

security. Over land, in the air, and underground, we must make a commitment to control and secure the border. I urge all my colleagues to support this important border security bill.

Mr. STARK. Madam Speaker, I rise in opposition to H.R. 4830, the Border Tunnel Prevention Act, H.R. 6094, the Community Protection Act, and H.R. 6095, the Immigration Law Enforcement Act. Only in the backward world of Republican campaign strategy would passing more ineffective bills be seen as a way to highlight "progress" on illegal immigration.

I hope that the American people ask what happened to the massive immigration bill that the House passed in December. I hope they question why House Republicans are today spending time debating three bills they know the Senate will never consider. The truth is that Republicans aren't interested in stopping illegal immigration. If they were, they'd crack down on employers. Or at least make an effort to resolve differences with their colleagues in the Senate.

If you define progress by anything other than fear-mongering rhetoric, then this Congress is no more likely to secure the border than the Capitol Police are to stop an armed intruder.

Because this Republican Congress long ago abandoned the idea of purposeful governing, they slapped together these three immigration bills without concern for constitutionality or feasibility. No bad idea from a backbench right-winger was too extreme. If these bills became law:

Immigrants could be indefinitely detained at the whim of the Department of Homeland Security. Hey, it hasn't worked at Guantanamo, but why not try it on U.S. soil?

The Attorney General could order immediate deportation of anyone deemed to be a member of a designated street gang, regardless of whether members had committed crimes. In other words, hanging around the wrong crowd, at least in the eyes of Alberto Gonzales, would be a deportable offense.

Federal courts hearing immigration cases would be instructed that any relief granted to immigrants would have to be the "minimum necessary" and "least intrusive" to government agencies. So if the government wrongly jailed you for 20 years, you might get released, but don't expect any compensation for the loss of your livelihood.

They say that desperate times call for desperate measures, and the Republican Party is clearly desperate to cling to power. I urge my colleagues to vote no.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNITY PROTECTION ACT OF 2006

Mr. SENSENBRENNER. Madam Speaker, pursuant to House Resolution 1018, I call up the bill (H.R. 6094) to restore the Secretary of Homeland Security's authority to detain dangerous aliens, to ensure the removal of deportable criminal aliens, and combat alien gang crime, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6094

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Community Protection Act of 2006".

#### TITLE I—DANGEROUS ALIEN DETENTION ACT OF 2006

##### SEC. 101. DETENTION OF DANGEROUS ALIENS.

Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(2) in paragraph (1), by adding at the end of subparagraph (B) the following:

"If, at that time, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary, subject to clause (ii).";

(3) by amending clause (ii) of paragraph (1)(B) to read as follows:

"(i) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(4) by amending paragraph (1)(C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, or conspires or acts to prevent the alien's removal subject to an order of removal.";

(5) in paragraph (2), by adding at the end the following: "If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary, in the exercise of the Secretary's discretion, may detain the alien during the pendency of such stay of removal.";

(6) by amending paragraph (3)(D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities, or perform affirmative acts, that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, or for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(7) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If an alien is released, the alien"; and

(8) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding such section, that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable, but in no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply only with respect to an alien who has effected an entry into the United States. These procedures do not apply to any other alien detained pursuant to paragraph (6):

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary shall establish an administrative review process to determine whether the alien should be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with subparagraph (B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Secretary of State or other Federal official and any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien.

"(B) AUTHORITY TO DETAIN BEYOND THE REMOVAL PERIOD.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(C)).

"(ii) SPECIFIC CIRCUMSTANCES.—The Secretary of Homeland Security, in the exercise of the Secretary's discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the 90 days authorized in clause (i)—

"(I) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(aa) will be removed in the reasonably foreseeable future; or

“(bb) would be removed in the reasonably foreseeable future, or would have been removed, but for the alien’s failure or refusal to make all reasonable efforts to comply with the removal order, or to cooperate fully with the Secretary’s efforts to establish the aliens’ identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien’s departure, or conspiracies or acts to prevent removal;

“(II) until the alien is removed, if the Secretary of Homeland Security certifies in writing—

“(aa) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

“(bb) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

“(cc) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

“(dd) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and either (AA) the alien has been convicted of one or more aggravated felonies (as defined in section 101(a)(43)(A)) or of one or more crimes identified by the Secretary of Homeland Security by regulation, or of one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, if the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or (BB) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

“(ee) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony (as defined in section 101(a)(43)); or

“(III) pending a determination under subclause (II), so long as the Secretary of Homeland Security has initiated the administrative review process not later than 30 days after the expiration of the removal period (including any extension of the removal period, as provided in subsection (a)(1)(C)).

“(C) RENEWAL AND DELEGATION OF CERTIFICATION.—

“(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (B)(ii)(II) every 6 months without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew a certification, the Secretary may not continue to detain the alien under subparagraph (B)(ii)(II).

“(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in item (bb), (cc), or (ee) of subparagraph (B)(ii)(II) below the level of the Assistant Secretary for Immigration and Customs Enforcement.

“(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General or the Attorney General’s designee provide for a hearing to make the determination described in item (dd)(BB) of subparagraph (B)(ii)(II).

“(D) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention, the Secretary of Homeland Security, in the exercise of the Secretary’s discretion, may impose conditions on release as provided in paragraph (3).

“(E) REDETENTION.—The Secretary of Homeland Security, in the exercise of the Secretary’s discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if the alien fails to comply with the conditions of release, or to continue to satisfy the conditions described in subparagraph (A), or if, upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (B). Paragraphs (6) through (8) shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of the redetention.

“(F) CERTAIN ALIENS WHO EFFECTED ENTRY.—If an alien has effected an entry, but has neither been lawfully admitted nor has been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien, the Secretary of Homeland Security, in the exercise of the Secretary’s discretion, may decide not to apply paragraph (8) and detain the alien without any limitations except those which the Secretary shall adopt by regulation.

“(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraphs (6), (7), or (8) shall be available exclusively in habeas corpus proceedings instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.”

**SEC. 102. DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.**

(a) DETENTION AUTHORITY.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following:

“(e) LENGTH OF DETENTION.—

“(1) IN GENERAL.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

“(2) CONSTRUCTION.—The length of detention under this section shall not affect the validity of any detention under section 241.

“(f) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (e) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”

(b) JUDICIAL REVIEW.—Section 236(e) of such Act (8 U.S.C. 1226(e)) is amended by adding at the end the following: “Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.”

(c) LENGTH OF DETENTION.—Section 236 of such Act (8 U.S.C. 1226) is amended by adding at the end the following:

“(f) LENGTH OF DETENTION.—

“(1) IN GENERAL.—With regard to length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

“(2) CONSTRUCTION.—The length of detention under this section shall not affect the validity of any detention under section 241 of this Act.”

**SEC. 103. SEVERABILITY.**

If any provision of this title, or any amendment made by this title, or the application of any such provision to any person or circumstance, is held to be invalid for any reason, the remainder of this title, and of the amendments made by this title, and the application of the provisions and of the amendments made by this title to any other person or circumstance, shall not be affected by such holding.

**SEC. 104. EFFECTIVE DATES.**

(a) SECTION 101.—The amendments made by section 101 shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(1) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(2) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(b) SECTION 102.—The amendments made by section 102 shall take effect upon the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

## TITLE II—CRIMINAL ALIEN REMOVAL ACT

### SEC. 201. EXPEDITED REMOVAL FOR ALIENS INADMISSIBLE ON CRIMINAL GROUNDS.

(a) IN GENERAL.—Section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)) is amended—

(1) in paragraph (1)—

(A) by striking “Attorney General” and inserting “Secretary of Homeland Security in the exercise of discretion”; and

(B) by striking “set forth in this subsection or” and inserting “set forth in this subsection, in lieu of removal proceedings under”;

(2) in paragraph (3), by striking “paragraph (1) until 14 calendar days” and inserting “paragraph (1) or (3) until 7 calendar days”;

(3) by striking “Attorney General” each place it appears in paragraphs (3) and (4) and inserting “Secretary of Homeland Security”;

(4) in paragraph (5)—

(A) by striking “described in this section” and inserting “described in paragraph (1) or (2)”; and

(B) by striking “the Attorney General may grant in the Attorney General’s discretion” and inserting “the Secretary of Homeland Security or the Attorney General may grant, in the discretion of the Secretary or Attorney General, in any proceeding”;

(5) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(6) by inserting after paragraph (2) the following new paragraph:

“(3) The Secretary of Homeland Security in the exercise of discretion may determine inadmissibility under section 212(a)(2) (relating to criminal offenses) and issue an order of removal pursuant to the procedures set forth in this subsection, in lieu of removal

proceedings under section 240, with respect to an alien who—

“(A) has not been admitted or paroled;

“(B) has not been found to have a credible fear of persecution pursuant to the procedures set forth in section 235(b)(1)(B); and

“(C) is not eligible for a waiver of inadmissibility or relief from removal.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act but shall not apply to aliens who are in removal proceedings under section 240 of the Immigration and Nationality Act as of such date.

### TITLE III—ALIEN GANG REMOVAL ACT OF 2006

#### SEC. 301. RENDERING INADMISSIBLE AND DEPORTABLE ALIENS PARTICIPATING IN CRIMINAL STREET GANGS.

(a) INADMISSIBLE.—Section 212(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)) is amended by adding at the end the following:

“(J) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—Any alien is inadmissible if—

“(I) the alien has been removed under section 237(a)(2)(F); or

“(II) the consular officer or the Secretary of Homeland Security knows, or has reasonable ground to believe that the alien—

“(aa) is a member of a criminal street gang and has committed, conspired, or threatened to commit, or seeks to enter the United States to engage solely, principally, or incidentally in, a gang crime or any other unlawful activity; or

“(bb) is a member of a criminal street gang designated under section 219A.

“(ii) DEFINITIONS.—For purposes of this subparagraph:

“(I) CRIMINAL STREET GANG.—The term ‘criminal street gang’ means a formal or informal group or association of 3 or more individuals, who commit 2 or more gang crimes (one of which is a crime of violence, as defined in section 16 of title 18, United States Code) in 2 or more separate criminal episodes in relation to the group or association.

“(II) GANG CRIME.—The term ‘gang crime’ means conduct constituting any Federal or State crime, punishable by imprisonment for one year or more, in any of the following categories:

“(aa) A crime of violence (as defined in section 16 of title 18, United States Code).

“(bb) A crime involving obstruction of justice, tampering with or retaliating against a witness, victim, or informant, or burglary.

“(cc) A crime involving the manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemical (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

“(dd) Any conduct punishable under section 844 of title 18, United States Code (relating to explosive materials), subsection (d), (g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of such title) or is a serious drug offense (as defined in section 924(e)(2)(A)), (i), (j), (k), (o), (p), (q), (u), or (x) of section 922 of such title (relating to unlawful acts), or subsection (b), (c), (g), (h), (k), (l), (m), or (n) of section 924 of such title (relating to penalties), section 930 of such title (relating to possession of firearms and dangerous weapons in Federal facilities), section 931 of such title (relating to purchase, ownership, or possession of body armor by violent felons), sections 1028 and 1029 of such title (relating to fraud and related activity in connection with identification documents or access devices), section 1952 of such title (relating to

interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property).

“(ee) Any conduct punishable under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose) of this Act.”.

(b) DEPORTABLE.—Section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

“(F) CRIMINAL STREET GANG PARTICIPATION.—

“(i) IN GENERAL.—Any alien is deportable who—

“(I) is a member of a criminal street gang and is convicted of committing, or conspiring, threatening, or attempting to commit, a gang crime; or

“(II) is determined by the Secretary of Homeland Security to be a member of a criminal street gang designated under section 219A.

“(ii) DEFINITIONS.—For purposes of this subparagraph, the terms ‘criminal street gang’ and ‘gang crime’ have the meaning given such terms in section 212(a)(2)(J)(ii).”.

(c) DESIGNATION OF CRIMINAL STREET GANGS.—

(1) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by adding at the end the following:

“DESIGNATION OF CRIMINAL STREET GANGS

“SEC. 219A. (a) DESIGNATION.—

“(1) IN GENERAL.—The Attorney General is authorized to designate a group or association as a criminal street gang in accordance with this subsection if the Attorney General finds that the group or association meets the criteria described in section 212(a)(2)(J)(ii)(I).

“(2) PROCEDURE.—

“(A) NOTICE.—

“(i) TO CONGRESSIONAL LEADERS.—Seven days before making a designation under this subsection, the Attorney General shall, by classified communication, notify the Speaker and Minority Leader of the House of Representatives, the President pro tempore, Majority Leader, and Minority Leader of the Senate, and the members of the relevant committees of the House of Representatives and the Senate, in writing, of the intent to designate a group or association under this subsection, together with the findings made under paragraph (1) with respect to that group or association, and the factual basis therefor.

“(ii) PUBLICATION IN FEDERAL REGISTER.—The Attorney shall publish the designation in the Federal Register seven days after providing the notification under clause (i).

“(B) EFFECT OF DESIGNATION.—

“(i) A designation under this subsection shall take effect upon publication under subparagraph (A)(ii).

“(ii) Any designation under this subsection shall cease to have effect upon an Act of Congress disapproving such designation.

“(3) RECORD.—In making a designation under this subsection, the Attorney General shall create an administrative record.

“(4) PERIOD OF DESIGNATION.—

“(A) IN GENERAL.—A designation under this subsection shall be effective for all purposes until revoked under paragraph (5) or (6) or set aside pursuant to subsection (b).

“(B) REVIEW OF DESIGNATION UPON PETITION.—

“(i) IN GENERAL.—The Attorney General shall review the designation of a criminal street gang under the procedures set forth in clauses (iii) and (iv) if the designated gang or association files a petition for revocation within the petition period described in clause (ii).

“(ii) PETITION PERIOD.—For purposes of clause (i)—

“(I) if the designated gang or association has not previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date on which the designation was made; or

“(II) if the designated gang or association has previously filed a petition for revocation under this subparagraph, the petition period begins 2 years after the date of the determination made under clause (iv) on that petition.

“(iii) PROCEDURES.—Any criminal street gang that submits a petition for revocation under this subparagraph must provide evidence in that petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the gang is warranted.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Attorney General shall make a determination as to such revocation.

“(II) PUBLICATION OF DETERMINATION.—A determination made by the Attorney General under this clause shall be published in the Federal Register.

“(III) PROCEDURES.—Any revocation by the Attorney General shall be made in accordance with paragraph (6).

“(C) OTHER REVIEW OF DESIGNATION.—

“(i) IN GENERAL.—If in a 5-year period no review has taken place under subparagraph (B), the Attorney General shall review the designation of the criminal street gang in order to determine whether such designation should be revoked pursuant to paragraph (6).

“(ii) PROCEDURES.—If a review does not take place pursuant to subparagraph (B) in response to a petition for revocation that is filed in accordance with that subparagraph, then the review shall be conducted pursuant to procedures established by the Attorney General. The results of such review and the applicable procedures shall not be reviewable in any court.

“(iii) PUBLICATION OF RESULTS OF REVIEW.—The Attorney General shall publish any determination made pursuant to this subparagraph in the Federal Register.

“(5) REVOCATION BY ACT OF CONGRESS.—The Congress, by an Act of Congress, may block or revoke a designation made under paragraph (1).

“(6) REVOCATION BASED ON CHANGE IN CIRCUMSTANCES.—

“(A) IN GENERAL.—The Attorney General may revoke a designation made under paragraph (1) at any time, and shall revoke a designation upon completion of a review conducted pursuant to subparagraphs (B) and (C) of paragraph (4) if the Attorney General finds that—

“(i) the circumstances that were the basis for the designation have changed in such a manner as to warrant revocation; or

“(ii) the national security of the United States warrants a revocation.

“(B) PROCEDURE.—The procedural requirements of paragraphs (2) and (3) shall apply to a revocation under this paragraph. Any revocation shall take effect on the date specified in the revocation or upon publication in

the Federal Register if no effective date is specified.

“(7) EFFECT OF REVOCATION.—The revocation of a designation under paragraph (5) or (6) shall not affect any action or proceeding based on conduct committed prior to the effective date of such revocation.

“(8) USE OF DESIGNATION IN HEARING.—If a designation under this subsection has become effective under paragraph (2)(B) an alien in a removal proceeding shall not be permitted to raise any question concerning the validity of the issuance of such designation as a defense or an objection at any hearing.

“(b) JUDICIAL REVIEW OF DESIGNATION.—

“(1) IN GENERAL.—Not later than 30 days after publication of the designation in the Federal Register, a group or association designated as a criminal street gang may seek judicial review of the designation in the United States Court of Appeals for the District of Columbia Circuit.

“(2) BASIS OF REVIEW.—Review under this subsection shall be based solely upon the administrative record.

“(3) SCOPE OF REVIEW.—The Court shall hold unlawful and set aside a designation the court finds to be—

“(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

“(B) contrary to constitutional right, power, privilege, or immunity;

“(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

“(D) lacking substantial support in the administrative record taken as a whole; or

“(E) not in accord with the procedures required by law.

“(4) JUDICIAL REVIEW INVOKED.—The pendency of an action for judicial review of a designation shall not affect the application of this section, unless the court issues a final order setting aside the designation.

“(c) RELEVANT COMMITTEE DEFINED.—As used in this section, the term ‘relevant committees’ means the Committees on the Judiciary of the House of Representatives and of the Senate.”

(2) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 219 the following:

“Sec. 219A. Designation of criminal street gangs.”

**SEC. 302. MANDATORY DETENTION OF SUSPECTED CRIMINAL STREET GANG MEMBERS.**

(a) IN GENERAL.—Section 236(c)(1)(D) of the Immigration and Nationality Act (8 U.S.C. 1226(c)(1)(D)) is amended—

(1) by inserting “or 212(a)(2)(J)” after “212(a)(3)(B)”; and

(2) by inserting “or 237(a)(2)(F)” before “237(a)(4)(B)”.

(b) ANNUAL REPORT.—Not later than March 1 of each year (beginning 1 year after the date of the enactment of this Act), the Secretary of Homeland Security, after consultation with the appropriate Federal agencies, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the number of aliens detained under the amendments made by subsection (a).

**SEC. 303. INELIGIBILITY FROM PROTECTION FROM REMOVAL AND ASYLUM.**

(a) INAPPLICABILITY OF RESTRICTION ON REMOVAL TO CERTAIN COUNTRIES.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1251(b)(3)(B)) is amended, in the matter preceding clause (i), by inserting “who is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) or who is” after “to an alien”.

(b) INELIGIBILITY FOR ASYLUM.—Section 208(b)(2)(A) of such Act (8 U.S.C. 1158(b)(2)(A)) is amended—

(1) in clause (v), by striking “or” at the end;

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following:

“(vi) the alien is described in section 212(a)(2)(J)(i) or section 237(a)(2)(F)(i) (relating to participation in criminal street gangs); or”.

(c) DENIAL OF REVIEW OF DETERMINATION OF INELIGIBILITY FOR TEMPORARY PROTECTED STATUS.—Section 244(c)(2) of such Act (8 U.S.C. 1254(c)(2)) is amended by adding at the end the following:

“(C) LIMITATION ON JUDICIAL REVIEW.—There shall be no judicial review of any finding under subparagraph (B) that an alien is in described in section 208(b)(2)(A)(vi).”

The SPEAKER pro tempore. Pursuant to House Resolution 1018, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6094 currently under consideration.

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

There was no objection.

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

Madam Speaker, I rise in strong support of H.R. 6094, the Community Protection Act, which consists of 3 crucial provisions to ensure the safety of all Americans:

Title I includes the Dangerous Alien Detention Act which contains provisions similar to those passed by the House last December as a part of H.R. 4437.

In *Zadvydas v. Davis* (2001) and *Clark v. Martinez* (2005), the Supreme Court decided that under current law, immigrants under orders of removal can almost never be detained for more than 6 months if for some reason they cannot be removed from the country within that time. As a result, the Department of Homeland Security has had no choice but to release hundreds of criminal aliens back into our communities.

The Department of Justice has testified that the government is now required to release numerous rapists, child molesters, murderers, and other dangerous illegal aliens into our streets. “Vicious criminal aliens are now being set free within the United States.” One of the aliens released was subsequently arrested for shooting a New York state trooper in the head.

This bill will end this perilous practice by allowing the Department of Homeland Security to detain certain

dangerous aliens beyond 6 months when they cannot successfully be removed. This would include immigrants whose release would have serious adverse foreign policy considerations or threaten the national security or community safety. Such aliens may be detained for periods of 6 months at a time and the period of detention can be renewed.

The title also provides for appropriate judicial review of detention decisions.

Title II, the Criminal Alien Removal Act, was also passed as a part of H.R. 4437. It would allow the Department of Homeland Security to use the same expedited procedures available for the removal of aggravated felons to remove other inadmissible criminal aliens who are not permanent residents and otherwise are ineligible for release. At the present time, these aliens must be placed in lengthy removal proceedings before an immigration judge, despite the fact that they are not eligible for any relief.

□ 1245

This title permits removal of criminal aliens as expeditiously as possible.

Title III of the bill contains the “Alien Gang Removal Act” authored by the gentleman from Virginia (Mr. FORBES), which was also included in H.R. 4437. Crime by alien members of criminal street gangs is a growing menace. Moreover, while criminal alien gangs are spreading throughout the country, they often terrorize immigrant communities and subvert the qualities of honesty and hard work that typify most of these communities.

Despite the clear threat that the violent street gangs pose to our neighborhoods and communities, immigrants who are members of these gangs are not deportable or inadmissible, and can receive asylum and temporary protected status. DHS must wait until they are caught and convicted of a specific criminal act before it can act to remove them.

One of the most violent and fastest-growing gangs, MS-13, was formed by Salvadorans who entered the U.S. during the civil war in El Salvador in the 1980s, and has an estimated 8,000 to 10,000 members in 31 States.

This bill renders alien gang members deportable and inadmissible, mandates their detention, and bars them from receiving asylum or temporary protected status. The bill adopts procedures similar to those used by the State Department to designate foreign terrorist organizations in order to enable the Attorney General to designate gangs as criminal street gangs.

Madam Speaker, I urge my colleagues to support this bill to make America’s streets safer for all.

Madam Speaker, I reserve the balance of my time.

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

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

Mr. CONYERS. Madam Speaker, it is unfortunate that we are not focusing our attention on proposals that would actually make our Nation's borders more secure, but I think we find ourselves once again on the floor of the House engaging in a kind of a political gamesmanship that forecasts an election some 48 days from now.

By now many people in our country have lost their patience for political theater and expect movement toward comprehensive immigration reform. I used that phrase earlier, and it was rejected by a Member on the other side of the aisle as not being pragmatic.

The House and the Senate have passed bills on immigration reform and border security a number of months ago. Under regular order we should have had conferees appointed and been engaged in the process of reconciling the two bills. As a matter of fact, the chairman of this committee and myself as ranking member would undoubtedly have been two of the conferees.

However, in a substantial deviation from what is normal practice in the House, the leadership decided to launch a traveling road show of committee hearings in the States across the country in an attempt to make citizens believe that they were being active on this subject of comprehensive immigration reform. But most Americans, or at least many of them, saw through the charade and the hearings were condemned in the media across the country as both a waste of taxpayers' money and a waste of congressional time when we should have been focused on resolving the immigration differences that we have between the two committees.

Now here we are at the end of September. The nationwide hearings are over, some 21 hearings covering more than a dozen States, and we still have no notice of when we are going to have a conference on the two measures concerning immigration that have been already passed months ago by the House of Representatives and the Senate.

Now, by bringing parts of these provisions to the floor again, I don't think is going to give much encouragement to the citizens who are quickly losing confidence in the Congress. I think our ratings are down to 25 percent support. That's as of today. We may fall lower after these hearings because people are tired of theater, and they would like to have a little show, a little progress, a little action.

So here we are reworking many provisions that were already passed in H.R. 4437 last December. I think very few people are going to be fooled by what it is that is going on here.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE).

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

The border security bill that was passed by the House of Representatives

is being criticized by the Democrats. But our hearings were not condemned by the media. Far from it, because at our hearings we heard from the border agents, the sheriffs, the investigators, the men and women whose task it is to enforce border security. They called for the border fence that the Democrats opposed.

Now the Democrats are referring to their motion to recommit our bill, H.R. 4437. Well, their motion would have gutted this critical immigration enforcement bill. If the Democrat motion had passed, there would have been no provision to crack down on violent alien gang members. There would have been no provision to allow for the detention of dangerous aliens. There would be no provision to crack down on employees hiring those here illegally.

Their motion to recommit was meaningless and ineffectual. Only the Appropriations Committee can actually allocate funds. The Democrats know this, and they know that our appropriators over this year and next have increased Border Patrol strength by 2,700 agents. This is the maximum number of new agents who can realistically be recruited and adequately trained in that time span.

But in the meantime we have the question of the broader border security issue of whether you are going to erect that fence, whether you are going to allow State and local law enforcement to assist our ICE agents, whether or not you are going to crack down on criminal gangs. Those are the provisions that we are bringing up today and passing over into the Senate.

Our hope is that the Senate leadership, Republican leadership, can get past the Democratic opposition this time and get past the argument that all we should do is a blanket amnesty. We tried a blanket amnesty in 1986. It didn't work. It did not work. And the concept that the answer to all of this is open borders and another blanket amnesty is simply wrong. It is a wrong-headed notion. I urge passage.

Mr. CONYERS. Madam Speaker, I am very pleased to yield to the gentlewoman from California (Ms. ZOE LOFGREN), a distinguished member of the Committee on the Judiciary and a member on the Immigration Subcommittee, such time as she may consume.

Ms. ZOE LOFGREN of California. Madam Speaker, as the ranking member has mentioned, I am a member of the Immigration Subcommittee and also the Homeland Security Committee. As a consequence, I had an opportunity to participate in some of these so-called immigration hearings in the last several months.

I must say that the impression that one receives, the inevitable impression, is that there has been a lot of talk, but as they say in the South, not much walk. Unfortunately, I think today is more of the same.

Since 1995, when the Senate and House gained their Republican majori-

ties, 5.3 million undocumented immigrants have come into the United States. Since 2001, when President Bush assumed the Presidency, over 2 million undocumented immigrants came into the United States. We have seen 12 years, basically, 12 years of Republican rule in the House and Senate, their power, and basically nothing has happened. Nothing has happened.

And now with 5 legislative days left before we adjourn and go out to meet our voters, there are these bills that are being brought to the floor that haven't had hearings, that don't scratch the issues of the real security issues that face us. Interesting enough, these bills don't even come close to what several of the witnesses at what Congressman FLAKE termed the "faux" hearings in August, what those witnesses told us.

For example, Sheriff Lee Baca of Los Angeles County, I think the largest sheriff's jurisdiction in the country, said he supported comprehensive reform, not piecemeal reform and sets of bills that failed to address the full border security issue.

I think if we take a look at the substance of these bills, and I don't think that is even what is intended here, but if we do, we will see how little these proposals would actually accomplish.

No one is going to stick up for criminal alien gangs, not me, not anybody. But the provisions in the act are not going to be effective.

The State and local cooperation, the enforcement of the Immigration Law Act, does not require police to report immigration status of crime victims, and it really is not going to do what I think the authors suggest.

Title II, is a provision, it is a sense of the Congress that the Attorney General should adopt guidelines for the prosecution of smuggling offenses. That should have been done quite some time ago. It reminds me of the bill that we passed earlier this week, and I was unable to be on the floor, where we urge that the Attorney General and the Department of Homeland Security gain control of our borders in 18 months' time. What about now? What about the last 12 years?

So again, we are going through pretty much a charade here. Meanwhile, the President zeroed out funding for the State criminal alien assistance program. Really every year since 2001 he has zeroed it out, and the Republican-controlled Congress barely funded it at half of what was authorized. In fiscal year 2006, Congress only appropriated \$405 million even though \$750 million was authorized.

The list of failures goes on and on, but the truth or the proof is in the pudding. And I think as voters take a look at a situation that is not a good one, the border is not orderly, at millions of illegal aliens who have come in under the watch of the Republican Congress and see here today the scrambling around to look like we are doing something, I think they will understand that they are being played for fools.

Mr. SENSENBRENNER. Madam Speaker, I yield myself 1 minute.

Madam Speaker, what we have heard from the other side of the aisle I think basically falls into the category of the perfect being the enemy of the good. When the perfect defeats the good, then bad prevails.

The way checks and balances were set up, it is really hard to pass a perfect bill. I think one has been passed since 1789 in this House of Representatives.

What we are doing at the end of the session is some good stuff. Criminal alien gangs and all of the other things that I described in my opening statements, I think they are good. If they are good, we ought to vote for them. If it isn't good to deal with criminal alien gangs that are poisoning and terrorizing our streets, then vote "no."

Madam Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. FORBES).

Mr. FORBES. Madam Speaker, I want to begin by thanking Chairman SENSENBRENNER for taking up this fight and for not giving up on this fight and continuing to work hard to get some of these provisions through.

I guess the longer I am here, I should not be surprised by anything that I hear on the floor, but I still am shocked. I am shocked this afternoon as I hear statements like, "There has been a lot of talk, but not much walk," and then that bringing part of these provisions certainly will not give any confidence to our citizens.

Madam Speaker, I say that because I want to talk about just one part of these provisions today, and that is violent criminal gangs. When we began talking about violent criminal gangs and trying to do something about it, our friends on the other side of the aisle first suggested to us in the committees that we didn't even have a problem with violent criminal gangs in the United States.

□ 1300

But today they have backed off of that because they know that as we are sitting here talking today, there are over 850,000 criminal gang members in this country.

A lot of talk, but not much walk. They have fought us on every single aspect of trying to do something to stop those violent criminal gangs. And, Madam Speaker, I would just tell you that of those 850,000 violent criminal gang members, if you look at the most violent gangs, all of our testimony in the Judiciary Committee suggested that between 60 and 85 percent of them were here illegally.

When they come into our country, we don't even ask them today if they are a member of a violent criminal gang; and what is worse is once they get here, we actually cloak them in protections, either by giving temporary protected status or by giving them political asylum, which basically means this: they can stand outside our

schools, stand outside our neighborhoods with a placard that says: I am a member of the most violent criminal gang in the world. I am here illegally, and our law enforcement people cannot do anything at all to touch them.

And the common sense of this provision is simply this: it says, first of all, when they come into the country, we are going to treat them like we do terrorists, and we are going to say if you are a member of a violent criminal gang, we are not letting you in. If you get into the country and you are here as our guest and we let you in and you join a violent criminal gang, we don't believe there is any socially redeeming value at all in being a member of a violent criminal gang.

So if you join that gang, we are going to send you out of this country, and we are not going to just set up some hearing date that is 30, 60, 90 days away that you won't show up at, but we are going to stop you. We are going to detain you, and we are going to send you out before we have a victim of a violent crime.

Madam Speaker, I would just close by saying we had testimony of one situation in Massachusetts where we had a young girl who was deaf and she had a mental illness. She was in a wheelchair, and she and another handicapped child were taken out and raped by six gang members, and two of them were here, one protected by temporary protected status and the other one who had applied for it.

Madam Speaker, I think it is time for us to use some common sense when dealing with violent criminal gangs and to say that we are going to do something about them. We are not going to just talk about them, but we are going to get some action done.

I thank the chairman for continuing this fight, and I hope we will pass this measure.

Mr. CONYERS. Madam Speaker, I yield such time as she may consume to Ms. LOFGREN.

Ms. ZOE LOFGREN of California. Madam Speaker, really, we are talking a lot, but if we had acted in the last 12 years, we would be in a lot better situation.

It has been mentioned that violent gang members should not be admitted to the United States and that somehow we need to change the law in order to accomplish that. I would note, however, that under section 212 of the Immigration and Nationality Act, gang members are already inadmissible to the United States; and if we had adequate personnel, they would have been turned away at the border. And thinking about what we could have done, we could have voted the resources over the years to do that. I will just mention a few votes that every Republican on the floor voted against.

In 2001, rollcall vote No. 454 in November of 2001, Democrats suggested that we add \$223 million for border security to help meet the promises of the PATRIOT Act on border staffing and

what the 9/11 Commission recommended. What happened? On a party-line vote, that additional resources to keep gang members out was defeated.

In 2003, rollcall vote No. 301 in June of 2003, Republicans voted against consideration of an amendment that would have added \$300 million for border security, including making a further down payment on the promise of the Congress in the 2001 PATRIOT Act to triple the number of border agents and inspectors along the northern border, and all the Republicans on the floor here today voted against that.

Vote No. 305 in 2003 was additional appropriations that Democrats were recommending, \$300 million, again to enhance border security and keep gang members and others out of the United States. And again Republicans all voted against it; the Democrats voted for it.

Rollcall vote No. 243 in 2004, again Republicans voted against consideration of an amendment that would have added \$750 million for border security.

In 2005, rollcall vote No. 160, Democrats tried again, and Republicans voted against a motion to report back to conference with instructions to add \$284 million for additional border security measures. That \$284 million would have included funding for an additional 550 Border Patrol agents, 200 additional immigration agents, and additional border aerial vehicles.

In 2005, rollcall vote 174, once again Republicans voted against consideration of amendments that would have added \$400 million to border security. And later in 2005, rollcall vote No. 187, Republicans voted against a Democratic substitute that would have added 800 additional immigration agents and 8,000 additional detention beds, helping to meet the promise of the 9/11 Commission.

In 2005, rollcall vote 188, again Republicans voted against a motion to recommit the Homeland Security Authorization bill with instructions so that we could add 800 additional immigration agents and 8,000 additional detention beds.

And, of course, rollcall vote 56 in 2006, Republicans defeated an amendment to H.R. 4939, the supplemental approps that would have added \$600 million for border security measures in the bill, including \$400 million for installation, 1,500 radiation portal monitors and air patrols and the like.

Again, rollcall vote 210 this year, Republicans voted against consideration of an amendment that would have added \$2.1 billion for border security, helping us to meet our commitments by adding additional Border Patrol agents, immigration agents, and detention beds.

Now, in the face of all of this negativity, we have here in the last 6 days of this Congress fluff. Fluff. I don't think the American people are going to buy it.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

Mr. Speaker, the gentlewoman from California has recited a litany of roll-calls, and all of those roll-calls, from what I heard, deal with appropriations legislation.

We have a budget. We cannot fully fund every request that comes down in the budget; otherwise, the deficit would balloon to even higher levels. But the fact is that the most generous parts of the budget have been for defense and homeland security since 9/11, and there have been some pretty large increases in that.

Then the gentlewoman from California says that this bill is unnecessary because we already can refuse to admit gang members into this country. And she is not correct on that. In order to refuse to admit a gang member into this country under the Immigration and Naturalization Act, that gang member had to have been convicted of a crime. And the difference between her side of the argument and our side of the argument is pretty simple:

They require there to be a victim first. Somebody has to be a victim of a crime that has been committed by a gang member who serves time in an American prison and then is deported and attempts to come back.

We don't think that a gang member should have to be convicted first to keep him out of our country. That is a big difference between the Democrats and the Republicans.

Now, we have heard an awful lot of rhetoric on this floor about the fact that we have to have a comprehensive immigration bill. We passed a comprehensive immigration bill in 1986, and the failure of that bill has caused the problems that this country faces today with 11 to 12 million illegal immigrants in this country and the number growing by over half a million every year.

The 1986 bill was triggered by a commission that was appointed by President Carter which was headed by the then-President of Notre Dame University, Father Theodore Hesburgh. Let me quote a little bit from the commission report, and, remember, this was the Hesburgh Commission.

Five years before the 1986 bill was passed, the Hesburgh Commission said: "We do not believe that the United States should begin the process of legalization until new enforcement measures have been instituted to make it clear that the United States is determined to curtail new flows of undocumented/illegal aliens. Without more effective enforcement than the U.S. has had in the past, legalization could serve as a stimulus to further illegal entry. The select commission is opposed to any program that would precipitate such movement."

That was true 25 years ago when Father Hesburgh and his commission

penned those words. It is true today, particularly in the light of the failure of the 1986 Simpson-Mazzoli bill.

The legislation we have before us now attempts to fulfill the admonition that Father Hesburgh and his commission gave to the country in 1981. That is why it should pass.

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6064, the Community Protection Act of 2006. The Nation has been calling for comprehensive immigration reform. By focusing only on enforcement, the majority would have us ignore our Nation's economic dependence on immigrant labor and does nothing to address the millions of undocumented individuals already living and working in the country today.

H.R. 6064 will have the effect of restricting the rights of immigrants to due process protections, like judicial review and immigration hearings, and could have serious, possibly life-endangering consequences for immigrants and asylum-seekers. Permitting the indefinite detention of an individual, even a non-citizen, is a practice one would associate with oppressive regimes. Applying that decision retroactively is a direct violation of due process; due process is essential when you consider the number of documented failures in custody review procedures and administrative delays.

The measure grants Department of Homeland Security officials, rather than immigration officials or other courts, the authority to determine whether expedited removal of individuals is admissible. The language does not specify that an individual be convicted of any crime; it instead allows low-level officers to play judge and jury deciding whether an individual poses a threat to public safety. In doing so it denies individuals the rights to safeguards provided by judicial review, which has been so important to protecting civil liberties in our Nation.

I strongly encourage my colleagues to reject this measure and instead move forward with negotiations for comprehensive immigration reform that responsibly addresses all aspects of this critical issue.

Ms. LEE. Mr. Speaker, I rise today in strong opposition to all three of these bills.

We should be passing real immigration reform today not these mean-spirited, divisive bills.

Real immigration reform should include a clear path to citizenship not targeting people who don't fit the Republican majority's conception of what a citizen should look like. Under the provisions of H.R. 6094, they want to be able to single out two or three minorities walking down the street, call them a gang, and have an easy route to deport them by classifying them as a "criminal street gang." Not only is that an infringement on the constitutional guarantee of right of assembly, it's indicative of the xenophobic sentiment shrouding the Republican's version of immigration reform.

Real immigration reform should take meaningful steps at securing our borders like investing in infrastructure at our ports and airports. We shouldn't be deputizing local law enforcement as border police.

Real immigration reform should recognize the intrinsic value that diversity through immigration has brought to our Nation and not seek to divide us as these three bills do. Unfortunately, this debate is no longer about border security, jobs, or the economy—it has be-

come about spewing hateful, rhetoric. These bills will contribute to the incitement of attacks against the immigrant community, such as the recent arson on a Mexican restaurant in California, or the attack on the young Latino student in Texas earlier this year.

Mr. Speaker, these bills are nothing but a cynical attempt 7 weeks before an election to score political points. That's not only irresponsible it's reprehensible.

I urge my colleagues to reject these hateful bills.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to the Community Protection Act of 2006, H.R. 6094. H.R. 6094 will not protect United States borders, strengthen our national security, or address the Nation's immigration problems comprehensively. Instead of voting on H.R. 6094 and other bills that raise a few issues on a piecemeal basis, we should be going to conference to resolve the differences between the House and Senate immigration reform bills that have already passed.

The Community Protection Act would permit indefinite detention of aliens who are considered dangerous and are waiting for the execution of a final order of deportation. The most common reason for a delay in executing the order is difficult in obtaining travel documents that authorize the alien's admission to another country.

I object to the practice of indefinite detention for a number of reasons, but the one that concerns me most is the possibility that people will spend the rest of their lives in detention simply because they are viewed as being dangerous.

In *Zadvydas v. Davis* (2001), the U.S. Supreme Court held that a statute permitting indefinite detention would raise serious constitutional problems because the due process clause of the fifth amendment prohibits depriving any person, including aliens, of liberty without due process of law.

The Community Protection Act would allow expedited removal of aliens who have not been inspected or paroled into the United States, are inadmissible on the basis of a criminal ground, a conviction would not be required, do not have a credible fear of persecution, and are not eligible for a waiver or relief from removal.

The Immigration and Nationality Act, INA, already has provisions for the expedited removal of criminal aliens, but it applies to aliens who have been convicted of an aggravated felony. As a practical matter, relief from deportation is not available to an alien who has been convicted of an aggravated felony. Only two issues are involved in these cases, is the person an alien and has he been convicted of an aggravated felony.

In contrast, H.R. 6089 would establish expedited removal proceedings for aliens who do not have a credible fear of persecution and are inadmissible under section 212(a)(2) of the INA on the basis of a crime involving moral turpitude, a controlled substance violation, two or more offenses for which the aggregate sentence was 5 years or more, prostitution or commercialized vice, trafficking in persons, money laundering, and other criminal offenses.

These cases would raise complicated legal issues and difficult questions of fact, such as whether the alien is removable under any of the numerous grounds of inadmissibility in

section 212(a)(2) of the INA, and, if so, whether he eligible for a waiver of inadmissibility. These issues cannot properly be adjudicated in expedited removal proceedings.

H.R. 6094 addresses the problem of gang violence in the United States. This is a very serious problem that needs to be addressed, but H.R. 6094 does not take the right approach. It would cast a broad net that would ensnare innocent children along with the dangerous criminals.

H.R. 6094 would establish new grounds of inadmissibility, which would include the belief of an immigration inspector that the alien is a gang member entering to engage in unlawful activity. It also would make someone removable solely on the basis of membership in a group that has been designated by the Attorney General as "a criminal street gang."

In addition, members of designated criminal street gangs would be ineligible for asylum, withholding of removal, and Temporary Protected Status; and they would be subject to the criminal alien detention provisions.

This approach might be less objectionable if every youth in a gang was a violent criminal, but that is not the case.

I urge you to vote against the Effective Immigration Enforcement and Community Protection Act.

Mr. SMITH of Texas. Mr. Speaker, H.R. 6094, the Community Protection Act of 2006, will fix a U.S. Supreme Court decision that has inadvertently put us in danger.

The bill allows the Federal Government to detain illegal immigrants convicted of serious crimes for 6-month periods beyond their incarceration, as long as at the end of each 6-month period the detention is renewed by the Department of Justice.

Current law states that if a convicted illegal immigrant is ordered deported, but can't be deported because their home country refuses to take them back, the U.S. Government can only detain them for a 6-month period.

After that, the Government is forced to release the criminal immigrant knowing they may be a danger to the community.

We have a responsibility to make sure the laws of this land protect Americans rather than endanger them.

Under this bill convicted illegal immigrants will be detained until arrangements can be made to have them deported.

I urge my colleagues to support the bill.

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

The SPEAKER pro tempore (Mr. CULBERSON). All time for debate has expired.

Pursuant to House Resolution 1018, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. GUTIERREZ. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Gutierrez moves to recommit the bill H.R. 6094 to the Committee on the Judiciary with instructions to report the same back to the House forthwith with the following amendment:

Page 34, after line 8, insert the following:  
**SEC. 304. PROVISION OF ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS.**

(a) FINDINGS.—The Congress finds as follows:

(1) In the 9/11 Act of 2004, the Republican Congress promised to provide 8,000 additional detention beds and 800 additional immigration agents per year from fiscal year 2006 through fiscal year 2010. Over the last two years, the Republican Congress has left our Nation short 5,000 detention beds, and nearly 500 immigration agents short of the promises they made in the Intelligence Reform (or 9/11) Act of 2004, to the detriment of efforts to apprehend criminal aliens.

(2) Criminal aliens continue to be a problem in part because the Committee on the Judiciary and other relevant committees have not engaged the Senate Committee on the Judiciary in discussion on resolving the differences between the House and Senate on immigration legislation that the House of Representatives or the Senate have already passed during the 109th Congress and has not reported the same back to the House in a form agreed to by the two committees, in consultation with other relevant committees, that protects United States borders, strengthens our national security, and addresses the Nation's immigration problem comprehensively.

(b) ADDITIONAL RESOURCES TO APPREHEND CRIMINAL ALIENS BY IMPLEMENTING THE 9/11 COMMISSION ACT.—In each of fiscal years 2007 through 2010, there are authorized to be appropriated such sums as may be necessary to increase—

(1) by 2,000 the number of immigration agents;

(2) by 250 the number of detention officers;

(3) by 250 the number of U.S. Marshals;

(4) by 25,000 the number of detention beds; and

(5) by 1,000 the number of investigators of fraudulent schemes and documents that violate sections 274A, 274C, and 274D of the Immigration and Nationality Act (8 U.S.C. 1324a, 1324c, 1324d).

Mr. GUTIERREZ (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

Mr. SENSENBRENNER. Mr. Speaker, reserving the right to object, has the minority provided our side of the aisle with a copy of this motion?

Mr. GUTIERREZ. Yes.

Mr. SENSENBRENNER. Further reserving the right to object, Mr. Speaker, we do not have it. I object. I ask that the motion be read.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read the motion to recommit.

Mr. SENSENBRENNER (during the reading). Mr. Speaker, I withdraw my objection to waive the reading.

The SPEAKER pro tempore. Without objection, the reading is suspended.

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The point of order is reserved.

The gentleman from Illinois is recognized for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, here we go again. More piecemeal proposals. More tired, old, narrow, short-sighted policies of the past.

I think we should let the people around the country who are watching and listening to this debate know that they are not watching a rerun. This is, in fact, original programming. Yes, the plot lines are the same. We even have many of the same characters, many of the same arguments; and if the issues weren't so serious to our national security, it would almost be humorous.

□ 1315

But it is not, Mr. Speaker. It is unforgivable. It is unforgivable that instead of rolling up our sleeves and getting a real immigration bill to the President's desk, we are revisiting issues that this body has already addressed.

Why? Why are we doing this again if similar language has already passed? Could it be that there are less than 7 weeks to the next election? We have so much work to get done. Why are we going back and repassing provisions and addressing issues that have already passed this body?

A poll out today by CBS and the New York Times showed that only 25 percent, 25 percent of the American people approve of the job Congress is doing. And two-thirds said they believe Congress accomplished less than it typically does in a 2-year session.

Maybe that is because the majority is bringing up the same bills over and over and over again. Mr. Speaker, I know that the men and women of this Chamber are good people, I know they are compassionate, and they are serious about addressing the needs of our Nation. So let's show the American people that we care about their families, that we care about husbands, American citizen husbands and wives being separated by our bad immigration policy.

We care about defenseless children who are being punished for decisions that they have no control over. We care about workers who are being exploited, about the father who is fighting to remain with his wife and daughter in America.

Mr. Speaker, rather than just talking about family values, we have the opportunity today to show the American people that we really, really believe in family values. We have that ability today. Mr. Speaker, the motion to recommit I am offering is really simple. The House has already passed an immigration bill. I do not like it, but that is how the process works. The Senate passed its own immigration bill. Some on the other side do not like that version. That is the way democracy works.

But let's get into conference in regular order and reconcile the differences between the two bills. Let's allow the legislative process to work. Let's make this not about politics, but about enacting good policy.

My motion to recommit will also ensure that we enact the recommendations laid out by the 9/11 Commission and increase the number of detention beds and immigration agents. Mr. Speaker, the American people want action, they do not want more talk. They do not want more excuses, they certainly do not want more debate. They want solutions, and that is why they sent us here.

At the end of the day, if these bills pass, what have those who support them really done to address the issue of our broken immigration system? They have done nothing. Because, as former Secretary of Homeland Security Tom Ridge wrote just last week, he said, "Trying to gain operational control of the borders is impossible unless our enhanced enforcement efforts are coupled with a robust temporary guest worker program and a means to entice those now working illegally out of the shadows into some type of legal status."

Homeland Security Secretary Tom Ridge said, "It is impossible." Mr. Speaker, impossible. For the sake of our national security, for the sake of millions of families adversely affected by our immigration laws, for the sake of our economy, let's work together to make comprehensive immigration reform a reality. Let's name the conferees and allow them the time to work it out. Let's ensure that the important recommendations of the 9/11 Commission are fulfilled, because each day that goes by with silence and inaction on this issue means the potential for another dead body turning up in the desert, another child separated from her parents, another worker exploited, another dream denied. The current system is failing our Nation, Mr. Speaker. It hurts families, it hampers business, it harms the United States of America, it makes us less safe.

The status quo is simply unacceptable to the needs of our Nation and unworthy of our Nation's proud history of welcoming newcomers seeking a better life. So let's work together to create an immigration that works for families, works for businesses, and works to keep our Nation truly safe. The time to do so is now, and the time for excuses is over.

I urge you to vote "yes" on my motion to recommit, so that we can show the American people that this Congress is truly serious about protecting our borders, bolstering our national security, and fixing our broken immigration system.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I insist upon my point of order.

The SPEAKER pro tempore (Mr. CULBERSON). The gentleman will state his point of order.

Mr. SENSENBRENNER. Mr. Speaker, the motion to recommit is not germane, because clause 7 of rule XVI precludes an amendment on a subject matter different from that under consideration.

Mr. Speaker, I ask to be heard on my point of order.

The SPEAKER pro tempore. The gentleman may be heard on the point of order.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 6094 restores the Secretary of Homeland Security's authority to detain certain dangerous aliens, to ensure the removal of the deportable criminal aliens and to combat alien gang crime.

The legislation provides DHS authority to detain beyond 6 months aliens under orders of removal who cannot be removed in a number of situations, such as if an alien has a highly contagious disease, release would have serious adverse foreign policy consequences, release would threaten national security, or release would threaten the safety of the community and the alien is either an aggravated felon or is mentally ill and has committed a crime of violence.

The legislation also provides DHS with expedited procedures for the removal of inadmissible criminal aliens and provides new tools to prosecute criminal alien gang members.

The motion to recommit pertains to a subject matter different from that contained in the legislation under consideration. Specifically on page 2, line 18 of the motion to recommit, it increases the number of United States marshals.

United States marshals do not do immigration enforcement, and thus it expands the bill beyond the scope of the bill and is nongermane. And as a result, the motion fails the test of germaneness contained in clause 7 of rule XVI and thus is not in order.

Mr. GUTIERREZ. Mr. Speaker, I would like to be heard on the point of order.

Mr. Speaker, the gentleman makes a point of order that the proposed subsection 3 that I would add to section 210(a) of the bill is not germane.

I would argue that this paragraph is germane to the bill. When the subject matter of the whole bill is taken into consideration, H.R. 6094 presents a number of different immigration reform proposals that my subsection 3 addresses, related legislation that addresses the same exact subject matter.

All day today, Mr. Speaker, we have been hearing the proponents of this bill argue that the various immigration reform proposals included in the bill are a valuable alternative to a more comprehensive immigration reform legislation that is stalled in the 109th Congress.

In other words, Mr. Speaker, they are conceding that this bill is related to the many other immigration reform proposals this House has considered over the past 2 years.

Republicans are trying to pretend that the 109th Congress has not debated the immigration issue on many other occasions other than today. That is simply not the case and is wrong, Mr. Speaker. This House has debated the subject matter of this bill many times. My motion simply suggests a better way to handle the subject matter of this bill, which is to go to conference with the comprehensive bills the two Houses have already passed, and that is why I consider it germane.

Look, we all agree the drug dealers, gang members have no place in our society. Alien smugglers who live out of the hopes and aspirations of this who wish to come, but rape and rob and murder people should be thrown into jail, and we should throw away the key.

There are 11 to 12 million people walking around this country, and we do not know who they are. We do not have an address, an employer. We believe that they should have a place in this society if they have followed the rules.

Mr. SENSENBRENNER. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman will suspend. The gentleman from Illinois must confine his remarks to the point of order before the House.

Mr. GUTIERREZ. Mr. Speaker, I will. I believe I have. I want to do exactly the same thing. Members on this side of the aisle want to do exactly the same things, and we can agree on them. Let's sit down at a table. Let's do it in a comprehensive manner.

Mr. Speaker, that is why think the point of order is not good on this particular issue, I think it is germane.

The SPEAKER pro tempore. The Chair is prepared to rule. The bill is confined to immigration matters. As argued by gentleman from Wisconsin, the motion to recommit addresses U.S. marshals beyond their work in an immigration context.

Accordingly, the point of order is sustained.

Mr. GUTIERREZ. With all due respect, Mr. Speaker, I move to appeal the ruling of the Chair on the point of order.

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is, shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-

minute vote on the motion to lay the appeal on the table may be followed by a 5-minute vote on passage, if arising without further debate or proceedings in recommittal.

The vote was taken by electronic device, and there were—yeas 225, nays 195, not voting 12, as follows:

[Roll No. 464]  
YEAS—225

Aderholt  
Akin  
Alexander  
Bachus  
Baker  
Barrett (SC)  
Barrow  
Bartlett (MD)  
Barton (TX)  
Bass  
Beauprez  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Blackburn  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boustany  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chocola  
Coble  
Cole (OK)  
Conaway  
Crenshaw  
Culberson  
Davis (KY)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
Dent  
Diaz-Balart, L.  
Diaz-Balart, M.  
Doolittle  
Drake  
Dreier  
Duncan  
Ehlers  
Emerson  
English (PA)  
Everett  
Feeney  
Ferguson  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach

Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Gutknecht  
Hall  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Hostettler  
Hulshof  
Hunter  
Inglis (SC)  
Issa  
Istook  
Jenkins  
Ginny  
Johnson (CT)  
Johnson (IL)  
Johnson, Sam  
Jones (NC)  
Keller  
Kelly  
Kennedy (MN)  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kolbe  
Kuhl (NY)  
LaHood  
Latham  
LaTourette  
Leach  
Lewis (CA)  
Lewis (KY)  
Linder  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
McCauley (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McKeon  
McMorris  
Rodgers  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Moran (NM)  
Murphy  
Musgrave  
Myrick  
Neugebauer

Northup  
Norwood  
Nunes  
Nussle  
Osborne  
Oster  
Oxley  
Paul  
Pearce  
Pence  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Royce  
Ryan (WI)  
Ryun (KS)  
Saxton  
Schmidt  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Smith (NJ)  
Smith (TX)  
Sodrel  
Souder  
Stearns  
Sweeney  
Tancredo  
Taylor (NC)  
Terry  
Thornberry  
Tiahrt  
Tiberi  
Turner  
Upton  
Walden (OR)  
Walsh  
Wamp  
Weldon (FL)  
Weldon (PA)  
Weller  
Westmoreland  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Young (AK)  
Young (FL)

NAYS—195

Abercrombie  
Ackerman  
Allen  
Andrews  
Baca  
Baird  
Baldwin  
Bean

Becerra  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Boren

Boswell  
Boucher  
Boyd  
Brady (PA)  
Brown (OH)  
Brown, Corrine  
Butterfield  
Capps

Capuano  
Cardin  
Cardoza  
Carnahan  
Carson  
Chandler  
Clay  
Cleaver  
Clyburn  
Conyers  
Cooper  
Costa  
Costello  
Cramer  
Crowley  
Cuellar  
Cummings  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
DeFazio  
DeGette  
Delahunt  
DeLauro  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Emanuel  
Engel  
Eshool  
Etheridge  
Evans  
Farr  
Fattah  
Finler  
Ford  
Frank (MA)  
Gonzalez  
Gordon  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Harman  
Hastings (FL)  
Hereth  
Higgins  
Hinchee  
Hinojosa  
Holden  
Holt  
Honda  
Hooley  
Hoyer  
Inslee

Israel  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Johnson, E. B.  
Jones (OH)  
Kanjorski  
Kaptur  
Kennedy (RI)  
Kildee  
Kilpatrick (MI)  
Kind  
Kucinich  
Langevin  
Lantros  
Larsen (WA)  
Larson (CT)  
Lee  
Levin  
Lewis (GA)  
Lipinski  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy  
McCollum (MN)  
McDermott  
McGovern  
McIntyre  
McKinney  
McNulty  
Meeke (NY)  
Melancon  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore (WI)  
Moran (VA)  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Oberstar  
Obey  
Oliver  
Ortiz  
Owens  
Pallone  
Pascrell  
Pastor  
Payne

Pelosi  
Peterson (MN)  
Pomeroy  
Price (NC)  
Rahall  
Rangel  
Reyes  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sabo  
Salazar  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Lee  
Sanders  
Schakowsky  
Schiff  
Schwartz (PA)  
Scott (GA)  
Scott (VA)  
Serrano  
Sherman  
Skelton  
Slaughter  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stupak  
Tanner  
Tauscher  
Taylor (MS)  
Thompson (CA)  
Thompson (MS)  
Tierney  
Towns  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Wexler  
Woolsey  
Wu  
Wynn

NOT VOTING—12

Case  
Cubin  
Harris  
Hyde

Meehan  
Meek (FL)  
Moore (KS)  
Ney

Strickland  
Sullivan  
Thomas  
Whitfield

□ 1352

Mr. MEEKS of New York changed his vote from “yea” to “nay.”

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 328, nays 95, not voting 9, as follows:

[Roll No. 465]

YEAS—328

Aderholt  
Akin  
Alexander

Allen  
Baca  
Bachus

Baird  
Baker  
Barrett (SC)

Bartlett (MD)  
Barton (TX)  
Bass  
Bean  
Beauprez  
Berkley  
Berry  
Biggart  
Bilbray  
Bilirakis  
Bishop (GA)  
Bishop (NY)  
Bishop (UT)  
Blackburn  
Blunt  
Boehrlert  
Boehner  
Bonilla  
Bonner  
Bono  
Boozman  
Boren  
Boswell  
Boucher  
Boustany  
Boyd  
Bradley (NH)  
Brady (TX)  
Brown (SC)  
Brown-Waite,  
Ginny  
Burgess  
Burton (IN)  
Buyer  
Calvert  
Camp (MI)  
Campbell (CA)  
Cannon  
Cantor  
Capito  
Carter  
Castle  
Chabot  
Chandler  
Chocola  
Clay  
Clyburn  
Coble  
Cole (OK)  
Conaway  
Cooper  
Costa  
Costello  
Cramer  
Crenshaw  
Cuellar  
Culberson  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (KY)  
Davis (TN)  
Davis, Jo Ann  
Davis, Tom  
Deal (GA)  
DeFazio  
DeLauro  
Dent  
Dicks  
Doggett  
Doolittle  
Drake  
Dreier  
Duncan  
Edwards  
Ehlers  
Emerson  
English (PA)  
Etheridge  
Everett  
Feeney  
Ferguson  
Fitzpatrick (PA)  
Flake  
Foley  
Forbes  
Ford  
Fortenberry  
Fossella  
Foxy  
Franks (AZ)  
Frelinghuysen

Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gohmert  
Goode  
Goodlatte  
Granger  
Graves  
Green (WI)  
Green, Al  
Green, Gene  
Gutknecht  
Hall  
Harman  
Hart  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hobson  
Hoekstra  
Holden  
Hooley  
Hostettler  
Hulshof  
Hunter  
Inglis (SC)  
Issa  
Istook  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kline  
Knollenberg  
Kuhl (NY)  
LaHood  
Langevin  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lucas  
Lungren, Daniel  
E.  
Mack  
Manzullo  
Marchant  
Marshall  
Matheson  
McCarthy  
McCauley (TX)  
McCotter  
McCrery  
McHenry  
McHugh  
McIntyre  
McKeon  
McMorris  
Rodgers  
Mica

Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Mollohan  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Neugebauer  
Northup  
Norwood  
Nunes  
Nussle  
Oberstar  
Obey  
Ortiz  
Osborne  
Otter  
Oxley  
Pascrell  
Paul  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Poe  
Pombo  
Pomeroy  
Porter  
Price (GA)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Ramstad  
Regula  
Rehberg  
Reichert  
Renzi  
Reyes  
Reynolds  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ross  
Rothman  
Royce  
Ruppersberger  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Salazar  
Sanchez, Loretta  
Sanders  
Saxton  
Schiff  
Schmidt  
Schwartz (PA)  
Schwarz (MI)  
Sensenbrenner  
Sessions  
Shadegg  
Shaw  
Shays  
Sherwood  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Sodrel  
Souder  
Spratt  
Stearns  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas

Thompson (CA)	Visclosky	Wicker
Thompson (MS)	Walden (OR)	Wilson (NM)
Thornberry	Walsh	Wilson (SC)
Tiahrt	Wamp	Wolf
Tiberi	Weldon (FL)	Wu
Tierney	Weldon (PA)	Young (AK)
Turner	Weller	Young (FL)
Udall (CO)	Westmoreland	
Upton	Whitfield	

NAYS—95

Abercrombie	Holt	Owens
Ackerman	Honda	Pallone
Andrews	Hoyer	Pastor
Baldwin	Israel	Payne
Becerra	Jackson (IL)	Price (NC)
Berman	Jackson-Lee	Rangel
Blumenauer	(TX)	Ros-Lehtinen
Brady (PA)	Jones (OH)	Roybal-Allard
Capps	Kilpatrick (MI)	Rush
Capuano	Kolbe	Sabo
Carson	Kucinich	Sánchez, Linda
Cleaver	Lee	T.
Conyers	Lewis (GA)	Schakowsky
Crowley	Lofgren, Zoe	Scott (GA)
Cummings	Lowey	Scott (VA)
Davis (IL)	Lynch	Serrano
DeGette	Maloney	Sherman
Delahunt	Markey	Solis
Diaz-Balart, L.	Matsui	Stark
Diaz-Balart, M.	McCollum (MN)	Towns
Dingell	McDermott	Udall (NM)
Doyle	McGovern	Van Hollen
Emanuel	McKinney	Velázquez
Engel	Meek (FL)	Wasserman
Evans	Meeks (NY)	Schultz
Farr	Millender	Waters
Fattah	McDonald	Watson
Filner	Miller, George	Watt
Frank (MA)	Moore (WI)	Waxman
Grijalva	Nadler	Weiner
Gutierrez	Napolitano	Wexler
Hastings (FL)	Neal (MA)	Woolsey
Hinchev	Oliver	Wynn

NOT VOTING—9

Case	Harris	Moore (KS)
Cubin	Hyde	Ney
Eshoo	Meehan	Strickland

□ 1402

Mr. ISRAEL changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker’s table the bill (H.R. 5631) making appropriations for the Department of Defense for the fiscal year ending September 30, 2007, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. KUHLMAN of New York). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, HOBSON, BONILLA, FRELINGHUYSEN, TIAHRT, WICKER, KINGSTON, Ms. GRANGER, Messrs. LAHOOD, LEWIS of California, MURTHA, DICKS, SABO, VISCLOSKEY, MORAN of Virginia, Ms. KAPTUR, and Mr. OBEY.

There was no objection.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 5631, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2007, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, pursuant to clause 12 of rule XXII, I move that meetings of the conference between the House and the Senate on H.R. 5631 be closed to the public at such times as classified national security information may be broached, providing that any sitting Member of the Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. Pursuant to clause 12 of rule XXII, the motion is not debatable, and the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 12, not voting 9, as follows:

[Roll No. 466]

YEAS—411

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

Issa	Miller (MI)	Sanders
Istook	Miller (NC)	Saxton
Jackson (IL)	Miller, Gary	Schiff
Jackson-Lee	Miller, George	Schmidt
(TX)	Mollohan	Schwartz (PA)
Jefferson	Moore (WI)	Schwarz (MI)
Jenkins	Moran (KS)	Scott (GA)
Jindal	Moran (VA)	Scott (VA)
Johnson (CT)	Murphy	Sensenbrenner
Johnson (IL)	Murtha	Serrano
Johnson, E. B.	Musgrave	Sessions
Johnson, Sam	Myrick	Shadegg
Jones (NC)	Nadler	Shaw
Jones (OH)	Napolitano	Shays
Kanjorski	Neal (MA)	Sherman
Kaptur	Neugebauer	Sherwood
Keller	Northup	Shimkus
Kelly	Norwood	Shuster
Kennedy (MN)	Nunes	Simmons
Kennedy (RI)	Nussle	Simpson
Kildee	Oberstar	Skelton
Kilpatrick (MI)	Obey	Slaughter
Kind	Olver	Smith (NJ)
King (IA)	Ortiz	Smith (TX)
King (NY)	Osborne	Smith (WA)
Kingston	Otter	Snyder
Kirk	Owens	Sodrel
Kline	Oxley	Solis
Knollenberg	Pallone	Souder
Kolbe	Pascrell	Spratt
Kuhl (NY)	Pastor	Stearns
LaHood	Paul	Stupak
Langevin	Payne	Sullivan
Lantos	Pearce	Sweeney
Larsen (WA)	Pelosi	Tancredo
Larson (CT)	Pence	Tanner
Latham	Peterson (MN)	Tauscher
LaTourette	Peterson (PA)	Petri
Leach	Petri	Pickering
Levin	Pickering	Pitts
Lewis (CA)	Pitts	Platts
Lewis (KY)	Platts	Poe
Linder	Pombo	Pomeroy
Lipinski	Porter	Porter
LoBiondo	Porter	Price (GA)
Lofgren, Zoe	Porter	Price (NC)
Lowey	Price (GA)	Pryce (OH)
Lucas	Price (NC)	Putnam
Lungren, Daniel	Pryce (OH)	Radanovich
E.	Putnam	Rahall
Mack	Radanovich	Rahall
Maloney	Rahall	Ramstad
Manzullo	Ramstad	Rangel
Marchant	Rangel	Regula
Markey	Regula	Rehberg
Marshall	Rehberg	Reichert
Matheson	Reichert	Renzi
Matsui	Renzi	Reyes
McCarthy	Reyes	Reynolds
McCaul (TX)	Reynolds	Rogers (AL)
McCollum (MN)	Rogers (AL)	Rogers (KY)
McCotter	Rogers (KY)	Rogers (MI)
McCrery	Rogers (MI)	Rohrabacher
McGovern	Rohrabacher	Ros-Lehtinen
McHenry	Ros-Lehtinen	Ross
McHugh	Ross	Rothman
McIntyre	Rothman	Roybal-Allard
McKeon	Roybal-Allard	Royce
McMorris	Royce	Ruppersberger
Rodgers	Ruppersberger	Rush
McNulty	Rush	Ryan (OH)
Meek (FL)	Ryan (OH)	Ryan (WI)
Meeks (NY)	Ryan (WI)	Ryun (KS)
Melancon	Ryun (KS)	Sabo
Mica	Sabo	Salazar
Michaud	Salazar	Sánchez, Linda
Millender-	Sánchez, Linda	T.
McDonald	T.	Sanchez, Loretta
Miller (FL)	Sanchez, Loretta	

NAYS—12

Blumenauer	Lewis (GA)	Schakowsky
Hinchev	Lynch	Stark
Kucinich	McDermott	Waters
Lee	McKinney	Woolsey

NOT VOTING—9

Capps	Harris	Ney
Case	Meehan	Strickland
Cubin	Moore (KS)	Wilson (SC)

□ 1423

So the motion was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.