraft, open a bank account and get a job. To preserve our security, we must deny terrorists the ability to obtain this form of identification.

In addition, this legislation makes it harder for terrorists to exploit our asylum system. It also requires the completion of the 14-mile San Diego border fence, which Congress approved in 1996.

Finally, Mr. Chairman, this legislation strengthens our ability to deport terrorists. Current law makes terrorists inadmissible for certain offenses but not deportable for those same offenses.

Congress can improve homeland security by passing this legislation. But if the administration wants to continue to protect the lives of Americans, it can also take immediate steps to change policies that have encouraged illegal immigration. It should start by requesting funding for all of the border enforcement positions that Congress authorized last year. The President's budget only requests enough funds for 210 new border patrol agents, even though Congress authorized 2,000 new agents.

Further, the administration must start fining employers for hiring illegal immigrants. Last year it did not fine a single employer. The administration also should change its policy of recognizing consular identification cards issued by other countries. These cards are simply not secure or reliable. They give terrorists and illegal aliens another way to remain undetected in the United States.

Mr. Chairman, the REAL ID Act marks the beginning of an effort to make America safer. I hope the administration will fully support us in this effort.

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

Mr. Chairman, I believe that what we do today is a matter that could have been approached in a bipartisan manner. As I look at the Members on the floor of the House, each and every one is sincere in their commitment to the war on terrorism. And let me applaud them for that. I applaud the chairman of the full Committee on the Judiciary. Let me applaud the ranking member. A number of Members who are here on the floor are Committee on the Judiciary members. I want to applaud them for the work that has been done on this issue.

That is why I believe that the REAL ID Act could have been addressed in regular order, the regular order of committee hearings, the regular order of taking testimony from governors and legislators and local government officials. But now the REAL ID Act is an attempt to breathe life into immigration provisions that were stripped from the Terrorism Reform and Prevention Act. These provisions were viewed as controversial then and they are no less controversial now.

Opposition to this legislation at this time is by no means a reflection on anyone's commitment to the war on terrorism, but the REAL ID Act should have been subjected to hearings and markups before being brought to this floor.

□ 1415

First of all, it is an unfunded mandate of almost \$500 million.

Supporters of H.R. 418 are afraid that terrorists are using our asylum laws as a means of entering and remaining in the United States. This fear has to be put into perspective. Terrorists are statutorily barred from asylum eligibility, and it is not apparent why they should choose such a complicated, time-consuming method for entering and remaining in the United States, in any event. In addition, large numbers of advocates, religious organizations and others who understand asylum laws and realize that there are still religious and political persecution today, realize that this bill is misdirected.

As we stand here on the floor, the Committee on Rules is determining whether the Nadler amendment will be admitted that responds to the crisis we face in the asylum laws if this bill is to be passed in its present form.

We know that the 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. Visitor visas only require a 2-minute interview with an American Consulate office. The applicant just has to establish that he will return to his country at the end of the authorized period of stay. This is much easier than the steps required for obtaining asylum.

I too want to have a kind of organized system that bars terrorists, but putting into effect a national ID card is not what the 9/11 Commission said. In fact, they made it very clear. This legislation will force the United States in its national database and in its requirement standardizing ID driver's licenses and birth certificates which puts us on that road without hearings, without oversight, and without question of America's civil liberties.

I know that the polls and all the phone calls in Members' offices have said we do not want illegal aliens driving cars. Well, do you want individuals on our highways and byways that are not licensed? Are you taking away the 10th amendment of the United States to allow them to be able to standardize those documents? I do believe that we can standardize them by a biometric system, but we have intruded on the rights of States when they too can work with the Federal Government making the system work.

I think there are valuable aspects of this bill; not using certain ID for certain Federal purposes, which may in fact include travel. But the overbreadth of this particular legislation, barring any laws to be utilized in the building of a fence, eliminating environmental laws, work laws, criminal laws is overbroad.

Lastly, I would say, we are the land of the free and the brave. We have always welcomed those fleeing from persecution. This legislation bars that opportunity, and I would ask my colleagues to oppose it and for us to go back to the drawing board and work for freedom and the war against terrorism in a bipartisan way.

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

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. CHABOT), the chairman of the Subcommittee on the Constitution.

Mr. CHABOT. Mr. Chairman, I rise in strong support of the REAL ID Act, and I want to thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his efforts in this matter. It is very important.

This bill is about common sense. It is about protecting our borders and making our country safer. The 9/11 Commission report revealed many disconcerting facts, none more unnerving than the fact that all but one of the 9/11 hijackers who were here temporarily obtained valid driver's licenses, enabling them to travel freely about the country. That is absurd, and the American people know it. This bill finally does something about that absurdity. We cannot continue to let our laws be exploited and circumvented by future terrorists to further their plans of violence, destruction, and murder. With the REAL ID Act in place, we can better prevent future tragic events from occurring.

Mr. Chairman, I urge my colleagues to pass this critical piece of legislation.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very pleased to yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a distinguished member of the House Committee on the Judiciary.

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Chairman, I am a proud daughter of immigrants who is honored to serve my country. I consider it a privilege to be able to give something back to this country that has given so much opportunity to generations of immigrants over the years.

Like millions of immigrants here today, my family came to this country in search of the American Dream: a better life for their children so that their children could receive a quality education, some day own a home, and earn a fair wage.

I stand before my colleagues today angered and outraged that under the guise of national security, the Republican Party is trying to punish those seeking the same dreams that my parents sought. If the Republicans and this administration really want to strengthen national security, they should start, I would think, by providing full funding for the Department of Homeland Security. Instead, the administration's budget slashes funding for the COPS program by \$480 million and guts funding for local firefighters by \$215 million. This leaves our first responders without the critical resources they need.

The administration's budget also breaks the promise of putting an additional 2,000 border patrol agents on the

job in 2006 as promised in landmark intelligence reforms passed last year and endorsed by the 9/11 Commission. Instead, the President's budget provides funding for a mere 210 agents, a 90 percent cut over the 9/11 Commission recommendations.

The truth of the matter is that Republicans are using national security as a facade to alienate law-abiding, hard-working, and tax-paying immigrants. There are 8 million undocumented immigrants in this country who are cleaning our offices, caring for our children and elderly, and picking the fruits and vegetables that we consume. Most of these jobs most Americans do not want. Without these immigrants, our economy would falter.

What we should be doing is allowing immigrants a path to citizenship and access to driver's licenses so they become a part of our American system. This will make our country safer, and it will strengthen our national security.

We need comprehensive reform that supports our economy and values our immigrants. If the REAL ID Act is passed today, it will deny driver's licenses to those immigrants and slam the door shut on refugees seeking asylum from blood-thirsty regimes.

America is a country built by immigrants, and we should remain a country that is opening and welcoming to those who seek freedom. It is a sad day when Republicans use the pretext of national security to attack immigrants who pose no real threat to our security. Americans deserve better, and I urge my colleagues to vote "no" on H.R. 418.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), the distinguished chairman of the Subcommittee on Immigration.

Mr. HOSTETTLER. Mr. Chairman, I rise in support of H.R. 418, the Real ID Act.

The REAL ID Act incorporates four of the 9/11 Commission recommendations that are necessary to effectively protect our constituents from terrorists seeking to exploit loopholes in our immigration system. This bill will close several of those dangerous loopholes.

In addition to providing important Federal security guidelines for driver's licenses, the REAL ID Act also includes other important homeland security measures, including the deportability of terrorists, preventing terrorists from gaming the asylum system, and implementing border security measures in San Diego.

Currently, the terrorists and their supporters can be kept out of the United States; but as soon as they set foot into the U.S. on tourist visas, we cannot deport them for many of the very same offenses. This hinders our ability to protect Americans from those alien terrorists who have infiltrated the United States. H.R. 418 makes aliens deportable for the same

terrorist-related offenses as those that would prevent them from being admitted to the United States in the first place.

Another deficiency in current law is based on a flawed understanding of how terrorist organizations operate.

The Immigration and Nationality Act now reads that if an alien provides funding or other material support to a terrorist organization, the alien can escape deportation if they can show that he did not know that the funds or support would further the organization's terrorist activity; i.e., his donation did not immediately go to buying explosives.

As Kenneth McKune, former associate coordinator for Counterterrorism at the State Department, explained, "Given the purposes, organizational structure, and clandestine nature of foreign terrorist organizations, it is highly likely that any material support to these organizations will ultimately inure to the benefit of their criminal, terrorist functions, regardless of whether such support was ostensibly intended to support nonviolent, nonterrorist activities."

Money given to terrorist organizations is fungible. Senator DIANE FEINSTEIN has rightly stated that "I simply do not accept that so-called humanitarian works by terrorist groups can be kept separate from their other operations. I think the money will ultimately go to bombs and bullets rather than babies, or, because money is fungible, it will free up other funds to be used on terrorist activities."

The REAL ID Act is written so that an alien who provides funds or other material support to a terrorist organization would be deportable unless he did not know and should not reasonably have known that the organization was a terrorist organization.

Mr. Chairman, I urge the support and passage of H.R. 418.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. NADLER), a strong advocate for preserving the Constitution.

Mr. NADLER. Mr. Chairman, the supporters of this legislation are completely correct that obviously real terrorist threats exist and we must act forcefully to safeguard our national security. But this bill is really three or four or five separate bills entirely, some of them unexceptional, some of them very questionable.

Under the excuse of national security, for example, the asylum provisions in this bill completely gut the possibility of many legitimate victims of persecution to be granted asylum. Asylum law is supposed to be about protecting individuals, including women and children, from serious human rights abuses; it is not supposed to be about seizing on any possible basis to deny a claim or return people to persecution.

Proponents of this bill have been making dramatic claims about terrorists abusing the asylum system to get into this country to perform acts of terrorism. But since 9/11, in fact, since the 1996 act, most asylum-seekers are in jail while resolution of their cases are pending so they cannot pose a threat. What this bill does is to change the standards by which the judgment is made as to whether they should get asylum; but while it is being judged, they are in jail. So this has nothing to do with alleviating a threat to this country.

For example, one provision would change current law to require that the applicant prove that his or her race, religion, et cetera is a central reason instead of merely a major reason for the legitimate fear of persecution in order to get asylum. This would force asylum applicants to prove the state of mind of their persecutors. What is the central reason of several different reasons? It makes it almost impossible to grant asylum.

Now, this was not, and some of the points in the manager's amendment were not in the bill before us last year. No one has ever seen some of these provisions until yesterday. This provision, at least, and I am gratified that the Committee on Rules made the amendment to be in order by me and the gentleman from Florida (Mr. MEEK) and the gentlewoman from Texas (Ms. JACKSON-LEE) to strike this section of the bill, and in order for it to be passed tomorrow so that the Committee on the Judiciary can properly vet this bill or the asylum provisions can be properly looked at and we can deal with it adequately.

This section, in my judgment, would subject hundreds, maybe thousands, of people to being tortured or abused or shot because of their race, color, religion, creed, or opposition to a dictatorial regime back home, because it would make it impossible for them to get asylum. I think when this House examines this carefully, and when the committee examines this carefully, it will come to that conclusion. Maybe we out to change the asylum provisions, but we ought to do it after careful consideration.

So I hope that this bill will not be passed in its current form, and that my amendment will be passed so that we can give proper consideration to some of these provisions that do not really aid the national security, but do gut protection for people who need those protections.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), our recently returned prodigal son.

(Mr. DANIEL E. LUNGREN of California asked and was given permission to revise and extend his remarks.)

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in support of H.R. 418.

Twenty-six years ago, when I first came to this Chamber, we were speak-

ing about border security. Sixteen years ago, when I left this Chamber, we were speaking about border security; and here we are again.

A fundamental aspect of national sovereignty is that a nation is able to control its own borders. The nature of this requirement is of particular importance in the post-9/11 environment in which we must all live. In years past, when those of us on the Subcommittee on Immigration confronted this challenge, there were traffickers and human cargo and narcotics and the increasing problem of criminal gangs who profit from such enterprises. Today, however, we must deal with the additional worry that these channels of illicit commerce may also include those who enter our country to kill innocent Americans and the related concerns of weapons of mass destruction.

The Real ID Act, introduced by the gentleman from Wisconsin (Chairman SENSENBRENNER), is an important step in meeting this challenge. In conjunction with the additional border patrol positions authorized by this body at the close of the last Congress, H.R. 418 will remove the impediments to completing the fence along the San Diego corridor of our southern border.

□ 1430

I want to commend my predecessor in the Third Congressional District in California, Mr. Doug Ose, who worked hard to remove the regulatory obstacles to completion of the fence.

In today's post-9/11 environment, it is one component in an integrated U.S. border security system. There is simply no excuse for the failure to complete the remaining 3½ miles of the security fence. The language offered by our colleague from Wisconsin would allow us to do so.

In our system of governance, the United States Government and specifically the Congress have given us what is tantamount to plenary jurisdiction over immigration law. As a former attorney general in my State, I can make the observation that in most areas of the law enforcement, the States and local governments have primary jurisdiction. That is not the case with immigration enforcement. As a former President of the other party put it in a different context, "The buck stops here."

Although I am a committed believer in federalism, the nature of the task and the language of Article I, section 8, are clear. While this bill in no way preempts State law with respect to the issuance of driver's licenses, it does entail a modest notion that the immigration laws enacted by this body ought to mean something.

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

Mr. Chairman, I am delighted that the gentleman from New York (Mr. NADLER) has indicated that the amendment has been made in order, and I do want to acknowledge that he is the

ranking minority member of the Subcommittee on the Constitution of the Committee on the Judiciary.

Mr. Chairman, how much time remains?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining. The gentleman from Wisconsin (Mr. SENSENBRENNER) has 8 minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the distinguished new member from the great State of Florida (Ms. WASSERMAN SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr. Chairman, the most troubling aspect of this bill is that related to asylum.

Today's laws for seeking asylum are the result of lessons learned after World War II. After the war, America reflected with shame on how this shining beacon of democracy and freedom turned its back on 1,000 Jews who fled for their lives on the ship called the St. Louis. We turned the St. Louis away, not even allowing it to dock in America. It is estimated that over half of those refugees eventually died.

Today, in Haiti, Cuba and other countries, thousands face death, religious persecution, torture and property confiscation. This bill virtually closes the door to those who might seek asylum in America.

Let us not forget the lessons of history. I urge my colleagues to keep the doors open to those seeking justifiable refuge.

Regarding driver's licenses, the 9/11 tragedy has been referred to here on this floor referencing the terrorists who obtained driver's licenses. Let me remind my colleagues that this bill would not affect that situation at all, as all of the terrorists were in this country legally and could have obtained driver's licenses regardless of this law.

We should heed what Florida Governor Jeb Bush said last year when he was talking about driver's licenses for illegal immigrants. He said, "We shouldn't allow them to come into the country to begin with, but once they're here, what do you do? Do you basically say that they are lepers to society, that they do not exist?"

He concluded by saying, "A policy that ignores them is a policy of denial." I agree and I urge my colleagues to vote against this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I rise in strong support of the REAL ID Act and with a particular sense of gratitude toward the gentleman from Wisconsin (Mr. SENSENBRENNER), who has doggedly brought this legislation to the Hill for one reason and one reason only.

9/11 is not theoretical for me. I was here. I was on the Capitol grounds, and

my family during the school year lives in the Washington D.C., area, and like millions of other families in New York and Washington, D.C., was imperiled.

As the 9/11 Commission Report stated, "For terrorists, travel documents are as important as weapons." On page 390 of the report they point out that "All but one of the 9/11 hijackers acquired some form of U.S. identification by fraud and that acquisition of these forms of identification assisted them in boarding commercial flights."

By bringing this legislation today, the gentleman from Wisconsin (Mr. SENSENBRENNER) is making my family safer in this post-9/11 America, and also closing asylum loopholes, strengthening our deportation laws. It is time for Congress to get real and pass the REAL ID Act and make our families and our Nation safer.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), who has been able to determine the difference between immigration laws and laws to fight terrorism; and also his district contains the discussed fence.

Mr. FILNER. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) and all of those on the Republican side who are so concerned about my district. I represent the California border between Mexico and the United States.

This so-called fence that you want to put in my district is really a giant public works project that does enormous harm. I wish you were equally concerned about the 50 million gallons of sewage that flows into my district that we should be treating. I wish you were concerned about the legal border crossings, that take four or five hours some days. I wish you would be concerned about my local health facilities who treat the undocumented and refund those dollars.

But, no, you want to put a public works project in that waives all existing environmental laws necessary to ensure the construction of roads, barriers, cut and fills, taking down mountains. This would result in an enormous waste of millions of Federal and State dollars that have already been contributed to restore and protect this area in San Diego, its historical, its cultural, its environmental resources.

Ironically, the United Nations Ramsar Convention recently bestowed the prestigious label of "Wetlands of International Importance" on this 2,500-acre national wildlife refuge and state park that you are going to destroy.

Now, we know we have to have border security. We live right there. You think we want to be overrun with terrorists? We know what it takes. We know what a smart border is. And what you are suggesting is not a smart border. For a minimal security benefit and maximum dollars spent, you will do irreparable damage to areas along the western portion of the U.S.-Mexico border.

This multitiered fence, road building, cut and fill, shaving down of mountains will destroy, as I said, an environmentally sensitive area, violate several sections of the Coastal Act and destroy acres of sensitive habitat and wetlands and coastline.

This sensitive habitat plays a vital role in the sustainability of the binational ecosystem. Vote down this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Mr. Chairman, I rise today in support of the REAL ID Act, and I thank the chairman for his courage and hard work on this vital measure.

Over a decade ago, the ability of Ramzi Yousef, the mastermind behind the 1993 World Trade Center bombing to be granted asylum and to move freely in the country should have signaled that something was terribly wrong with our system. It did not, and 8 years later, 19 terrorists collectively carrying a total of 63 valid U.S. driver's licenses, boarded planes to finish Yousef's work.

It is now over 3 years since that tragic September 11th. Today, we are considering a vital piece of legislation to address three key failures of current security policy. First, the REAL ID Act mandates standards to obtain driver's licenses; second, it tightens our Nation's asylum laws, which easily allow suspected terrorists into our Nation; and finally, it addresses the need to secure our borders.

These concepts are not rocket science. The need for these reforms has been reiterated over and over, and in expert testimony, in anecdotal evidence from security professionals, in scholarly research and in evidence presented from our Nation's justice and military personnel. But the fact of the matter is, the most compelling reason to pass this bill is just plain old common sense.

We can not repeat enough what the 9/11 Commission said: "For terrorists, travel documents are as important as weapons." They are right. They also said, "It is elemental to border security to know who is coming into the country."

Today, more than 9 million people have entered the United States outside the legal immigration system. The security chain protecting America is only as good as its weakest link. It does not take a congressman or a national security expert to tell you this. Most Americans know that despite the rhetoric we hear against this bill, as long as we ignore the need for border security, we place them and their families at risk.

I strongly urge my colleagues to vote in favor of the REAL ID Act.

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

Mr. Chairman, we are on the floor today because the representation has been made to the American people and

to our colleagues that this legislation is legislation that relates and responds to the crisis in the war on terror. We all are united in that war, but this is an immigration bill, and I do believe we should do immigration in a bipartisan manner.

Let me make it very clear, the 9/11 terrorists would not have been thwarted by this legislation. In fact, all 19 of the 9/11 hijackers had documents to enter the country legally. And under this particular legislation, the terrorists would not have been prevented from using these documents to obtain driver's licenses.

I think the real crux is as was quoted in the words of Governor Jeb Bush, "What do you do with them?" illegal aliens who are working in our hotels and factories, who are working every day in our States and our cities and our counties?

The last thing, Mr. Chairman: Do we remember Bosnia and Kosovo? These were people seeking asylum. I think we have to judge ourselves by reason and reasonable policy. I join my colleagues in working together to secure the homeland, but in this instance, this does not follow the 9/11 recommendations. This commission did, in fact, say that they wanted secure documents, and identification should begin in the United States. It did not document or indicate in which manner we should be able to do that.

I would have hoped that H.R. 620, the Security Measures Feasibility Act, which would ask the hard questions of how and what is the best vehicle in order to be able to establish these secure documents, would have been the better approach. Now we undermine the States' ability for safety and security in their own States, and we undermine the very principles of this Nation, which are to open the doors for those fleeing persecution both in terms of religious and political persecution.

What about the Cubans? What about the Haitians, the Liberians, the Sudanese, the Bosnians? What about those fleeing, as my colleague has indicated, our Jewish individuals who were fleeing persecution? I simply say that we have a better way of doing this. I wish we could do it together.

I hope my colleagues will oppose this bill so we might do this effort in a bipartisan manner.

Mr. Chairman, I rise in opposition to H.R. 418, the REAL ID Act. The REAL ID Act is an attempt to breathe life into immigration provisions that were stripped from the Intelligence Reform and Terrorism Prevention Act. These provisions were viewed as controversial then, and they are no less controversial now. The REAL ID Act should have been subjected to hearings and markups before being brought to the floor.

The supporters of the H.R. 418 are afraid that terrorists are using our asylum laws as a means of entering and remaining in the United States. This fear has to be put into perspective. Terrorists are statutorily barred from asylum eligibility, and it is not apparent why they

would choose such a complicated, time consuming method for entering and remaining in the United States in any event.

The 9/11 hijackers entered and remained in the United States as nonimmigrant visitors. Visitors' visas only require a two-minute interview with an American Consulate Officer. The applicant just has to establish that he will return to his country at the end of the authorized period of stay. This is much easier than the steps required for obtaining asylum, which, among other things, require the applicant to establish a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

The Intelligence Reform and Terrorism Prevention Act established a study to find out the extent to which terrorists are attempting to use our asylum laws to enter and remain in the United States and what weaknesses they are exploiting. We need to wait for that information before we consider any bills on revising our asylum laws. Changes should be designed to deal specifically with weaknesses that we know are being exploited.

The approach in the REAL ID Act is to raise the bar on the burden of proof, which would result in a denial of relief to bona fide asylum seekers without any assurance that the changes would discourage terrorists from seeking asylum. For instance, in addition to showing that the alleged persecution would be "on account of" one of the enumerated grounds, the applicant would have to establish that the persecution was or will be "a central reason for persecuting the applicant." In effect, the asylum applicant would have to establish what was in the mind of the persecutor. It is not apparent how this would discourage terrorists from fabricating asylum claims. The only certainty is that it would make it more difficult for bona fide asylum seekers to meet their burden of proof. The unfairness of this approach is illustrated by a comment that the Honorable Sandra Day O'Connor made recently about the asylum laws of our country. She said:

The United States offers protection in the form of asylum to individuals fleeing persecution in other nations. In most cases, however, asylum seekers find themselves alone, destitute and facing deportation. Asylum law is governed by a labyrinth of statutes, regulations, and case law, but, unlike criminal defendants, only those asylum seekers who can afford to hire an attorney or who are fortunate enough to secure pro bono counsel are represented.

The REAL ID Act would codify the standards that adjudicators use in making credibility findings in asylum proceedings. The codification would encourage adverse credibility findings against asylum applicants who cannot produce corroborating evidence of their account, or whose demeanor is inconsistent with an immigration judge's preconceived expectations. This can be very unfair. People fleeing persecution often lack the opportunity and the ability to secure the legal evidence needed to corroborate their claims, and demeanor is a function in some cases of cultural background rather than credibility. For instance, it is considered rude in some cultures to stare into another person's eyes during a conversation, but the failure to look someone in the eyes indicates deception in this country.

The REAL ID Act also would expand the categories of people who can be excluded or

deported as a terrorist. The broad net this would create would ensnare innocent people who have made donations or been involved in some other way with organizations they did not know were terrorist organizations. The defense to removal on that basis would be to demonstrate by clear and convincing evidence that you did not know, and should not reasonably have known, that the organization was a terrorist organization. This can be an impossible burden to meet. For instance, how would you prove by clear and convincing evidence that you did not notice a person who entered this room 5 minutes ago?

The REAL ID Act also includes sections on security measures for drivers' licenses and identification cards. We have already enacted legislation to improve security measures for drivers' licenses and identification cards. The Intelligence Reform and Terrorism Prevention Act we just enacted requires the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to promulgate regulations establishing minimum standards for driver's licenses or personal identification cards issued by a State for use by Federal agencies for identification purposes. Before being published as proposed regulations, the standards would be subjected to a negotiated rule making committee that would include the affected stakeholders such as State elected officials and State motor vehicle departments. The recommendations of this committee are required to include an assessment of the benefits and the costs of the measures in the proposed regulations.

In contrast, the REAL ID Act would impose specific requirements on the States now, without giving the States and the other stakeholders an opportunity to provide input on what these requirements should be, and without an assessment of the benefits and costs of the measures. If the security measures were to prove to be impossible or too costly to implement, it would require an act of Congress to change them.

Before we can address the merits of the security measures that would be required by the REAL ID Act, we need answers to the following questions. (1) Are the States capable of establishing and implementing the security measures Mr. SENSENBRENNER is proposing? For instance, his bill calls for two categories of drivers' licenses, one for citizens and permanent residents and another for aliens who have nonimmigrant status. The licenses for nonimmigrants would be tied to periods of lawful status and extensions of the status. Can the State motor vehicle departments handle this increased work load? Will the States be able to provide the training needed to evaluate the many immigration documents that reflect lawful nonimmigrant status? (2) How much would it cost to establish, implement, and maintain these security measures? We do not have unlimited resources. We cannot evaluate whether these safety measures are worth what they would cost unless we know what they would cost. (3) How long would it take to establish and implement these security measures? I have introduced a bill that would establish a study to find the answers to these questions, "The Security Measures Feasibility Act."

The REAL ID Act also would restrict the privilege of obtaining a driver's license to aliens who have lawful status. My Security Measures Feasibility Act would establish a

study of the consequences that would result from forcing millions of undocumented aliens to drive without drivers' licenses.

Sheriff Timothy Bukowski of Kankakee, Illinois, has made an important observation on this matter. According to Sheriff Bukowski, the issuance of drivers' licenses is a safety issue, not an immigration issue. I agree with Sheriff Bukowski, a driver's license is more than just a privilege to the driver, it also is a device that the States use to make our highways safer.

Austin Assistant Chief of Police Rudy Landerso explains it this way. "[W]e strongly believe it would be in the public interest to make available to these communities the ability to obtain a driver's license. In allowing this community the opportunity to obtain driver's licenses, they will have to study our laws and pass a driver's test that will make them not only informed drivers but safe drivers." I would just add that it also requires them to have insurance.

The REAL ID Act contains a provision that would provide the Secretary of Homeland Security with authority to waive all laws he deems necessary for the expeditious construction of the barriers authorized to be constructed by section 102 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, IIRIRA. To my knowledge, a waiver this broad is unprecedented. It would waive all laws, including laws protecting civil rights; laws protecting the health and safety of workers; laws, such as the Davis-Bacon Act, which are intended to ensure that construction workers on federally-funded projects are paid the prevailing wage; environmental laws; and laws respecting sacred burial grounds. It so broad that it would not just apply to the San Diego border fence that is the underlying reason for this provision. It would apply any other barrier or fence that may come about in the future. At the very least, we should have a hearing to consider the consequences of such a drastic waiver.

I am concerned also by the piecemeal approach that the REAL ID Act is taking to immigration reform. We need comprehensive immigration reform, not fixes for a few specific problems. This view is shared by our colleagues on the Senate side. Senator JOHN MCCAIN has expressed the need to have comprehensive immigration reform. I have heard that he will be working on comprehensive immigration legislation with Senator EDWARD KENNEDY. We can do the same thing in the House of Representatives. I invite my colleagues who are supporting the REAL ID Act to work with me on comprehensive immigration reform. In the meantime, however, passage of this piece-meal, ill-advised bill would be a step backwards. I urge you to vote against it.

The Acting CHAIRMAN. The time of the gentlewoman from Texas (Ms. JACKSON-LEE) has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the chairman for yielding me time. I thank the chairman for leading on this most important issue.

On September 11, our Nation suffered the most horrible attack ever on American soil at the hands of those with a deep-seated, enduring hatred for freedom. Since that day, we have made

great strides in improving our Nation's security, but several gaps leave our Nation vulnerable to attacks, just like those we suffered that day.

The REAL ID bill would close loopholes and make Americans more secure. The situation in California where a State environmental commission is blocking a national security barrier from being finished must be remedied. A 3-mile gap remains in a fence which would prevent people from crossing over our southern border in an area that is home to a military base. Half a million people are caught there each year trying to get across, and that does not include those who get on through. They are their own environmental problem as well.

The REAL ID bill would give the Secretary of Homeland Security the authority he needs to ensure that our national security is not compromised for dubious environmental concerns.

Our asylum system presently welcomes fraud by those who seek to do our Nation harm. The REAL ID bill would allow our immigration judges to use common sense to protect Americans while still providing a safe harbor for those who truly need refuge in our country.

It is outrageous that we can keep people out of this country based upon terrorist links, but the minute they are in this country, we cannot deport them. The REAL ID bill would fix this problem, which poses a great danger to our citizens.

Perhaps most importantly, our Nation's security will remain at risk so long as we give validity to those who are in our Nation illegally in the form of State driver's licenses and other ID's. Driver's licenses in our country are de facto ID cards. They allow people to blend in, move freely, rent apartments, go to work, board airplanes. If States do not require some valid form of U.S. Government-issued ID to get a driver's license, any person could walk in off the street and claim to be a legal alien in search of a license, and be granted one.

To say that this is not an issue of national security is beyond the limits of reasonability. The REAL ID bill would ensure those to whom we issue government IDs and driver's licenses are in the U.S. legally and make it more likely that those to whom we issue ID's do not intend to harm Americans. We must close these loopholes.

I thank the chairman and I ask the Congress to act.

□ 1445

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

Mr. Chairman, several speakers on the other side said that if this bill was law at the time of 9/11, it would not have made any difference on what ID the terrorists used to get on the planes. That is flat out wrong.

What the bill say is that anyone who is admitted to this country on a tem-

porary visa will have their driver's license expire as to the date of their visa.

Now, Mohammed Atta, who is the ring leader of 9/11 murderers, entered the United States on a 6-month visa. That visa expired on July 9, 2001. He got a driver's license from the State of Florida on May 5, 2001. That was a 6-year driver's license. Had this bill been in effect at the time, that driver's license would have expired on July 9, and he would not have been able to use that driver's license to get on a plane because it was an expired ID. Read the bill.

Secondly, relative to the asylum issue, what this bill does is two things. First of all, it says the burden of proof is on the applicant for asylum to prove that they qualify. What is wrong with that? The burden of proof is on anybody who is the plaintiff or an applicant in any type of proceeding. They have got to prove that they are entitled to the relief that they are requesting, and I will just read from page 3 of the bill.

In General. The burden of proof is on the applicant to establish that the applicant is a refugee, within the meaning of the law. To establish that the applicant is a refugee, the applicant must establish that race, religion, nationality or membership in a particular social group or political opinion was or will be the central reason for persecuting the applicant.

So nobody, nobody who falls under that definition will be denied asylum under this bill.

Secondly, it says that in sustaining the burden, it allows the trier of fact, the immigration judge in this case, to determine the credibility of the witnesses. Now, the trier of the fact, whether it is a judge or a jury in any other legal proceeding, bases determinations on the credibility of the witnesses as to what verdict is reached. Without this bill, a person can come before an immigration judge, be determined by that judge that they are lying through their teeth, and still get asylum. That is just flat out wrong, and it is a distortion of the type of jurisprudence that we have had where court proceedings are supposed to determine exactly what the truth is.

There is no one who is lying through their teeth that should be able to get relief from the courts, and I would just point out that this bill would give immigration judges the tool to get at the Blind Sheik who wanted to blow up landmarks in New York, the man who plotted and executed the bombing of the World Trade Center in New York, the man who shot up the entrance to the CIA headquarters in northern Virginia, and the man who shot up the El Al counter at Los Angeles International Airport. Every one of these non-9/11 terrorists who tried to kill or did kill honest, law-abiding Americans was an asylum applicant. We ought to give our judges the opportunity to tell these people no and to pass the bill.

The Acting CHAIRMAN. All time for debate by this committee has expired. For what purpose does the gentlewoman from Texas rise?

Ms. JACKSON-LEE of Texas. Mr. Chairman, do I have time for a unanimous consent request?

The Acting CHAIRMAN. The gentlewoman may make a unanimous consent request.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentlewoman from California (Ms. SOLIS) for a unanimous consent request.

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

Ms. SOLIS. Mr. Chairman, I would simply like to submit my statement for the RECORD on this particular issue in opposition to the REAL ID Act.

Mr. Chairman, I rise today in strong opposition of the REAL ID Act. H.R. 418 is mean-spirited legislation that threatens our national security by depriving law enforcement officials of critical information on many adults who are physically present in the United States. The driver's license REAL ID Act will also impose additional requirements on states, without providing funding, and interfere with what is inherently a state responsibility. The REAL ID Act will also raise insurmountable hurdles for refugees seeking asylum.

This bill will negatively affect women refugees seeking asylum from honor killings, rape and sex trafficking, since most women cannot provide direct proof of torture. I do not understand how supporters of this bill can turn their backs on victims of sex trafficking in the name of protecting homeland security.

Finally, I am particularly disappointed that the authors of this bill have ignored real security threats. Like the need to upgrade the safety of our chemical and nuclear plants. Instead they have introduced a sweeping new law that allows the Department of Homeland Security to unilaterally strip away civil rights, labor, health and environmental laws to build a border fence. This will be done without any recourse for the average American citizen impacted by the construction. This doesn't make our country safer, it just takes away the liberties that make America a model for the world.

I strongly urge all Members to vote "no" on H.R. 418.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes of debate from the Committee on Government Reform.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 418. I want to thank my colleague from Wisconsin for his leadership and tireless efforts to secure our Nation's borders.

Last year, the Congress passed the Intelligence Reform and Terrorism Prevention Act, enacting into law many of the recommendations made by the 9/11 Commission.

Unfortunately, not all of the recommendations were included in the

first round of legislation, which is why we are here today. The gentleman from Wisconsin (Chairman SENSENBRENNER) and I committed to working together to make sure that one of the first orders of business considered by the House in the 109th Congress would be to address some of the recommendations in our jurisdictions that the Congress failed to address last year.

I want to use my time today to discuss the provisions contained in H.R. 418 that fall within the jurisdiction of the Committee on Government Reform which I chair: security measures for Federal acceptance of state-issued driver's licenses and personal identification cards, commonly referred to as identity security.

Last year's 9/11 Commission report identified a number of gaps and weaknesses in our Nation's intelligence and homeland security systems, providing recommendations for Congress to consider in fixing these problems. One of the most pressing recommendations proposed by the commission and one that fell within the jurisdiction of the Committee on Government Reform appears on page 390 of the 9/11 Commission report. It is the following:

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

For terrorists, travel documents are as important as weapons. The 9/11 hijackers relied on a wide variety of fraudulent documents. We know that the 19 hijackers held 63 driver's licenses or ID cards.

Based upon guidelines proposed by State motor vehicle administrators and adopted by a number of States throughout the country, our committee worked with other interested stakeholders to craft legislation that would establish minimum standards to be accepted of state-issued identification that could be used for Federal purposes. These important provisions were overwhelmingly passed by the House as part of H.R. 10 and heralded by the 9/11 victims' families.

Unfortunately, the House-passed provisions critical to strengthening identity security were dropped from the bill in conference. Instead, language was included that would set up a general framework for a Federal role in this area, but the language was filled with so many loopholes and opt-out clauses for States that it really only made matters worse.

We find ourselves here today to correct these mistakes and to again enact meaningful reform. H.R. 418 provides the Congress with this opportunity.

Our approach is very straightforward. Our legislation would set forth minimum document and issuance

standards for Federal acceptance of driver's licenses and state-issued personal identification cards. The legislation would provide 3 years for States to come into compliance with these standards if their driver's licenses are to be recognized for Federal Government purposes and their documents as proof of an individual's identity.

As the 9/11 Commission concluded, fraud in identity documents is no longer just a problem of theft. As we continue to strengthen our intelligence function to better identify and track terrorists, those individuals will be forced to find ways to conceal their identity in order to avoid detection.

We know that the 9/11 hijackers used the United States as their staging area for training and preparation in the year prior to the attacks, traveling into and out of and around the country with little fear of capture. In fact, several of the hijackers lived less than 15 miles away from this building while making final preparations for their attack. We are dedicated to making sure we do not provide such a hospitable environment in the future.

As chairman of the committee that oversees federalism issues, I am mindful of concerns about the Federal Government imposing burdens on States, so-called unfunded mandates. My response is threefold. One is that this is a national security issue that requires a unified national response rather than 50 separate responses. Secondly, the legislation authorizes grants to States to conform to the minimum standards set forth in the act. Third, I am confident that these minimum standards will not be a heavy lift for a majority of the States in our Nation. It is the handful of States that continue to have lax security standards more than 3 years after 9/11 that may have the most work to do.

It is crucial that we do everything we can to enhance the security of the American people, and this important legislation takes a significant step in frustrating terrorists' attempts to integrate into our society. I urge my colleagues to support H.R. 418 and strengthen identity security.

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

Ms. NORTON. Mr. Chairman, I will be managing this bill; but before my opening remarks, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), and we are fortunate that the ranking member of the full committee has come on to the floor.

Mr. WAXMAN. Mr. Chairman, I thank my colleague for yielding time to me.

I rise today to raise serious concerns with some of the provisions in H.R. 418 that have not been thoroughly considered, in large part because the bill was not considered by our committee.

No matter what our views are on immigration, States' rights or a national ID, my colleagues should carefully review the driver's license requirements

of H.R. 418. Simply stated, the bill imposes costly new requirements on States that simply cannot be achieved in 3 years allotted by the bill; and while States may attempt to comply, the bill's unreasonable deadlines and inadequate funding will create confusion and frustrate the public.

Congress previously recognized that States should play an integral role in implementing new driver's license standards. That is why the 9/11 legislation that we passed just 2 months ago directed the Department of Homeland Security to consult with the States first and then issue appropriate regulations. H.R. 418 repeals this sound regulatory approach and leaves the States without a voice.

One of the biggest problem areas is that the bill requires State departments of motor vehicles to verify the issuance, validity, and completeness of birth certificates with issuing agencies. Currently, birth certificates are not issued or maintained in a uniform manner. States, counties, cities and localities all across the country issue birth certificates. In fact, experts estimate that up to 14,000 jurisdictions within the United States currently issue birth certificates. Many of these jurisdictions do not have automated records but keep paper copies at the local courthouse. Even if they were to begin automated records of new births, they would still need to automate millions of preexisting birth certificates.

H.R. 418 also requires States to verify the issuance, validity and completeness of various other documents with various Federal agencies that do not yet have fully automated systems in place.

These requirements will be expensive and time-consuming. Ultimately the databases will be built that will allow States to conduct rapid verification of these birth certificates and other documents; but in most States and localities, they do not currently exist, and the experts say it will take a whole lot longer than 3 years to create them.

That is why the bill is opposed by the States. It is opposed by the National Governors Association, the National Conference of State Legislatures and even the DMV trade association, the American Association of Motor Vehicle Administrators.

The best timeline estimate from State DMVs is that will take 10 to 12 years for all of the required automation to occur. Yet H.R. 418 requires verification within just 3 years.

In the meantime, what will happen? States will not be able to issue same-day driver's licenses, the public will be frustrated, and homeland security will not be advanced.

In addition to the unworkable nature of the driver's license provisions in this bill, I want to raise my deep concern about section 102 of this legislation. This section provides the Secretary of Homeland Security the authority to waive any law for the purposes of building immigration barriers along

the border. I do not understand why we need to provide the administration with unilateral authority to waive labor laws, State and local laws, environmental laws, tax codes and criminal laws.

□ 1500

This does not apply just in San Diego. It applies throughout the Nation.

I am sad to say this bill presents a dangerous new precedent. The Federal Government has never before had unilateral authority to waive child labor laws, civil rights laws, and environmental laws. For Republican Members who want to rein in the unchecked authority of the Federal Government, they might want to carefully examine this provision, which expands it enormously. I urge my colleagues to oppose the legislation.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER), a former Secretary of State of the State of Michigan, which issues driver's licenses in Michigan, and someone who has been very helpful in crafting this bill.

Mrs. MILLER of Michigan. Mr. Chairman, I thank the gentleman from Virginia for yielding me this time, and I rise today in very, very strong support of the identification reforms that are in this legislation. These reforms, in my opinion, are extremely necessary to help us better protect our identity documents and to secure our borders.

This legislation will help America to better protect our Nation from those who wish to do us harm. No longer will we allow terrorists free access to state-issued identity documents as a way to use the tools of our freedom against us. No longer will we stand idly by and watch terrorists harm our homeland.

State-issued driver's licenses and State identification cards are the most widely used form of identification in the Nation. It is the backbone, quite frankly, of our identity. It provides legitimacy to any person who holds this form of identification. Driver's licenses are used in everyday instances, such as boarding an airplane or enrolling in a flight school.

Does that sound familiar? Well, it should. Because according to the 9/11 Commission Report, all but one of the 9/11 hijackers acquired some form of U.S. identification documents, some by fraud. All but one of the hijackers used a state-issued driver's license on that horrific day.

Even more frightening is the fact that a regular driver's license is your passport to obtain a commercial driver's license, from which then, of course, you can then try to obtain a hazardous materials license, an endorsement on your commercial driver's license. It is bad enough to think about giving terrorists access to our roadways and our aircraft, but it is unthinkable to give them access to 40,000 gallons of liquid propane, as an example.

This legislation also closes a loophole which has allowed illegal aliens to get access to our driver's licenses. Our message on this issue is clear: if you are not in this country legally, then you will not be given legal sanctions on our roads. If you are in America on a visa, you will be issued a driver's license; but it will expire on the same day as your visa.

Muhammed Atta, as has been said, came to America on a 6-month visa, but he was issued a 6-year Florida driver's license. I struggled with this issue, as the chairman had said. In my former role as the Secretary of State in Michigan, where I served as the chief motor vehicle administrator, I was forced to issue drivers' licenses to illegal aliens. Unfortunately, Michigan is one of the States that continues this practice. It has become a State of choice for illegals to obtain a license. We must stop this practice.

I urge my colleagues to support the bill.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume, and I sympathize with the gentlewoman from Michigan that she cannot get her State to do what she believes is the right thing for her State to do. I caution those from the States that the Federal Government is not the place to get the States to take appropriate action. Watch out when you open up that can of worms.

Mr. Chairman, the ink is not just damp; it is wet on perhaps the most important legislation we passed in the last half century, the bipartisan national security or 9/11 law; and H.R. 418, H.R. 368 come along right after to overturn the law.

Why is this bill here? To hear some who have preceded me, you would think the 9/11 Commission just left this out. What were they thinking?

What they were thinking is that this is a Federal Republic, and they tried to deal with the fact that we were dealing with a State function and that the Federal Government was moving in on a State function that we have had nothing to do with before. That is difficult to do.

So what did they say we should do? The 9/11 bill required just the kind of thoughtful rulemaking process that this issue needs to keep us from stepping all over each other and getting into needless controversy so that you bring people to the table and get a workable compromise. Under the process in the bill, the States must be at the table.

Remember, those are the entities that are mandated to carry out these procedures. This is an unfunded mandate, so they must pay for these procedures. So you say, let us bring you in. You are in disagreement, some of you are like Michigan, some are like other States, but let us sit down and figure it out. If you cannot, then we will have to work out a compromise in the Department of Homeland Security.

I thought that is the way we did things in this country, Mr. Chairman. I

thought that the other side of the aisle extols federalism all the time; yes, even in hard times; and, yes, even when you are dealing with hard issues like terrorism.

So what is happening now? The Select Committee on Homeland Security, and I am on the committee, is establishing a committee that includes State officials, representatives of State driver's license agencies, and of course officials from the Department of Homeland Security so that the Federal Government is at the table big foot, big time, not to worry, we are covered, we are final here. So why shut the States out all together? Why not listen to the 9/11 Commission and say let us try to reconcile as much as this before we fly off the handle?

The issue is not about what to do. Let us concede, Mr. Chairman, straight up that something must be done. That is the procedure provided for in the 9/11 bill passed just 2 months ago. We must do something. What to do; how to do it. The bill lays out how to do it. By September 2005, this committee, under the aegis of the Department of Homeland Security, will provide recommendations, a detailed assessment of the costs and the benefits of its proposals.

By June 2006, a proposed regulation based on the committee's recommendations, with such changes as should occur by December 2006, the Federal agencies will accept only new licenses that conform with these minimum standards.

What is wrong with that procedure? What is wrong with that procedure? It is difficult to find fault with that kind of careful procedure in a Federal republic, especially when you consider the supremacy clause and that the Congress of the United States can overturn regulations. So what are you afraid of, since in fact the ball stops when it comes to a matter of national security with the Federal Government?

Why are we trying to shut the States out? Why are those who speak up for the States whenever it suits their fancy putting down the States now? I do not agree with everything that is happening in the States; I just do not believe we should pass a piece of regulation that says you are not in this, except you better pay for it and you better do what it takes to enforce it within 3 years, although experts tell us it will take a dozen years for them to even begin to get through competently what it is we are asking them to do.

What is mandated is a negotiated rulemaking process that incorporates the practical issues that nobody in this Congress knows anything about, the issues that the States pass. It is a reckless bill. It would literally undo the 9/11 legislation and mandate on this issue.

I am asking that we come to an agreement before we vote down our own States on how to proceed, regardless of where you stand. Experts are telling us that it will be a dozen years before the States begin to even come

into mild conformance with this bill, and yet there will be hearings by the Members who are on this very floor criticizing the States and calling them before them to explain why illegals are still getting licenses in their States. How dare they do what we knew they could do in the first place.

So I hope you will keep the States at the negotiating table and join the National Governors Association, the National Conference of State Legislatures in rejecting these bills and retaining the far more thoughtful rulemaking process Congress has just passed as part of the historic 9/11 Intelligence Reform legislation.

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

Mr. TOM DAVIS of Virginia. Mr. Chairman, may I inquire of the time on each side.

The Acting CHAIRMAN (Mr. SIMPSON). The gentleman from Virginia (Mr. TOM DAVIS) has 13 minutes remaining, and the gentlewoman from the District of Columbia (Ms. NORTON) has 8½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Before I recognize the next chairman, I wish to respond to the gentlewoman's question of why are we doing this. We are doing this because the 9/11 Commission Report asked that we do it. They made it a priority. We are doing it because our committee, the committee the gentlewoman sits on, the one I chair, authorized this last year and the House overwhelmingly passed this last year.

The 9/11 victims' families have a letter that also requests this. And we are doing it because when I get on an airplane and somebody shows an ID to get on the airplane, I would like to know they are who they say they are. I think every other American would like to have that assurance in safety as well.

And by the way, we do not tell the States what to do. They can issue a license to whoever they want to issue a license to. But if they want to use that State license for Federal purposes, like getting on an airplane, they are going to have to be able to show that the people are who they said they were.

Also, Mr. Chairman, we worked with the American Association of Motor Vehicle Administrators in crafting this legislation, and 3 years is ample time.

Mr. Chairman, I submit for the RECORD, the letter of the victims' families, which I just referred to:

9/11 FAMILIES FOR A  
SECURE AMERICA,  
New York, NY, October 19, 2004.

Hon. TOM DAVIS,  
Chairman, Committee on Government Reform,  
House of Representatives, Washington, DC.

DEAR CHAIRMAN DAVIS: 9/11 Families for a Secure America, comprised of the families of hundreds of the victims of the September 11 terrorist attacks, are writing to express the support of our members for the provisions in H.R. 10, the 9/11 Recommendations Implementation Act, to establish minimum document and issuance standards for federal ac-

ceptance of state-issued driver's licenses and birth certificates. As the Conference Committee on the intelligence reform bills begins to consider the identity management security provisions contained in S. 2845 and H.R. 10, we plead with the conferees to remember our murdered loved ones and adopt the language of the House-passed bill.

These provisions would go a long way toward closing the loopholes that allowed 19 terrorists—all of whom had violated our immigration laws in one way or another—to obtain sixty-three authentic state driver's licenses, which allowed them to live here unnoticed while they honed their plot to murder our loved ones. To us, who have suffered horrific grief, loss and rage, it is beyond belief that even one Member of Congress would oppose a law that will stop the next Mohammed Atta from obtaining the "valid ID" that will allow him to board an airplane.

The state-issued driver's license has become the preferred identification document in America. It allows the holder to cash a check, rent a car or truck, board an airplane, purchase a firearm, enter a federal or state building, register to vote, and obtain other federally-issued documents. Despite the vast benefits simple possession of a driver's license now confers on its holder, it is one of the easiest documents to obtain, whether by citizen or illegal alien, friend or enemy.

Recognizing this fact, the 9/11 Commission recommended that, "The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses." We commend the House for taking the necessary and appropriate action on this important issue.

Supporters of the Senate position have argued that a negotiated rulemaking process is the appropriate action to take in order to establish minimum standards. We could not disagree more strongly, knowing that inevitably the final rules will lack any teeth. The standards included in H.R. 10 come directly from the State Administrators of these programs and from law enforcement, developed since the terrorist attacks on our nation and founded on long-standing principles and best practices.

We believe it is perfectly appropriate for Congress to establish baseline standards and give authority to the Secretary of Homeland Security and the Secretary of Transportation to work with the States and issue regulations on how individual States can come into compliance. This is particularly true because experience in many States has shown that implementation of these standards involve minuscule financial costs. Also, states' rights issues are in no way infringed since H.R. 10 only affects federal non-recognition for federal purposes of licenses from nonconforming states.

Congress has promised us repeatedly that they would honor our loved ones who were murdered three years ago by enacting reforms to ensure that Americans will never again face the same horror. The House provisions on identity management security are vital in this effort, and we urge you to oppose the Senate language, which will protect a status quo that aided the murderers who tore apart our families on September 11, 2001.

In the names of our dead and ourselves we ask you: how much longer will you permit terrorists to obtain drivers' licenses? For what reasons can you possibly oppose such an essential law?

And to those of you who are opposed: are you prepared to accept the responsibility for the next 9/11 terrorists who utilize US-issued drivers licenses?

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

Al Regenhard, Det. Sgt. (retired) NYPD,  
Parents of firefighter Christian Regenhard.

Joan Molinaro, Mother of Firefighter Carl Molinaro, age 32.

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

Colette Lafuente, Wife of Juan Lafuente, WTC visitor.

Wil Sekzer, Detective Sergeant (Retired) NYPD, Father of Jason, age 31, WTC, North Tower, 105th floor.

Bruce DeCell (NYPD, Retired), Father in law of Mark Petrocelli, age 29, WTC, North Tower, 105th floor.

Lynn Faulkner, Husband of Wendy Faulkner, South Tower.

Bill Doyle, Father of Joseph, age 24, WTC, North Tower.

April Gallop, Pentagon Survivor.

Diana Stewart, Only wife of Michael Stewart.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR), the deputy whip, who has been so active on this issue, and introduced the first legislation in this House that would have tied visa expiration to a driver's license date.

Mr. CANTOR. Mr. Chairman, I congratulate the chairman and the Committee on Government Reform for reporting out this bill that is so important that this Congress take action on and take action on now.

Of course we need to do this. Of course we need to pass the REAL ID Act. Because as the chairman just said, certainly all of us who board planes want to know that there is some integrity to our ID system in this country and that terrorists are not boarding planes by the use of a state-issued identification card. This is not conjecture. This is what happened on 9/11. This is what the 9/11 Commission suggested that we take action on, and this is what we are here doing today.

As the chairman suggested, I am proud to say that in 2003 Virginia, under the leadership of former Attorney General Jerry Kilgore, acted to close this dangerous loophole. The General Assembly passed and the Governor signed into law a provision which requires the minimum standard, which says that anyone applying for a license in Virginia must have legal status in this country; that they must have a visa; and that the license that would be issued would coterminate with the termination or expiration of that visa.

This is just common sense. Why do we want terrorists to have a license issued by a State to go and board our airplanes and commandeer those airplanes into a building? It is time for Congress to act, to provide and mandate a minimum standard for States when they issue State IDs, including driver's licenses, to require that individuals who have that privilege be here in this country legally.

Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS) for his leadership on this, and I urge passage of the REAL ID Act.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume to make a point of correction. What we

are doing today is not mandated by the 9/11 Commission, nor is it mandated by the law we passed. It is contrary to the law we passed. It is mandated by the fact that we held up the law we passed and it was promised to two chairmen.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. LYNCH).

Mr. LYNCH. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in opposition to the so-called REAL ID Act of 2005.

Mr. Chairman, while I have enormous respect for the gentleman from Virginia, the chairman of the full committee, I must take exception to the assertions that have been made by a lot of speakers here today that somehow this bill will prevent or would have prevented the 9/11 attacks from occurring. I just want to point out that regardless of the number of licenses that the terrorists held on September 11, they were all obtained because those individuals were in the country legally on student visas. And student visa holders in the future, even after this act is passed, will still have the opportunity to get licenses. So that argument is indeed bogus.

But I want to talk about the most egregious parts of this bill. Under this bill, it would allow the Secretary of the Department of Homeland Security to nullify all of our laws while fulfilling his responsibilities under the scope of this act. And putting aside the schizophrenic immigration policy we have heard from the Republican Party, you have a President that wants to have open borders and basically amnesty to allow open borders for low-wage workers to come in, and then you have a Republican House that is saying that all those coming in must not have licenses. They must be pedestrians.

□ 1515

Mr. Chairman, under this act, what this means for American citizens is, our civil rights laws will be set aside under this bill. Our nondiscrimination laws will be set aside under this bill. Our health and safety laws will be set aside under this bill. Our environmental laws will not apply under this bill. And child labor laws will not apply under this bill. Most troubling of all, the public bidding laws of this country will not apply under this bill for this project.

Right now on the committee that I serve with the esteemed chairman, we are investing no-bid contracts that were given to Halliburton. We have millions of dollars in overcharges to the United States taxpayer, we have bribery charges, and we are doing all kinds of investigation on that no-bid.

There is no reason that the civil rights laws and the public bidding laws should be set aside. If that were not the most extreme example, they have removed any opportunity for judicial review under this act. There will be no review of the Secretary's action in setting aside all of those laws, no recourse.

It is ironic, Mr. Chairman, that while we have our soldiers in uniform protecting democracy, we are giving it away under this bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

I note on page 390 of the 9/11 Commission Report, it recommends secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, our committee chairman is exactly right; we can go to page 384 in the 9/11 Commission Report. And I encourage all of my constituents to do this, look at this: "For terrorists, travel documents are as important as weapons." And what is the number one travel document? It is a driver's license. It is a huge gaping hole that we have. That is why it is imperative that we pass the REAL ID Act today and we set a national standard.

Maybe that is just too much common sense for some of my friends that do not want us to do that, but if someone is going to use a travel document as a driver's license and use it as a way to circumvent our laws and harm our citizens, then it is imperative that we close that loophole. Having standards that all the States would follow is a great way to close that loophole.

I would encourage my colleagues to support the REAL ID Act.

I thank the gentleman from Virginia (Chairman TOM DAVIS) for his good work on this issue, and I encourage our constituents to read this report and see the importance of the actions that we are taking today.

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

I just want to say to the chairman that I could not agree more that the 9/11 Commission mandated secure identification standards by the Federal Government, and that is exactly what the 9/11 bill provides after rulemaking with the States at the table. What is being proposed is a unilateral process.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in strong opposition to H.R. 418. I am deeply concerned about several aspects of this proposed legislation. This legislation, if passed, would be a terrible setback with regards to three critical areas: defending the people of the United States from terrorism, due process for immigrants, and environmental protection. The bill would undo security provisions that were passed just last year under the Intelligence Reform Act.

Families of September 11th victims stated the impact of this legislation will not make us safer from terrorism.

Instead, it would prevent people from fleeing persecution, from obtaining relief, making our highways more dangerous and undermine our security.

Section 102 of this bill would eliminate Homeland Security and border patrol's responsibility to inform and involve communities in proposed construction projects along the entire U.S. border and the requirement to consider less harmful alternatives to proposed actions.

This would allow Homeland Security to operate in secrecy in critically important areas such as Cabeza Prieta and Buenos Aires National Wildlife Refuge and Organ Pipe National Monument that are all in my district. Many of our most precious wildlife depend upon protected public lands along U.S. borderlands for migration corridors between countries.

In addition, this section would waive laws requiring consultations with Native nations regarding activities on tribal lands, grave sites or archaeological and sacred sites.

Finally, in a rush to deport anyone, H.R. 418 would deny due process for immigrants and asylum seekers. This is un-American. It is against what we stand for, and it is against what we are asking the world to replicate in democracy across this Earth.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Chairman, I rise today to voice my strong support for the REAL ID Act, particularly its provisions calling for stronger standards for obtaining driver's licenses. Page 47 of the 9/11 Commission Report, "Without freedom of movement, terrorists cannot plan, conduct surveillance, hold meetings, train for their mission or execute an attack."

Others have argued that the proposal involves an unprecedented preemption of State authority regarding the issuance and production of driver's licenses. This is untrue. Let me be clear: We are not preempting State authority in this area. What we are doing is establishing minimum standards for Federal acceptance of such documents. This is consistent with actions taken by individual States. Today, Nevada and New Mexico do not accept as proof of identity a State-issued driver's license or identification card from States that do not meet their standards.

The federalism issue is one of extreme importance, and that is exactly why the language has been crafted as it has. Driver's licenses have become the primary form of identification in the United States. They permit people to apply for other forms of identification, transfer funds to bank accounts, obtain access to Federal buildings, purchase firearms and board airplanes.

The majority of the States have recognized the privilege that a license brings and have set high standards for obtaining them. However, 10 States, including my State of North Carolina,

issue valid driver's licenses and identification cards without requiring proof of legal status. That is scary.

According to the 9/11 Commission Report, these travel documents are just as important as weapons are to terrorists.

The REAL ID Act would require that Federal agencies accept only driver's licenses and State-issued identification cards from States that prove the legal status of applicants. The bill would also require States to review the legality of existing license holders upon renewal or replacement. The bill does not seek to set State policy for who may or who may not drive a car. It aims to set rigorous standards for what may be used as a form of ID to a Federal official.

As I have stated before, I am a strong advocate of States' rights. However, if certain States act irresponsibly and place the national security of the rest of the country at risk, then Congress must get involved. We must do what it takes to make America safe.

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

Mr. Chairman, my good friend alluded to the support of the American Association of Motor Vehicle Administrators, and I include for the RECORD their letter indicating that they oppose both bills that are before us.

NATIONAL GOVERNORS ASSOCIATION,  
AND AMERICAN ASSOCIATION OF  
MOTOR VEHICLE ADMINISTRATORS,  
February 8, 2005.

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

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

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

DEAR MR. SPEAKER, REPRESENTATIVE DELAY AND REPRESENTATIVE PELOSI: We write to express our opposition to Title II of H.R. 418, the "Improved Security For Driver's Licenses and Personal Identification Cards" provision, and H.R. 368, the "Driver's License Security and Modernization Act". While Governors and motor vehicle administrators share your concern for increasing the security and integrity of the driver's license and State identification processes, we firmly believe that the driver's license and ID card provisions of the Intelligence Reform and Terrorism Prevention Act of 2004 offer the best course for meeting those goals.

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

We commend Chairman Sensenbrenner and Chairman Davis for their commitment to driver's license integrity; however, both H.R. 418 and H.R. 368 would impose technological

standards and verification procedures on States, many of which are beyond the current capacity of even the Federal government. Moreover, the cost of implementing such standards and verification procedures for the 220 million driver's licenses issued by States represents a massive unfunded Federal mandate.

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

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

Sincerely,

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

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

Ms. NORTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, the problem with this bill is that it is an immigration bill posing as an identification bill. Instead of listening to what the States told us needed to be done to make driver's licenses more secure, what we have done is to basically make State motor vehicle employees unwitting immigration agents. It does little to improve homeland security, and it is certain to prove overwhelming and ineffective.

Now, I support what the gentleman from Virginia (Chairman TOM DAVIS) is trying to do to improve the integrity of driver's licenses, but I find it curious that the leadership of the House has chosen to largely ignore the multiple references in the 9/11 Commission Report to the value of on-card biometric technology in improving the integrity of identification cards. The problem is that these digital images are not sufficient. Matching the image with the face is more prone to error than the technology that would use biometric data. Two fingerprints transformed into numeric algorithm, that works.

What we have here does not work. I think we are going to find the States letting us know that. Unfortunately, it will be too late. We will miss an opportunity.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I look forward to working with the gentleman from Virginia (Mr. MORAN) on this issue as we move forward.

Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), the chairman of the Subcommittee on National Security.

Mr. SHAYS. Mr. Chairman, welcome to the world of Mohammed Atta: Legal

visa to come in, 6 months; driver's license from Florida, 6 years.

Like many in this Chamber, I was a strong supporter of the intelligence reform legislation passed last year, but when I voted for it, I believed we needed to go further in several areas, including strengthening driver's license guidelines.

In my home State of Connecticut, we take strong steps to ensure the integrity of our identification cards, but we are not perfect. To receive a driver's license in Connecticut, you must prove you are a legal resident of the State, and you are not a legal resident of the State if you are not legally present in the United States, period.

This is common sense to me. Driver's licenses are verifiable forms of identification in the United States. Providing such identification cards to people who are illegally present in our country presents serious concerns.

The problem, however, is that not all States maintain this high standard. That means that someone who is illegally present in the United States and takes advantage of a weak law in another State can obtain a driver's license and use the document to identify him or herself in the State of Connecticut. They can also use that document to access Federal buildings, rent a vehicle or get on a plane.

Tightening access to State-issued identification cards is an important and necessary improvement for our homeland security. Many Members have raised concerns about the impact of driver's license provisions in H.R. 418 in our home States. Connecticut Governor Jodi Rell stated, "In my view, if a noncitizen is lawfully in this country, he or she should be able to obtain a driver's license for the time frame in which he is lawfully allowed to be here. Conversely, if someone is in this country illegally, he or she should not be able to obtain a driver's license in Connecticut or any other State."

I could not agree more with her. Frankly, most of our constituents could not agree more with her.

Let me raise one other point about this legislation and commend the chairman for including this provision. A legally present visitor to the United States can obtain a driver's license in Connecticut, as he can in other States. However, in Connecticut we issue licenses for 6 years at a time. In that time, visitors can leave and come back, whether legally or illegally, an untold number of times. During subsequent visits, this person can continue to use the license for whatever purpose he or she wants. This is wrong. Frankly, it is stupid.

Requiring a temporary ID for persons temporarily in our country is a no-brainer. I do not think Mohammed Atta would like it, but, I do not care what he wants.

□ 1530

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

do want everybody to know what we are voting on here. We oppose this bill. We favor the 9/11 intelligence bill passed 2 months ago. That requires that driver's licenses be issued under Federal standards; that is Federal law. After the States have had an opportunity to have some input, the final would be a Federal bill. The only difference between us and those on the other side is they want to keep the States out of the process all together.

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to H.R. 418. The first thing is America will not sleep any more securely with the passage of this piece of legislation, as well intended as it may be, because I am not going to question the motives of my colleagues on the other side of the aisle. But why do a useless thing? Why would the State legislatures, why would the State Governors, why would every Latino advocacy group come against this? Why would the National Council of Bishops here in the States come out against this? It is for various reasons. But they all acknowledge that there is not a conspiracy going on here to thwart the efforts at security by these groups. No one would accuse these individuals of that, because this does not do anything. It only burdens the State and does not get us anywhere.

But more importantly, and I really believe this, this is an anti-immigrant bill in the guise of some sort of security consideration, which it does not further.

And so we ask, who are these immigrants? I have a simple answer for all of us. Look in the mirror. That is who we are talking about. We all got here one way or another, some earlier than others. We are all immigrants. What this bill is really about is not bad people coming into this country to do bad things to this country. It is about preventing good people coming into this country to do good things.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the former mayor of Dayton and chairman of our Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census.

Mr. TURNER. Mr. Chairman, I thank the gentleman for his leadership on this most important issue affecting our country. I am a cosponsor of the REAL ID Act that calls for necessary reforms in our driver's license processes to make it harder for terrorists to obtain driver's license to use them for acts of violence in our country.

Driver's licenses can be used by terrorists to enter buildings, obtain other forms of identification, and board flights. The loopholes that currently exist in issuing driver's licenses have to be closed to stop those who would use driver's licenses as a tool in committing terrorist acts on our own soil.

In fact, as we have heard, we know that many of the hijackers who at-

tacked our Nation on September 11 possessed valid driver's licenses and many other state-issued identity cards.

The REAL ID Act would require applicants to prove that they are in this country legally. The debate here somewhat surprises me because I bet if you asked the American people if in order to get a driver's license, if you have to prove that you are in this country legally, overwhelmingly I believe the people in this country would believe that not only is it the right thing to do but they would be surprised to find out that it is not already a requirement.

The 9/11 commission stated that all but one of the 9/11 hijackers acquired some form of U.S. identification, and that for terrorists travel documents are as important as weapons. And their recommendation stated secure identification should begin in the United States. The Federal Government should set standards for the issuance of birth certificates and sources of identification such as driver's licenses.

Last year as we heard the steady beat to implement the 9/11 Commission recommendations, certainly, their recommendation that the Federal Government have standards for driver's licenses is something that we ought to enact, and I support this bill.

Ms. NORTON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. SIMPSON). The gentlewoman has 2 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield the last 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy in permitting me to speak on this, and I agree with her very strongly. Make no mistake, our side of the aisle is supportive of this legislation. We want to work with the State and local authorities first to do it right. These are the people who feel these concerns every bit as strongly as Members of Congress. In fact, they are on the line every day providing for the safety and security of our constituents in a much more immediate sense than we are. Do not be afraid to work with them.

But with all due respect to the gentlewoman from the District of Columbia, I have one other provision that deeply offends me as a former elected official, as a Member of this body and somebody who believes in checks and balances.

I look at section 102. I wish that it were buried in the legislation, but it is not. It is right here in the beginning. If this provision, the waiver of all laws necessary for quote improvements of barriers at the border was to become law, the Secretary of Homeland Security could give a contract to his political cronies that had no safety standards, using 12-year-old illegal immigrants to do the labor, run it through the site of a Native American burial ground, kill bald eagles in the process, and pollute the drinking water of neighboring communities. And under

the provisions of this act, no member of Congress, no citizen could do anything about it because you waive all judicial review.

Now, bear in mind you are giving this authority to the head of Homeland Security, hardly a paragon of sensitivity and efficiency. Anybody who stands in those lines week after week or watches the bizarre color-coded warning system knows that that is hardly the exemplar.

Security at the borders is important; and if somebody has a problem with building a security fence, by all means, Congress should deal with it. But as far as I know, no committee has been called upon to do that yet. There are important waiver provisions that are available. But waiving all laws for construction is an inappropriate decision. And with all due respect, it is a dangerous precedent that anybody on either side of the aisle should be deeply offended by.

The Acting CHAIRMAN. The gentleman from Virginia (Mr. TOM DAVIS) has 1½ minutes remaining.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I reject the statement made a minute ago that this is an anti-immigration bill. I support the Sensenbrenner bill. I think security is a national issue. But to suggest that this is an anti-immigrant bill is, in my opinion, wrong. We support legal immigration into this country. It is what has made this country so great. But we also need to take care of security.

If you want to come in on a visa, you want to come in to be a citizen, support it. But if you are here illegally, it is wrong.

Each year I have one family, just last year, the father survived. The wife died. He lost a child to illegal immigrants. I wish that was the only case. Each year we have several of these. Illegal immigrants driving and causing accidents, and people say, well, they are here; they have got to go to work. Well, they will go to work if we can get them to be legal. But not if they are here illegally. If they are in this country illegally, they need to go out and come back legally with a visa or proper method.

And that is why I support the Sensenbrenner bill, to make sure we do not have metricula cards, we do not have driver's licenses to illegals, and that the driver's license has a clip to ensure that it is proper by the Federal Government.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Let me just sum up and say this does not require anything from the States as far as driver's licenses go. States do not have to do anything under this for their driver's licenses. They can issue driver's licenses to whomever they want. But if they intend to use those

licenses for Federal purposes, we have a right to say what the criteria should be and under those circumstances, they are going to have to show legal presence. It is not anti-immigrant. In fact, this allows the States to issue two different sets: one for illegal immigrants, one for everyone else. It takes the national security issue away from the argument there.

Finally, the opt-out provisions in the current legislation that was passed just a few months ago are disastrous. We were worse with the 9/11 response that passed this Congress than we were without it. This rectifies that. It closes that loophole.

Out of respect for the victims, the families, the work of the 9/11 Commission, I urge my colleagues to support this legislation.

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

The Acting CHAIRMAN. The gentleman from California (Mr. COX) and the gentleman from Mississippi (Mr. THOMPSON) each will control 10 minutes of debate from the Committee on Homeland Security.

The Chair recognizes the gentleman from California (Mr. COX).

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

I am happy to join this debate as the chairman of the Committee on Homeland Security and welcome the gentleman from Mississippi (Mr. THOMPSON), my ranking member.

We are here because each day thousands of people illegally enter the United States. They know where to cross. They know how to get a driver's license. And if they are caught, they even know how to rig our legal system to stay in the country nonetheless. What has been the result of this broken system?

On January 25, 1993, Mir Aimal Kansi stood at the entrance of the Central Intelligence Agency and gunned down five people. A month later Ramzi Yousef masterminded the first bombing of the World Trade Center. Both men were in the country because they were awaiting the outcome of their asylum applications. This legislation will fix that loophole.

On September 11, 2001, according to the 9/11 Commission report, the 19 hijackers responsible for the 9/11 terrorist attacks carried between them 13 U.S. driver's licenses and 21 state-issued ID cards. Several of these hijackers had overstayed their visas, and they were unlawfully in this country. But their driver's licenses permitted them to board those airplanes nonetheless. This bill fixes that problem.

The laws that we are operating under today allow terrorists to enter our country and to plan and carry out attacks in the United States. The reality is that this homeland security vulnerability is being exploited by terrorists and criminal aliens every day. H.R. 418 makes necessary changes to ensure that terrorists do not obtain identification, as did the 9/11 hijackers, that will

permit them to board airplanes or access Federal facilities or easily travel within the United States.

The most literal security gap that this bill addresses is the 3-mile hole in the San Diego border fence. Recent press accounts have reported that al Qaeda operatives have joined forces with human smuggling rings in order to enter the United States. As we now know, the 9/11 hijackers were interviewed 25 times by U.S. consular officers; they had 43 contacts with Immigration and Customs authorities. But because of administration and congressional initiatives requiring the screening of all foreign nationals entering the United States, terrorists will be forced to resort to crossing our borders illegally. The border security fence, therefore, which thus far has been mired in bureaucratic delays, is part of our national security efforts and must be completed now.

For decades the border between San Diego and Mexico has been the preferred corridor for entry into the United States by unknown or undocumented persons. With highly populated cities both north and south of the border as well as relatively quick access to national transportation hubs such as LAX, it is the perfect place for aliens to slip across the border and gain quick access to U.S. communities and transportation networks. The important infrastructure assets in the area, including in particular the largest naval base on the west coast of the United States and the busiest seaport in the United States, makes securing this area even more important.

From September through November, 2004, the border patrol apprehended over 23,000 individuals with criminal records including 84 wanted for murder and 151 wanted for sexual assault. In 2004 border patrol agents arrested almost 1.2 million illegal aliens with 11.6 percent of those apprehended in the San Diego sector alone, despite the fact that the San Diego sector is roughly 1 percent of our border area. Over the past 2 years, the three border patrol stations responsible for patrol of the existing 14 miles of border fence in the San Diego sector have apprehended approximately 200 special interest aliens annually from countries such as Afghanistan, Iran, Iraq, Pakistan, and Turkey.

Completion of this fence will not only reduce the number of illegal crossings in the area but will also allow the Border Patrol to redeploy manpower and redirect precious resources to other important homeland security missions along the border. And like the other border fence areas, the San Diego sector can expect to see a reduction in crime, including murder, as well.

Of the 14 miles authorized by Congress several times, 9 miles of the triple fence have been completed. But only in Washington would people construct a fence with a big hole in it. The final 3½ miles has been held up due to

bureaucratic red tape and lawsuits. The border patrol has worked to alleviate the environmental concerns that have been raised. In fact, the U.S. Department of the Interior's Fish and Wildlife Service concluded in July, 2003, that construction of the fence "is not likely to jeopardize" the continued existence of any relevant endangered species in the area. Furthermore, not completing the fence will continue to cause other environmental damage in the area due to large numbers of persons crossing illegally through this area and subsequent pursuit by the border patrol, as well as large amounts of trash and refuse left in the wake of smugglers and illegal crossers.

As chairman of the Committee on Homeland Security and a California resident, I am extremely concerned by the roadblocks that different bureaucratic groups have used to justify thwarting this important project. For example, in September of 2003, the San Diego Border Patrol requested entry to a section of county-owned land located in the 3½ mile section in dispute and located about 300 feet from the U.S.-Mexican border in order to, first, improve the road for safety of the border patrol agents; and, two, take soil samples in order to address environmental concerns pertaining to construction of the fence.

□ 1545

But the San Diego County Department of Parks and Recreation denied access, saying there was no authority to enter upon the land.

After months of negotiation, I have been told that the issue was finally resolved, but this clearly demonstrates that Federal action is necessary to ensure that the fence is completed and that border security remains a priority. The time for delay and bureaucratic obstruction is over. We must complete this fence, and we must pass H.R. 418.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Republican majority claims that this bill is an effort to prevent terrorists from entering the United States, not an effort to play partisan politics over immigration reform. I would like to take them at their word, but if this bill really were about keeping terrorists out of the country, why is the Republican majority not talking about the real threats of terrorists' entry? Why is the Republican majority not concerned about the complete lack of an interagency border security plan? And why does the President's budget not fully fund the mandates in the 9/11 intelligence bill, which we passed and he signed a few short months ago? Why sign a bill if you have no intention of actually funding the items in the bill?

Mr. Chairman, just one example: The President's budget only provides for 210

new border patrol agents, even though the 9/11 intelligence bill authorized up to 2,000. We have caught at least one suspected terrorist who illegally waded across the Rio Grande. Why is the Republican majority not talking about the failure of this administration to ensure that our frontline officers are able to check suspicious individuals against a comprehensive terrorist watch list?

More than 3 years after 9/11, why are more of our frontline personnel using obsolete name-checking systems, that have trouble telling the difference between “bin Laden” and “Lyndon?” Is this real security? Does this make America safer?

This bill wholly fails to address these and other critical gaps in our border security. The bill focuses on people already in the United States instead of keeping terrorists out.

The one aspect of this bill that seems directed at keeping people out of the United States is section 102. I understand this section originated from a desire to complete approximately 3 miles of a 14-mile fence along the border near San Diego. Let me be clear: I am not against building a fence, but I do not think a fence will keep terrorists out of America.

Homeland security expert Stephen Flynn, who is a retired commander of the U.S. Coast Guard, and Jeane Kirkpatrick, Senior Fellow in National Security Studies at the Council on Foreign Relations, testified before the Senate Foreign Relations Committee that “Great powers have been building great walls throughout history. The Great Wall of China and the Berlin Wall went up at considerable expense and treasure and ultimately failed to block or contain the forces they purported to obstruct.”

Mr. Flynn says that efforts by the United States to “protect” the southwest border, including installing a fence between San Diego and Tijuana, are similarly fated to fail.

Mr. Chairman, it is clear that this is not a good bill, and we are completely in opposition to it.

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

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

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

Mr. Chairman, I rise in support of the passage of H.R. 418. Many of these protections that are contained in this legislation are long overdue. They are necessary to protect our homeland.

In particular, I am supportive of the provisions that deal with enhancing our driver’s licenses by providing for some uniformity in the standards used to issue those driver’s licenses and for finishing the border fence in southern California. We ought not to let some vague problem of the environment keep us from finishing this important part of our border security. But that is one step in the process of border security.

I am serious about the problem of border security. I represent a district that has more apprehensions of illegal immigrants than any other district on the southern border, in fact, more apprehensions than all the other districts combined.

As someone working hard for a long time to help secure our border, I can confidently say the most effective and efficient way to deal with this is to have comprehensive immigration reform. The President of the United States has recognized this. We need to create an avenue for those not crossing for malicious reasons to be funneled through the ports-of-entry along the border. That will allow us to deal with the real problem.

Mr. Chairman, I urge us to support H.R. 418, and then turn our attention to comprehensive immigration reform legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lofgren).

Ms. ZOE LOFGREN of California. Mr. Chairman, yesterday, the U.S. Commission on International Religious Freedom, a federally mandated bipartisan commission, released a comprehensive report documenting the mistreatment of asylees in America. For those seeking asylum, we strip-search them and then we thrown them in jail with criminals.

As we debate this bill, thousands of people seeking safety from persecution are in jail with criminals in the United States. They are here fleeing from torture, from rape; some are here seeking freedom because they have been denied the opportunity to practice their religion, say Christianity, in a place where religion is not permitted. But when they get here, we lock them up. And today we are considering a bill that will make it harder for those fleeing oppression, trying to find safe haven in our Nation.

This bill does nothing to make us safer. In fact, we have heard references to those who came prior to the first World Trade Center bombing. We made changes in the law subsequent to that. That fix has already been done. We do not need to do what is before us today.

So it is surprising we are not addressing today the shocking findings of the Commission Report.

Mr. Chairman, I want to say something else. This bill, despite the protestations, is in fact creating a de facto national ID card. It establishes one type of ID that most Americans will carry. All our information will be held in databases linked together and ready-made for use by the Federal Government. How much will they really know about each and every one of you?

This is not just about immigrants, this is about all Americans; and I think we need a national conversation about whether we want that form of big brother.

Mr. COX. Mr. Chairman, I ask unanimous consent that debate be extended

for 1 additional minute, to be divided equally between majority and minority.

The Acting CHAIRMAN (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. MCCAUL).

Mr. MCCAUL. Mr. Chairman, I rise in support today of the REAL ID Act. As the former Chief of Counterterrorism in the U.S. Department of Justice for the Western District of Texas, I had jurisdiction over the Mexican-Texas border. I dealt, firsthand really, with the day-to-day threats our Nation faces, and asked the question, Why are we not doing more to secure our borders?

Many of those intent on doing our Nation harm claim political asylum as their Trojan horse to gain access to our borders. Individuals like the 1993 World Trade Center bomber, Ramzi Yousef, claimed political asylum and was ordered to appear at a hearing. Yet Yousef, like a majority of those given notices, failed to show up at the hearings. This bill will make it easier to deport suspected terrorists.

Terrorists have taken advantage of other holes in our laws. The 19 hijackers on September 11th had fraudulently obtained dozens of American visas, passports and driver’s licenses, documents used to open bank accounts, establish residency and, yes, to fly airplanes.

This border security legislation provides the safety measure that to obtain a driver’s license, the person must simply prove they have a legal right to remain in our Nation.

For the safety and security of our Nation, our families and our freedom, I urge my colleagues to support this bill. The 9/11 Commission recommended it. We owe it to the victims of the national tragedy to pass this legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus.

Mr. MENENDEZ. Mr. Chairman, as one of the conferees on the intelligence reform law enacted last December, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures enacted just 2 months ago include, among others, adding thousands of additional border patrol agents, Immigration and Customs investigators and detention beds, criminalizing the smuggling of immigrants and establishing tough minimum standards for driver’s licenses, just as the 9/11 Commission recommended.

Now we need to implement and fully fund these tough measures to ensure our Nation’s safety. Unfortunately, the President’s budget chose not to fund the 2,000 new border patrol agents or 8,000 additional detention beds that

were called for in the intelligence reform bill. So much for being tough.

H.R. 418 would further undermine these tough measures by repealing several of these provisions. The bill would repeal a GAO study to ascertain any vulnerability in the current asylum system and replace it with new burdens that would be impossible for many true asylum seekers to meet.

Proponents of this legislation have misled us by suggesting that different terrorists have received asylum. No terrorist has ever been granted asylum in the United States.

We further ensured that terrorists would not be granted asylum with the administrative changes of 1995 and the expedited removal system done legislatively in 1996. Now we detain anyone seeking asylum that arrives at our border without documents.

But asylum encourages citizens of other countries to fight for positive change in their own country, without risking U.S. military lives. If their life is endangered, they should have a chance to seek asylum in the United States. Unfortunately, the legislation before us would make that nearly impossible.

Finally, if a person is a terrorist, I do not want to deport them so they have another chance at doing harm to the United States. I want to detain them, prosecute them, imprison them to the fullest extent of the law.

The bill would repeal the tough minimum standards for driver's licenses called for by the 9/11 Commission and included in the intelligence reform law with provisions that federalize all driver's licenses, take away States' rights, place huge unfunded mandates on the States, without advancing the paramount objective of making State-issued identity documents more secure and verifiable. That is why the National Conference of State Legislatures strongly opposes this legislation.

Mr. Chairman, if you truly want to implement tough yet smart measures to ensure our Nation's security, vote down this legislation, and let us fully fund and implement the tough and smart provisions that were included in the intelligence reform bill.

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

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. REYES), someone who has significant knowledge about border patrol agents.

Mr. REYES. Mr. Chairman, I thank the gentleman from Mississippi for yielding me time.

Mr. Chairman, as the only Member of Congress with a background in immigration and experience in actually defending our Nation's borders, and after being here for 8 years in the House, I am profoundly disappointed at how much we talk about this issue and how little we do when it comes to immigration.

Prior to coming to Congress, I served for 26½ years in the United States Bor-

der Patrol, so I know firsthand about the effort to protect our borders and how to keep America secure. Since coming to Congress, I have heard a lot about how we need to crack down on illegal immigration in this country, but have seen very little action when it comes to providing adequate funding for the kinds of programs that I know work in dealing with the problem of illegal immigration.

□ 1600

For instance, just this week, with the release of the President's budget, as my colleague mentioned, last August we were tough on the issue of immigration by saying we wanted 10,000 new border patrol agents and we wanted to create 40,000 new detention beds. The administration in their budget wants to hire 210 border patrol agents. They are silent on the issue of detention.

The administration also has proposed zeroing out very important programs to communities that deal with undocumented aliens, programs like the State Criminal Alien Assistance program, the State Prosecutors program, all zeroed out in this budget.

Mr. Chairman, the reason I am going to oppose this legislation is because I am sick and tired of coming here and talking, talking about the issue. I am sick and tired of hearing arguments on who is going to do what. Just last Monday, I was with some of my former colleagues at a port of entry in El Paso, and they were asking me what kind of immigration reform would come out of this effort. Regrettably, Mr. Chairman, I told them, look, we said we were going to fund 10,000 agents; we got 210. That is why I am going to vote against this legislation, and I urge my colleagues to do the same. Let us have a real and earnest debate on what needs to be done to protect this country.

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

Mr. THOMPSON of California. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. FARR).

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

I have been watching this debate all morning, and I am really concerned about what is happening here on the floor of the House of Representatives. I have never heard so much misstatement of fact about a piece of legislation that is very important.

The problem is, this legislation never had a hearing in committee, never had public review. We have never looked at the language; I doubt that any Members have read the bill in its entirety. That is not what this House is all about, because this law is a very, very serious law, and it is going to affect people's lives.

I have heard statements here on the floor that the recommendations in this bill are in the 9/11 Commission. Let me give an example. Section 102, which deals with the border fence, the com-

mission never even mentioned the border fence. Why? Because it is not a problem. We have been building it. What we have run into is a couple of environmental snags. So what does this bill do? It says okay, waive all that. Waive the law. This is a precedent that has never been done before in the United States Congress. Waive all laws, whether those laws pertain to Indian burial grounds, whether they are labor laws, discrimination laws, small business laws, environmental laws. We will just waive them. And guess what, no court, as it says, "no court shall have jurisdiction."

What kind of a measure is this? Do we just run into problems and we come to the floor of Congress and say, just get rid of the law? Here is a country that celebrated the tearing down of the Berlin Wall, a country that celebrated the elections in Iraq so people will have the rule of law; and then when we have the rule of law, we just waive it. There was no request from the State of California for this bill. Mexico, our biggest trade partner, nothing like this; and what we are saying to the world is, do not worry, we are just going to cram through everything and forget the law.

This is wrong, and I am going to have an amendment on the floor tomorrow to repeal it. I hope everyone votes for it.

Mr. COX. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would say to my friend, the gentleman from California (Mr. FARR), during the last debate I invited him to come down and look at the 7-mile area in that fence, because it is a problem. I am looking forward to working with him, because if you are an environmentalist, it is hard pan. I mean, it has totally destroyed the plants, the animals, the lizards, and it is like a venturi tube.

The gentleman from California (Mr. HUNTER) first came to me in 1990 and asked where we could get landing mat, and we put that up. Why? Because the number of rapes of Mexicans who were coming across, the number of drugs that were coming across. There is one strand of wire on the ground where you could just drive from one field to another with a loaded truck, and it has stopped a lot of that.

Does the fence stop illegal immigration? No. But it sure frees up a lot of the border patrol and makes it easier for them, and that 7 miles is like a venturi tube and it forces our border patrol into that area.

I agree with the gentleman from Texas (Mr. REYES), and I am going to work with anybody over there, especially him, because he does have the expertise and he is a good friend. I agree with him that the President's budget does not include the funding. But no Clinton budget ever passed either, and we are going to add that; and with the help of my friend, we are going to add the funding for those new border patrol.

Mr. COX. Mr. Chairman, I yield the balance of our time to the distinguished majority leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I would just say to my good friend from Texas (Mr. REYES), who is an expert, and we all value his input, we are going to do immigration reform in this Congress. We are looking forward to working with him on immigration reform. But what we are here today about is border security, border security and closing loopholes.

I just want to thank both sides of the aisle for the thoughtful way that they have conducted this debate. I want to thank the gentleman from Wisconsin (Chairman SENSENBRENNER) and the gentleman from Virginia (Chairman TOM DAVIS) and the gentleman from California (Chairman COX) for their hard work in getting this bill to the floor so early in the new session.

Of all of the issues being debated before us today, the controversy I find most confusing is the section regarding the standardization of driver's licenses. After all, Mr. Chairman, the war on terror is not being fought in a vacuum.

There was a time, to be sure, when identification fraud was a matter of concern principally to bouncers and bartenders, but that was before September 11, 2001. Since that day, Mr. Chairman, ID fraud has represented a clear and present danger to the national security of the United States, plain and simple. Without standards for the issuance or content of driver's licenses, the American people are needlessly put at risk. As long as America boasts the civilized world's most open laws concerning immigration and mobility while remaining its greatest terrorist target, we must ensure that people coming in and out of our country are not here to do our people harm.

When someone enters this country and can get a driver's license, he can board a plane, open a bank account, and get a job. If he plans to do these things not to make a better life for himself, but with the express intent of killing Americans, and that treachery could be curbed simply by reforming the way we issue driver's licenses, how can we not?

The REAL ID Act requires that applicants for driver's licenses prove that they are in the United States legally, very simple, and that a foreign traveler's license expires with his visa.

These are hardly Draconian measures, Mr. Chairman, nor are the sections of the bill that strengthen our deportation and asylum processes. These processes are not just loopholes; they are gaping, yawning chasms in the law waiting to be exploited. They are risks, threats even, to the security of our homeland and to our success in the war on terror. The reforms in the REAL ID Act are overdue, no less an authority than the 9/11 Commission itself says so.

So I just urge all of my colleagues to support this legislation to further help ensure that such events as three Septembers ago never again scar our homeland.

ANNOUNCEMENT BY THE ACTING CHAIRMAN  
The Acting CHAIRMAN (Mr. LAHOOD). When proceeding in the Committee of the Whole under an order of the House that establishes time limits on general debate, the Committee of the Whole may not alter that order, even by unanimous consent. The Chair should not have entertained the earlier request of the gentleman from California.

Mr. CANNON. Mr. Chairman, I would like to submit a statement for the RECORD from the Americans for Tax Reform.

FEBRUARY 9, 2005.

Our nation's immigration and border control policies cry out for reform. While our best border control officers should be preventing the next terrorist incursion into our country, they are instead hunting down willing workers. The attacks of September 11th called for new and updated thinking in all areas of federal law enforcement, and immigration reform has been a glaring omission. America's immigration system must be reformed in a responsible, welcoming, adult manner along the lines laid out by President Bush. Willing workers should be matched with willing employers, citizenship and residency applications must be streamlined, and the focus must shift to protecting the nation from terrorists.

Border security has been increased since 9/11, and should continue to be so. The latest technology must be used to make sure America's border is free of terrorist incursions. In order to let the border guard do their job of defending America, the President supports giving foreign laborers guest worker cards, "to match willing workers with willing employers."

President Bush is opposed to amnesty for illegal immigrants. He also does not want to give foreigners in the guest worker program any advantage over those who are trying to become citizens through normal, due process channels.

Congress should support President Bush's common-sense plan to reform and strengthen America's broken immigration system even as border security is addressed today in the House of Representatives.

GROVER NORQUIST,  
*President.*

Ms. WOOLSEY. Mr. Chairman, when we shut our doors to the world we shut the door of democracy. President Bush wants the United States to be a leader in promoting freedom around the world, but we fail at home when we deny freedoms to those who desire the American dream. H.R. 418 fails to reform our system. Instead, it weakens our democracy.

If you vote for this bill you are saying we don't care if you have been persecuted because of your religion or beaten because of your gender. Stay in your own country. You are not entitled to our freedoms.

If you vote for this legislation you are saying that the United States doesn't care about federal or state laws as long as it means being able to close our border. Who cares if building a wall on our border endangers our environment? Out of 2,000 plus miles along our border with Mexico, you are saying that finishing 3 miles of that fenced area in Southern California is so important that we should throw out the principles of our democracy and let one man have the power to waive any laws that he wants without any oversight. Are you sure that this is a democratic country?

Mr. Chairman, shutting out people around the world from our democracy and throwing away the ideals of freedom that we hold so dear is no way to be an example for the

world. We need immigration reform but this legislation is not the right answer. I urge my colleagues to join me in opposing this legislation.

Mr. HOEKSTRA. Mr. Chairman, I rise to express my strong support of H.R. 418. Chairman SENSENBRENNER has presented for the consideration of the House a commonsense bill that will disrupt travel of would-be terrorists who would seek to do us harm right here in America. When enacted, these provisions will be yet another set of effective tools to help prevent another September 11-type attack.

All of these provisions are derived from provisions of the House-passed version of H.R. 10, the 9-11 Recommendations Implementation Act of 2004. During the conference with the other body on what became the Intelligence Reform and Terrorism Prevention Act of 2004, the provisions contained in H.R. 418 were either dropped in their entirety or modified so substantially as to virtually defeat the fundamental purpose of the provision.

A majority of the conferees on the part of the House very reluctantly agreed in order to get a conference agreement on the fundamental reform of the Nation's intelligence community. We are all original cosponsors of H.R. 418. As chairman of the conference, I thought that these provisions made sense then and they make sense now and should be enacted.

The core provisions of H.R. 418 establish a set of fundamental standards that state-issued identification cards, including driver's license, must meet to be recognized for Federal identification purposes, such as entering a Federal building. The bill provides the various States with 3 years to make any necessary modifications to their identification cards, if they so chose. The bill provides the Secretary of Homeland Security with discretion to extend the deadline for good cause upon application by an individual state. The bill does not impede the authority of individual states to determine who may operate a motor vehicle or who may be issued a State personal identification card for non-Federal purposes.

Some argue that the Intelligence Reform and Terrorism Prevention Act of 2004 already addresses this issue adequately. I simply disagree. The enacted provision requires a negotiated rulemaking process, without any absolute certitude that the negotiations on the proposed consensus regulations will be concluded by the date specified in the act. No hard date for implementation of these fundamental standards is specified.

H.R. 418 also restores the authority of an immigration judge to make a determination whether to grant or deny an individual application for asylum. At its core, the provision makes explicit the judge's authority to assess the credibility of the assertions of oppression being made by the applicant, just as judges and juries do each day with respect to criminal defendants. As some assert, H.R. 418 does not require the asylum applicant to produce documentary evidence in order to be granted asylum. It grants an immigration judge the authority to request the applicant to provide evidence to support the applicant's oral testimony and that of witnesses supporting the applicant. H.R. 418 clearly states that the applicant is not required to provide documentary evidence if "the applicant does not have the evidence or cannot obtain the evidence without departing the United States."

H.R. 418 includes a provision specifying that offenses which currently provide grounds to deny a would-be terrorist entry into the United States are also grounds for the deportation of such persons, if they have somehow managed to enter the country illegally. Today, that is not the case. This glaring gap in the law must be closed.

Finally, H.R. 418 provides the Secretary of Homeland Security with authority to waive environmental laws, so that the border fence running 14 miles east from the Pacific Ocean at San Diego may finally be completed. Authorized by Congress in 1996, it has yet to be completed because of on-going environmental litigation. It is time to complete this much needed barrier to help secure one of the most used corridors for illegal entry, which is adjacent to the numerous facilities of the United States Navy and Marine Corps in San Diego.

Mr. Chairman, I commend Chairman SENSENBRENNER for his leadership and urge my colleagues to support H.R. 418.

Mrs. BONO. Mr. Chairman, I would like to thank Chairman SENSENBRENNER for his tireless efforts and leadership in getting the REAL ID Act to the floor and for championing national security issues and the crisis we face today with our Nation's border security. I would also like to thank my colleagues in the Southern California delegation for their efforts and for helping to protect not only their districts, but also the Nation's borders as well.

San Diego Border Fence: For too long our Nation has been playing chicken with our national security by ignoring the need to take a comprehensive approach to border security issues, particularly as they pertain to the Mexican border. The Mexican border has long been a porous and unguarded route for anyone wishing to sneak into the United States to inflict harm on our Nation and our citizens, including terrorists.

In particular, the San Diego sector covers an area of more than 7,000 square miles and 66 miles of international border with Mexico. Beyond that section of the border are the Mexican cities of Tijuana and Tecate, which boasts a combined population of more than 2 million people. This area of the border has been a heavily traveled route for illegal immigrants and potential terrorists due to the major cities and transportation hubs, such as LAX airport in Los Angeles. This area alone accounts for nearly 50 percent of national apprehensions of illegal immigrants nationwide.

A significant number of illegal immigrants that have been apprehended in this area can be directly attributed to the San Diego fence that was constructed a few years ago. The San Diego fence is a project that was started several years ago, but a 3.5-mile section of the fence was not completed due to environmental concerns. The portions of the San Diego fence that have been built have proven to be successful and are credited with significant declines in attempted border crossings in that area. The existing fence needs improvements and must be extended 3.5 miles to its originally planned length.

This legislation puts those priorities front and center by granting the Secretary of Homeland Security the authority to waive all Federal laws in order to complete the fence. In addition, this bill will increase the funding to improve the existing fence with a 3-tiered fence system and complete the original designed length. While environmental issues plays an

appropriate role in our Nations' policies, the environmental and national security impacts of having illegal immigrants trample this portion of the border is greater than the concerns regarding building and completing the fence. Lastly, recent press accounts have reported that Al Qaeda operatives have joined forces with alien smuggling rings in order to enter the United States, particularly through the southern border with Mexico. The time to act on the San Diego border fence is now.

Drivers' License: REAL ID Act also bolsters stronger security standards for the issuance of drivers' licenses to aliens. This bill will establish requirements that help prove lawful presence in the United States prior to issuing a license to individuals. In addition, it is critical that all states must comply to eliminate weak links in the domestic identity security. We have all seen the failures of cards such as the Matriculate Consular cards and the widespread fraud that can take place. This bill requires tough physical security requirements to reduce counterfeiting and to ensure state compliance with such standards. Lastly, drivers' licenses that are issued in compliance with the new regulations will expire when an alien's visa expires to alleviate any confusion or ability for terrorists to maintain a false/fake drivers license while their visa has expired. Connecting the two forms of identification will ensure that law enforcement officers and federal agents will be on notice when a visa expires and will not be fooled by a separate and fake state ID that has not expired.

Asylum Provisions: Finally, the REAL ID Act will tighten the asylum system that has been abused and gamed by terrorists for years. This bill allows judges to determine a witnesses' credibility in their asylum cases. Without this change, judges have no discretion in determining the credibility of witnesses testifying that they are being persecuted. Judge's hands have been tied over the years and must just grant asylum in every case where persecution has been raised and have not been able to go beyond that point. This has allowed terrorists who have been persecuted in their home country for being terrorists to seek shelter in the United States. Currently, this argument cannot be used against them and is not grounds for deportation.

This bill gives the power to refuse terrorists entry to the United States and allows terrorists to be deported back to their home country. Terrorists have long been abusing our system in order to gain entry. This bill provides a list of long-accepted commonsense factors that an immigration judge can consider in assessing credibility, such as the demeanor, candor, responsiveness and consistency of an asylum applicant or other witness. It is essential for judges to be able to determine asylum cases based on the credibility or lack of credibility of witnesses.

Again, I would like to thank Chairman SENSENBRENNER for his efforts in getting this bill to the floor and I strongly urge my colleagues to vote in favor of this bill because these reforms are necessary to our national security.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in support of H.R. 418, the REAL ID Act of 2005. First, I would like to thank Chairman SENSENBRENNER and the Judiciary Committee for their leadership on this bill, and for their dedication to securing our borders and protecting Americans from terrorists.

My objective throughout debate over H.R. 418 was to get a bill that fully addressed all of

our nation's security concerns. That means not only reforming how we gather and use intelligence, but also how we fight terrorism at home. I believe that the final bill that came to the floor fell short. That's why I voted against it.

However, the REAL ID Act implements crucial provisions that were dropped from H.R. 10 and fixes several glaring holes in our border security. One of the most important provisions in this legislation asks states to work with the Department of Homeland Security to establish and use standards for drivers' licenses.

Many states already have licenses that are difficult to counterfeit. Other states don't have stringent safeguards.

Some have argued that this bill creates a national ID. It doesn't. I would oppose any bill that did so. This bill simply requires states to make it harder for someone like Muhammad Atta to get a driver's license, and to use that license to carry out terror plans.

As the 9/11 Commission noted: "All but one of the 9/11 hijackers acquired some form of U.S. identification document, some by fraud." Increased ID security will make it more difficult for terrorists to obtain documents through fraud and conceal their identity. Deterring terrorists from receiving state issued IDs will make it more likely that they will be detected by law enforcement.

This bill also tightens our asylum system—a system that has been abused by terrorists with deadly consequences—by allowing judges to determine whether asylum seekers are truthful.

Additionally, the bill will protect the American people by ensuring that grounds for keeping a terrorist out of the country are also grounds for deportation. Incredibly, we have legal justification to prevent an individual from entering the country if they have known terrorist ties, however, under current U.S. law once they set foot inside the border we cannot deport them. This hinders our ability to protect Americans from foreign terrorists who have infiltrated the United States.

I think all Americans—and those of us on both sides of the aisle—can agree that the 9/11 Commission identified a number of improvements that will help upgrade our intelligence and enhance America's security. This bill provides common sense provisions to help prevent another 9/11-type attack by protecting our borders and disrupting terrorist travel in the United States. I urge members to vote in favor of the REAL ID Act.

The Acting CHAIRMAN. All time for general debate has expired. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCCAUL) having assumed the chair, Mr. LAHOOD, The 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. 418) to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence, had come to no resolution thereon.

HONORING THE LIFE AND ACCOMPLISHMENTS OF THE LATE OSSIE DAVIS

Mr. WESTMORELAND. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 69) honoring the life and accomplishments of the late Ossie Davis.

The Clerk read as follows:

H. RES. 69

Whereas the late Ossie Davis, actor and civil rights leader, was born Raiford Chatman Davis, the oldest of five children born to Laura Cooper and Kinca Davis, on December 18, 1917, in Cogdell, Georgia;

Whereas Ossie Davis graduated in the top 5 percent of his high school class, received a National Youth Administration scholarship, and walked from Waycross, Georgia, to Washington, D.C., to attend Howard University, where he studied with Alain Leroy Locke, the first black Rhodes Scholar;

Whereas Ossie Davis began his career as a writer and an actor with the Rose McClendon Players in Harlem in 1939;

Whereas during World War II Ossie Davis served in the Army in an African-American medical unit, including service as an Army surgical technician in Libya, where he worked on stabilizing some of the 700,000 soldiers wounded in that war for transport back to State-side hospitals;

Whereas Ossie Davis made his Broadway debut in 1946 in *Jeb*, where he met his wife, actress Ruby Dee, who he married in 1948;

Whereas Ossie Davis went on to perform in many Broadway productions, including *Anna Lucasta*, *The Wisteria Trees*, *Green Pastures*, *Jamaica*, *Ballad for Bimshire*, *A Raisin in the Sun*, *The Zulu and the Zayda*, and *I'm Not Rappaport*.

Whereas in 1961, he wrote and starred in the critically acclaimed *Purlie Victorious*;

Whereas Ossie Davis' first movie role was in *No Way Out* in 1950, followed by appearances in *The Cardinal* in 1963, *The Hill* in 1965, and *The Scalphunters* in 1968;

Whereas Ossie Davis made his feature debut as a writer/director with *Cotton Comes to Harlem* in 1970 and later directed *Kongi's Harvest* in 1971, *Black Girl* in 1972, *Gordon's War* in 1973, and *Countdown at Kusini* in 1976;

Whereas Ossie Davis held numerous leading and supporting television and motion picture roles throughout his distinguished career;

Whereas Ossie Davis was a leading activist in the civil rights era of the 1960s when he joined Dr. Martin Luther King, Jr. in the crusade for jobs and freedom and to help raise money for the Freedom Riders;

Whereas Ossie and Ruby Dee Davis, having protested the injustices of the McCarthy Era House Committee on Un-American Activities in the 1950s, were blacklisted from Hollywood;

Whereas Ossie and Ruby Dee Davis raised their voices for numerous causes, including support for the United Negro College Fund, vocal opposition to the Vietnam War, and participation in the August 28, 1963, March on Washington, D.C., at which the Rev. Martin Luther King, Jr. delivered his "I Have a Dream" speech.

Whereas Ossie Davis served for 12 years as master of ceremonies at the annual National Memorial Day Concerts on the grounds of the United States Capitol and was an advocate on behalf of the Nation's veterans;

Whereas Ossie Davis eulogized both Dr. Martin Luther King, Jr., and Malcolm X at their funerals;

Whereas Ossie Davis was inducted into the Theater Hall of Fame in 1994 and received innumerable honors and citations throughout his life, including the Hall of Fame Award

for Outstanding Artistic Achievement in 1989, the United States National Medal for the Arts in 1995, the New York Urban League Frederick Douglass Award, NAACP Image Award, and the Screen Actor's Guild Lifetime Achievement Award in 2001;

Whereas Ossie Davis and his wife, Ruby Dee, are the parents of three children and have recently published their joint autobiography, *With Ossie and Ruby: In This Life Together*; and

Whereas Davis enjoyed a long and luminous career in entertainment along with his wife before he died in Miami, Florida, at the age of 87 on Friday, February 4, 2005, where he was making a movie called "Retirement": Now, therefore be it

Resolved, That the House of Representatives—

(1) recognizes the extraordinary contributions to the Nation of the late Ossie Davis for his service to the Nation in the military, as a civil rights leader, and as an actor;

(2) honors him as a great American and pioneer in the annals of American history; and

(3) expresses its deepest condolences upon his death to his wife Ruby Dee Davis, his other family members, and his friends.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. WESTMORELAND) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND).

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, America was dealt an awful setback over the weekend in Miami, Florida. The distinguished actor, director, producer and advocate Ossie Davis passed away at the age of 87. He died doing what he loved most: he was shooting a movie.

Mr. Speaker, Ossie Davis stood out both in the fields of theater and human justice. We have enjoyed all of Davis' regal performances in recent movies like "Grumpy Old Men," "The Client," "Do the Right Thing," and "Jungle Fever," and in television programs like "Evening Shade."

Mr. Speaker, Ossie Davis was also a powerful social advocate. He was a tireless worker on behalf of the civil rights, and particularly voting rights, for all Americans.

It is remarkable to note that Ossie Davis was also half of one of the most revered couples of American stage and screen. Mr. Davis's wife, Ruby Dee Davis, appeared in more than 20 films and scores of theater productions herself. In December, the Kennedy Center here in Washington honored both Ossie and Dee Davis as part of the 27th Kennedy Center Honors for their extraordinary contributions to the arts. The

two were married for 57 years. Ossie Davis is survived by his wife.

If my distinguished colleague, the gentleman from Georgia (Mr. BISHOP), would indulge me, I would wish to offer the most sincere condolences of all Members of the House to Ruby Dee and the Davis family during these heart-rending days.

Mr. Speaker, the president of the Screen Actors Guild, Melissa Gilbert, made this fitting statement last week following the death of Mr. Davis, who was a Screen Actors Guild Life Achievement Award recipient: "Along with his remarkable wife, Ruby Dee, Ossie Davis's impact on America can be seen not only in his rich body of creative works, but equally so as a passionate advocate for social justice and human dignity."

Mr. Speaker, I thank the gentleman from Georgia for proposing this resolution to the House. I am proud to be a cosponsor of House Resolution 69 that honors the life of Ossie Davis. I urge adoption of this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield 6 minutes to the gentleman from Georgia (Mr. BISHOP), the originator of this legislation.

Mr. BISHOP of Georgia. Mr. Speaker, I thank the gentleman for yielding me this time. First, I would like to thank the gentlewoman from California (Leader PELOSI) and the gentleman from Texas (Leader DELAY) and the members of the Committee on Government Reform; the gentleman from Virginia (Chairman TOM DAVIS), the gentleman from California (Ranking Member WAXMAN), my good friend, the gentleman from Illinois (Mr. DAVIS), as well as their staffs, for helping to move this important resolution, H. Res. 69, to the floor as quickly as they did. Let me also thank the gentleman from Georgia (Mr. KINGSTON), who represents Georgia's first district which includes the town of Cogdell, Georgia, the birth place of Ossie Davis and, Waycross, Georgia, where Mr. Davis grew up, for his cosponsorship and for his efforts to bring this resolution to the floor in short order. Also, I thank my colleague, the gentleman from Georgia (Mr. WESTMORELAND), for his efforts and his activity in helping to honor this great Georgian.

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We are here today to honor a great American, a veteran, a civil rights leader, a social justice activist, and a tremendous talent, Mr. Ossie Davis. We lost him this past Friday, February 4, at the age of 87.

Ossie once said, "Struggle is strengthening. Battling with evil gives us the power to battle evil even more." Empowered and inspired by his own struggle, Ossie fought for what was right. He fought with his voice, with his example, with his art.

Above all, Ossie Davis was an artist. The eldest of five children, Ossie Davis