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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. TERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 15, 2005.

I hereby appoint the Honorable LEE TERRY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our Protector and Guide, as a pilgrim people traveling through space and time but anchored in eternity, we are always awaiting a new life; as we celebrate a life suspended by all the relationships we already know.

As Americans, it is hope, Lord, that keeps us fixed on the future. Hope carries us through good times and bad, yet hope secures our existence and our purpose in the here and now. Help us to draw closer to the Source of Hope, not to be found in the strong wind of turmoil that today's world brings, not in the earthquake of power plays, not in the fire that human desire consumes, but rather in the sound of sheer silence that the holy Scriptures reveal.

Lord, once we have found our authentic source of hope, we can make the necessary corrections in our itinerary. We can make expectations fit words revealed and let the beauty of divine energy prevail over self-centeredness and fear. Once we can place all our hope in You, Lord, where it belongs, we can rest and enjoy, because then the incredible can be believable and the impossible seem within reach.

In You, O Lord, we place our trust now and forever. Amen.

NOTICE

If the 109th Congress, 1st Session, adjourns sine die on or before December 20, 2005, a final issue of the Congressional Record for the 109th Congress, 1st Session, will be published on Friday, December 30, 2005, in order to permit Members to revise and extend their remarks.

All material for insertion must be signed by the Member and delivered to the respective offices of the Official Reporters of Debates (Room HT–60 or S–123 of the Capitol), Monday through Friday, between the hours of 10:00 a.m. and 3:00 p.m. through Thursday, December 29. The final issue will be dated Friday, December 30, 2005, and will be delivered on Tuesday, January 3, 2006. Both offices will be closed Monday, December 26, 2005.

None of the material printed in the final issue of the Congressional Record may contain subject matter, or relate to any event that occurred after the sine die date.

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By order of the Joint Committee on Printing.

TRENT LOTT, *Chairman.*

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. PRICE) come forward and lead the House in the Pledge of Allegiance.

Mr. PRICE of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 5 one-minute speeches from each side.

ECONOMIC JOY TO AMERICA

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

Mr. WILSON of South Carolina. Mr. Speaker, Republican fiscal policies continue to spread tidings of economic joy to families throughout our country.

Yesterday, the U.S. Labor Department reported that consumer prices plummeted last month by 0.6 percent, the largest decrease since 1949. Energy prices alone have dropped by 8 percent. These strong economic indicators are only a sample of gifts created by low taxes and decreased government regulations.

Additionally, 4.5 million new jobs have been created. More Americans are working than ever before in our Nation's history. The unemployment rate is lower than the average of the past three decades. The economy grew at 4.3 percent over the last 10 quarters. Tax receipts increased by $247 billion in just 1 year after the Bush tax cuts, the largest increase ever. Home sales reached a record high in October. Productivity soared in the last quarter by 4.7 percent, reducing fears of inflation.

We will continue to enact economic policies to help all Americans.

In conclusion, God bless our troops. We will never forget September 11 and the courageous Iraqi voters.

RESOLUTIONS REGARDING WAR IN IRAQ

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

Mr. KUCINICH. Today, the U.S. House will debate a so-called Victory in Iraq resolution, and vote on whether or not the continued U.S. military presence in Iraq is desirable by the U.S. Government.

Today, Congressman RON PAUL and I have a resolution that expresses the sense of Congress that the new permanent Council of Representatives of Iraq should debate and vote on whether the continued U.S. military presence in Iraq is desired by the Government of Iraq.

According to the Iraq constitution, the Iraq federal government has exclusive power over foreign policy and negotiation, national defense policy, and the Council of Representatives specifically has the responsibility of creating new law and certifying treaties and international agreements.

The continued U.S. military presence in Iraq is a matter for the elected Government of Iraq, a sovereign nation, to decide. If we define victory as Iraq's self-determination, then we ought to encourage Iraq to make its own decision about further U.S. occupation. But if victory is just a cover for endless U.S. occupation of Iraq, then that is just not going to be acceptable to the American people or to people of the world.

IMMIGRATION REFORM

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, during the decade I served as a member of the North Carolina Senate and during my first term in the United States Congress, I have found that few things are as important or represent as many problems as illegal immigration.

The terrorist attacks on our homeland highlighted the potential disastrous effects of the porous borders and the need to bolster border security. Illegal immigration also has many other far-reaching and dangerous effects. That is why I am pleased to cosponsor H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. This important piece of legislation will strengthen our borders, crack down on those who hire illegal aliens, increase the punishment for those who smuggle people into our country illegally and allow for the swift deportation of illegal aliens.

I sympathize with those who wish to live in America. We are indeed a nation of immigrants, but also a nation of laws. Immigration laws exist to provide the steps for safe and legal entry into our country. Controlling illegal immigration begins with the enforcement of current laws and the elimination of incentives to immigrate illegally.

Please join me in supporting H.R. 4437.

THURMAN BARNES

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

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Mr. Thurman Barnes of LaGrange, Georgia, on receiving his GED at age 96. In fact, Mr. Barnes is believed to be the oldest person ever to receive a GED, attesting to the fact that an education is important and fulfilling no matter what your age.

Eighty years ago, Mr. Barnes failed a Latin class. As so often happens in life, before he could make up his course work, his attention was turned to his job, marriage, and family obligations. But throughout his life, the thought of that elusive high school diploma stayed with him.

Eight decades later, Mr. Barnes began taking classes at West Georgia Technical College. This past Monday, he passed the GED examination with flying colors. When asked what subject was easiest for him, Mr. Barnes replied, ''Social studies, because I have lived through most everything in the last 100 years.''

Mr. Speaker, it takes a lot of character and tenacity to hold on to the dream of graduating high school for 80 years. I want to thank Mr. Barnes, his family, West Georgia Technical College, and the Georgia Adult Literacy Program for reminding us of the importance of rising to the challenges of life, regardless of age.

MATTHEW SCOTT

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

Mr. LARSEN of Washington. Mr. Speaker, I rise today to honor the heroism of a man named Matthew Scott, who nearly 9 years ago performed an act of uncommon courage that saved the life of a young woman in my congressional district.

In August of 1997, a 15-year-old woman and her friend were driving on a narrow, windy road near a dangerous area called Deception Pass. Unable to see the road, Leslie, the driver, drove off a 185-foot cliff into the freezing ocean below. Her passenger managed to jump to safety from the truck before it went over the edge. At the same time, Matthew Scott, a young Naval Chief Petty Officer, was driving by the location when he spotted a busted guardrail and a group of people pointing to the waters below.

Matthew scaled down the treacherous, dark cliff with only a small flashlight to guide him. At the bottom of his 185-foot descent, he swam 30 yards out in strong tides and frigid water to rescue Leslie who had suffered a broken back, leg, and arm. Because of his selfless, courageous heroics, Leslie is now a 24-year-old mother and a manager of a local coffee shop.

Matthew has continued to dedicate his life to one of military service and is now a lieutenant studying for his MBA at the Naval Post Graduate School in California. As a member of the House Armed Services Committee, I am honored to have had Lieutenant Scott

serve at Naval Air Station Whidbey Island in Washington State's Second Congressional District, so I come to the floor of the House of Representatives today to honor him and call on all my colleagues to look to Matthew's example to inspire us and spur us on to our own acts of selfless service and care.

Because of Matthew's humble heroics, Leslie is alive today. Matthew himself is not just a good father and not just a good sailor, he is a great person and a true hero.

FREEDOM WINS

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

Mr. PRICE of Georgia. Mr. Speaker, did you see the newspaper? Iraqis vote by the millions, turn out undeterred by threats. Violence was replaced by Iraqi citizens, 70 percent of them freely and openly voting for their representatives, affirming the wonder of liberty.

The entire world is witness to their desire, demonstrated by their courage and action to live in a country where life and liberty are treasured.

This week we have seen success in Iraq, another vivid victory over terrorism. Anxiety has been replaced by celebration, purple-stained fingers were seen throughout Iraq, testimony to the glory and the spirit of freedom. Everyone may now see that our efforts in Iraq are successful. Millions of Iraqis are participating in leading their country to a bright future, full of promise and potential.

Mr. Speaker, we should all applaud these efforts. Today is a day of victory for Iraq, for America, and for the free world. It is testimony that the will of the Iraqi people will not waiver and that freedom will prevail.

IMMIGRATION

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

Mr. GRIJALVA. Mr. Speaker, I rise today in opposition to H.R. 4437, the Border and Immigration Enforcement Act of 2005.

H.R. 4437 is an enforcement-only approach that fails to provide real family security, real national security, and real economic security for our country. It is neither comprehensive nor realistic.

If this Nation really wants to create an effective border security policy, we need to have a debate that includes a discussion about actual solutions to our problems, which means taking all of the political grandstanding and baiting out of the equation.

H.R. 4437 is unrealistic, it is based on fear, and it is financially irresponsible and even unconstitutional at times. It joins rank with the Chinese Exclusion Act and the Depression-era repatriation of U.S. Citizens to Mexico, two of our country's most embarrassing moments.

As a first-generation son, a native-born son of an immigrant that came to this country, I hope we do not close the door to that legacy.

IRAN AND ISRAEL

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

Mr. PITTS. Mr. Speaker, the outburst of hateful and irresponsible rhetoric coming from Iran in recent days and weeks is simply outrageous.

In October, Iranian President Mahmoud Ahmadinejad sparked international outrage when he publicly declared that Israel should be ''wiped off the map.'' Just last week, he suggested that the Holocaust never happened. This week, he called for Israel to be moved to Europe.

Nations, including the U.S., France, Germany, and the European Commission, have all expressed their disgust with these comments. The Israeli Foreign Ministry spokesman, Mark Regev, said it best when he said, ''The combination of fanatical ideology, a warped sense of reality, and nuclear weapons is a combination that no one in the international community can accept.''

He is absolutely right. These comments were not made by some cleric of some small mosque. He is a head of state, and to think of him having nuclear weapons is frightening. It threatens not only Israel, but the international community as a whole, and should be denounced in the strongest terms possible by all nations.

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit which may not contain instructions.

SEC. 2. On the first legislative day of the second session of the One Hundred Ninth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore. The gentleman from California (Mr. DREIER) is recognized for 1 hour.

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

Mr. Speaker, yesterday was an extraordinary day not only in the history of Iraq but the history of the world. We saw the third free and fair election take place in the country of Iraq, and for the first time in the history of that nation we saw the people of Iraq choose their own leaders.

On January 30 of this year, there were many people who thought it could not happen, there were many terrorist attacks, and it actually was slow in coming. As you will recall, the pictures that we saw of voting stations where early on no one voted, but ultimately 8.5 million Iraqis voted to put into place a coalition government that was charged with the task of fashioning a constitution, a constitution that would work to bring together the very disparate factions that exist within Iraq, the three that we know of, the Shia, the Sunni, and the Kurdish populations, and of course the other divisions that exist in the country.

Mid-summer, we saw the work on that constitution proceed. We saw the August date approach. There were problems, difficulties. And then we saw the October 15 election rapidly approach, and people from all over the world, including leaders of the U.S. forces there, were uncertain as to whether or not the Iraqi people would in fact ratify their constitution.

Mr. Speaker, we saw a 64 percent voter turnout, roughly 10 million Iraqis voting, and 78 percent of the people of Iraq from throughout the country among all of those three disparate factions within the country came together and overwhelmingly, with a 78 percent vote, ratified that constitution. The existence of that constitution called for parliamentary elections to take place, and for, as I said, the first time in the nation's history we yesterday saw the Iraqi people choose their own leaders, a 275-member parliamentary assembly.

Mr. Speaker, we do not know yet the exact outcome of that election, but there are a number of very important things we do know about yesterday's election. We thought that there would be wide-ranging terrorist attacks, when in fact there were very few if any difficulties with the election at all when it came to attacks. We saw something that came as a great surprise to so many people, and that was a 70 percent voter turnout.

Mr. Speaker, 11 million Iraqis voted in this election. If one looks at where it is that we are headed, it is an amazing testament to what the United States of America and our Coalition Forces have done.

We, as a body, strongly support our troops; and we, as a body, strongly support the mission of our troops.

Mr. Speaker, what I would like to do, at this point, is share with my colleagues the resolution that, if we approve this rule, will be considered. It is a resolution introduced by the very distinguished chairman of the Committee on International Relations. And I should say parenthetically that our thoughts and prayers are with Chairman HYDE right now as he is going through a very difficult situation in his family. But in his absence, I know that from the International Relations Committee our colleague from Miami (Ms. ROS-LEHTINEN) came before the Rules Committee last night and testified on behalf of this resolution; and she was joined by the distinguished ranking member of the Committee on International Relations (Mr. LANTOS).

The resolution reads as follows, Mr. Speaker: Expressing the commitment of the House of Representatives to achieving victory in Iraq.

Whereas, the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi constitution, represented a crucial success in the establishment of a democratic constitutional order in Iraq.

And whereas, Iraqis who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition Forces.

Now, therefore, be it resolved that:

1. The United States House of Representatives is committed to achieving victory in Iraq;

2. The Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy and a defeat for the terrorists who seek to destroy that democracy;

3. The House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

4. The successful Iraqi election of December 15, 2005, required the presence of U.S. Armed Forces, U.S.-trained Iraqi forces, and Coalition Forces;

5. The continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

6. Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

7. The House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition Forces; and,

8. The House of Representatives has unshakable confidence that with the support of the American people and the Congress, the United States Armed Forces, along with the Iraqi and Coalition Forces, shall achieve victory in Iraq.

That is what House Resolution 612 says, Mr. Speaker; and it is very clear to me that an overwhelming majority of the House of Representatives will be supportive of this effort.

Now, I think that it is important for us to also look back at a number of the charges that have been leveled over the past couple of years. There was no strategy, no plan for victory in Iraq. We have constantly heard that from many over the past several months. I got, as I know all my colleagues did, this 35-page document that was put forward by the President as he began his campaign in the past several weeks to enlighten the American people on what our strategy for victory in Iraq is.

Now, there are many who believe that this is some great revelation, but the lead page of this 35-page document, Mr. Speaker, refers to a speech that was delivered 3 weeks, actually about 3½ weeks, before we began our military engagement in Iraq.

In February of 2003, President Bush said as follows: ''The United States has no intention of determining the precise form of Iraq's new government. That choice belongs to the Iraqi people. Yet, we will ensure that one brutal dictator is not replaced by another. All Iraqis must have a voice in the new government, and all citizens must have their rights protected. Rebuilding Iraq will require a sustained commitment from many nations, including our own. We will remain in Iraq as long as necessary and not a day more.''

Now, that was stated by President Bush on February 26 of 2003, and I commend this document to my colleagues, in which it refers to the fact that we have seen extraordinary achievements take place since we began our effort in Iraq. The impact that it is having on the region is underreported. The positive salutary effect of what the United States of America, the Iraqi Security Forces, and our Coalition Forces have done has had, I believe, an extraordinarily positive impact on nations like Egypt that for the first time in its history held, as I was told by the defense minister of Egypt, because of what we have done in Iraq they held multicandidate elections; in Lebanon where we have seen people, because of what we have done in Iraq, standing up for the cause of freedom say that they will give their lives to ensure that the Syrians do not control their country. So throughout the region we are seeing very important developments.

Mr. Speaker, it is also important to note that we continue to live in a very dangerous world, and that region of the world is particularly dangerous. All one needs to do is look at the statement made most recently this week from Iran's leader about the continued quest towards undermining the cause of freedom and liberation and democracy.

Mr. Speaker, this resolution makes it very clear. We congratulate the people of Iraq. We underscore the fact that the Iraqi Security Forces, the United States of America and our Coalition played a critical role in finally bringing about the self-determination which the people of Iraq are now enjoying; and it makes it clear that the region is still a very dangerous spot on our globe and that any kind of artificial timetable that were put into effect calling for our withdrawal would undermine the tremendous successes that we have been able to see over the past nearly 3 years and, I believe, could jeopardize the future of these people who are just now getting a taste of the kind of freedom that we take for granted.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from California (Mr. DREIER), the chairman of our committee, for yielding me the customary 30 minutes, and I yield myself 7½ minutes.

Mr. Speaker, last night and this morning, like all my colleagues, I watched the news reports about the parliamentary elections in Iraq. This is a proud day for the Iraqi people, and it is fitting that this Congress, this House of Representatives, recognize the courage of the Iraqi people, their desire to take control of their own destiny, and how much they have suffered to achieve this taste of democracy.

As has been stated by so many analysts in the news media, one of the most important outcomes of this election was the significant participation for the first time of Iraqi Sunnis in this election, many of whom, according to news reports, were encouraged to vote, escorted to the polls or guarded at the polls by armed Iraqi insurgents.

Everyone in the House of Representatives is proud of the Iraqi people. Everyone in this House respects the efforts made by our uniformed men and women to help the Iraqi people get to this historic moment.

This House could have sent a strong unified message to the Iraqi people, our troops in Iraq, and to the international community in support of our troops and in support of the brave Iraqi people. But, Mr. Speaker, once again, as it has so often done in the past, this Republican leadership has chosen to include controversial language in this resolution, knowing that it will provoke sharp and divisive debate over Iraq.

□ 0930

Rather than choosing to send a united message to the world, the Republican leadership has cynically and deliberately decided to highlight our divisions rather than our unity.

Late last night, the ranking member of the House International Relations Committee, one of the most respected leaders in this House on human rights, Congressman TOM LANTOS, came before the Rules Committee with a resolution that focused on congratulating the people of Iraq for three successful elections conducted in Iraq this year. The resolution further praises our troops

for their contributions to peace and stability in Iraq. And, Mr. Speaker, he was rejected out of hand.

Shame on the majority to treat one of the most respected Members of this body in such a fashion. Shame. Mr. Speaker, there are many points of view in this House about how the U.S. should proceed in Iraq. Even among the majority, there are differing points of view. I for one believe these successful Iraqi elections provide an opportunity for the United States to change course in Iraq and begin bringing U.S. forces home. As we pass the 1,000th day of the war in Iraq, I believe we must begin the transition to putting the Iraqis in charge.

After 3 years of war, the United States claims, for better or for worse, the elimination of Saddam Hussein from power, and that the United States has furthered the Iraqi political process, culminating in the passage of a Constitution and now the first democratic election and Iraq's first constitutional government.

At this point, plans for a full transfer of sovereignty to Iraqis demands a change in course, one that puts Iraqis in charge. Iraq can't move forward with 160,000 U.S. troops, the largest U.S. Embassy in the world, and with Iraqi public opinion behind a timetable for withdrawal.

Mr. Speaker, many years ago Vermont Senator George Aiken said of the disastrous Vietnam war that the United States should declare victory and go home. Well, the elections in Iraq and the other milestones constitute a sufficient reason for the United States to declare that it has done all it can in Iraq, and it is time to reverse the Bush administration's policies.

President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases there undermines his rhetoric about Iraqi democracy and will undermine the legitimacy of the new Iraqi Government. Our occupation of Iraq complicates the transition to democracy. Former Secretary of State Madeleine Albright had it right, Mr. Speaker, when she said last month that the United States can support democracy, but we cannot impose democracy. And it is a deadly combination when democracy is equated with occupation.

While the President continues to give speeches on the war, the American people have become disenchanted with the administration's Iraq policies and its failure to disclose a plan for withdrawal. Let us be clear, Mr. Speaker. The President has a credibility gap when it comes to Iraq. According to a December 8 New York Times/CBS poll, 59 percent of Americans disapprove of the way President Bush is handling the war in Iraq, and 70 percent do not believe that he has developed a clear plan to get American troops out of Iraq.

We have lost more than 2,100 soldiers dead and over 15,000 wounded, overstretched our military, placed our homeland and those of our allies at greater risk, and still this President persists in a useless quest for, quote, victory.

But excuse me, Mr. Speaker, just what is ''victory''? Who defines it? Who decides when ''victory'' has been achieved in Iraq? Is it the Iraqi people themselves? Is it President Bush, who has already declared ''mission accomplished''? Is it next year? Or the year after that? Or 5 years or 10 years down the road? Is it when we have lost 3,000 troops in Iraq? Or 5,000? Or 10-? How many more American troops do we have to sacrifice? How many more Iraqi lives must be sacrificed before we decide that ''victory'' has been achieved?

While most Iraqis are confident in yesterday's parliamentary elections, two-thirds are opposed to the presence of U.S. troops, according to a poll released on December 12 by ABC News and Time Magazine. According to news reports, many of the Sunnis turned out in such large numbers yesterday because they see it as a means to end the U.S. occupation of their country. Arab voices through the Cairo process are helping change the dynamic in a positive way and are filling a role that the U.S. no longer needs to play.

The President must work with the United Nations and Iraq's Arab neighbors to develop an interim arrangement as American troops depart. The best way to preserve the gains made so far is to commit to long-term financing for reconstruction, working with the new Iraqi Government to set a timetable for withdrawal, and to arrange for an over-the-horizon troop presence.

The Bush administration and the Republican leadership of this House should be spending less time on spin and speeches and more time on preparing for bringing American troops home. The way out of Iraq begins by genuine respect for the will of the Iraqi people and their desire for U.S. military withdrawal from Iraq. The President can begin to demonstrate this respect by putting an end to the attempted manipulation of Iraqi public opinion with fake news written by Pentagon contractors, the unambiguous announcement that the U.S. will not maintain permanent military bases there, and the immediate initiation of a coherent plan for the withdrawal of our forces there. This will not only give the vast majority of the Iraqi people what they want, but the new Iraqi Government its strongest chance for success.

Unlike what is stated in this resolution, there is nothing ''artificial'' about this approach. Congress, too, has a responsibility to take action where the Bush administration falters. Today we should praise the Iraqi people, but tomorrow this Congress should move to must-pass legislation to force beginning to bring our forces home.

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

Mr. DREIER. Mr. Speaker, as I listen to these statements made about public opinion polls, I would like to point to my colleagues the ABC News poll about which my friend referred. Seventy-one percent of the Iraqis polled said that their lives were very good or quite good; 61 percent reported the security situation is very good or quite good in the area where they reside; 64 percent said they expect their lives to be much or somewhat better a year from now.

I know that my friend from Ohio is introducing a resolution, he spoke about it earlier today, talking about the independence and the Iraqis making a choice as far as our presence. The Iraqi President, Jalal Talabani, made it very clear in an editorial that he wrote in the Wall Street Journal. He said:

''A timetable will aid the terrorists and tell them that all they have to do is wait. Military plans must be flexible. We should have the suppleness to respond to the often-changing level of terrorist threat.''

That is not an American military leader making that statement. That is the President of Iraq.

With that, Mr. Speaker, I would like to yield 3 minutes to the very distinguished chairman of the Republican Study Committee, my friend from Columbus, Indiana (Mr. PENCE).

Mr. PENCE. I thank the chairman for yielding.

As a member of the International Relations Committee, I rise in strong support of this resolution and take a moment to express our prayers and good wishes to the author of this resolution, who labors at the side of his namesake at this very hour in a hospice in Illinois.

It is extraordinary day today, Mr. Speaker, as a Member of Congress that has had the privilege to travel to Operation Iraqi Freedom on three different occasions, the news that 11 million Iraqis, with Iraqis on point handling the security during these elections, 70 percent of Iraqis turned out. It was, in no uncertain terms, a victory for democracy in Iraq. And it is my privilege and honor to rise this morning on this floor in support of the rule and the underlying resolution that confirms this great day in the history of freedom, December 15, 2005, when millions of Iraqis defied terrorists to say ''yes'' to democracy.

I stand also in support of the affirmative statements in this resolution that this House of Representatives is committed to achieving victory in Iraq and sees this election as a crucial victory for the Iraqi people and a defeat for the terrorists in that country. It is also in this resolution an effort to state emphatically the rejection of the wisdom of an artificial time line and also to recognize the extraordinary sacrifices made by members of the United States Armed Forces and their families. It is about them that I rise especially today, Mr. Speaker.

This week at my office in Muncie, Indiana, a group of the citizens that I

have the privilege of serving came to protest our military presence in Iraq, to urge the withdrawal, as some have done and continue to do, of our forces from this nation. And while it is their right to do so, let me say emphatically, it is my duty to stand with our Commander in Chief, to stand with our soldiers in the field, and to stand with the good people of Iraq until we achieve a total victory for freedom in this nation.

I derive that sense of duty from seven names that I felt obligated to mention today. They are the names of the soldiers that I represented until they stepped into eternity, who fell in Operation Iraqi Freedom, from eastern Indiana.

Lance Corporal Matthew Smith.
Private Shawn Pahnke.
Specialist Chad Keith.
Staff Sergeant Frederick Miller, Jr.
Sergeant Robert Colvill, Jr.
Specialist Raymond White.
Lance Corporal Scott Zubowski.

These seven men didn't leave their post, and this Congressman won't, either. It is them and to their credit and to their grieving families that I rise in support of this resolution today. It is the sacrifices of over 2,000 American soldiers who laid down their lives for the freedom that we saw demonstrated in the streets of every corner of Iraq yesterday that I support this resolution.

Mr. McGOVERN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. LANTOS), the ranking member on the International Relations Committee, who was denied his request to offer his amendment here on the floor today.

Mr. LANTOS. I thank my friend for yielding.

Mr. Speaker, I rise in sorrow, not in anger, because this morning could be a morning of unity and celebration and congratulations. Yesterday in unprecedented numbers the people of Iraq rejected the threats and intimidation of the terrorists and chose a new permanent national Parliament, the first fully sovereign, elected democratic assembly in the history of Iraq. This should be cause for celebration for the Iraqi people, for our troops, the troops of our allies and the Iraqi security forces who bravely protected the Iraqi people who came out to vote. Unfortunately, the resolution before us does not do that, and that I deeply regret.

Mr. Speaker, we all know that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Yesterday I was asked with a number of other Democrats to go to the White House. I sat next to the President as we talked about the possibility of building a united approach to this difficult dilemma. But the leadership, in a rigid, unbending, almost ruthless fashion, refused to take one single word of change or modification in their resolution. It was a take-it-or-leave-it proposal, which is inappropriate in a democratic legislative body where some of us have been attempting to operate in a bipartisan fashion.

I introduced a resolution and asked the Rules Committee to make it in order. My resolution congratulates the Iraqi people on three democratic national elections, encourages all Americans to support the Iraqi people, and commends our troops and those of our allies and the Iraqi forces for protecting their people at election time.

That is the resolution which should be before us today. We would get a unanimous vote, and we would send a message to our troops and to the whole world that Congress is united. Instead, by rigidly demanding total adherence to the Republican formula, there will be an ugly, divisive debate in this body this morning. This is not in our national interest.

I wish to use the balance of my time to read the resolution that I believe ought to be before us, Mr. Speaker.

The text of my resolution is as follows:

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Mr. LANTOS. There isn't a Member in this body who could not subscribe to this. This is not the time for an ugly and divisive debate. And with its rigidity and total unwillingness to listen to half of this body, the majority has chosen to give us an ugly and divisive debate.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my very good friend from California by saying, first and foremost, there is nothing ugly and divisive about the debate that we are about to undertake, that we are in the midst of right now, number one.

Number two, I think it is important to note that while all of the recommendations that were made by the minority were rejected, I have just been given by the staff of the International Relations Committee an outline of those two recommendations that were made. They were to entirely delete the resolved No. 6 clause in the resolution, which was the language that I read which says that we cannot establish an artificial timetable for withdrawal, which is exactly what President Talabani said in his piece, number one. And, number two, it underscored the fact that there was a desire from the minority to change the goal of achieving victory to establishing stability in Iraq.

Mr. Speaker, I think it is very important for us to note that there should be, in fact, complete bipartisanship in our goal to not have an artificial timetable complying with the request of our men and women on the ground there along with President Talabani, as well as making sure that we achieve victory in Iraq. Nothing, nothing, has to be divisive about this debate. I am convinced, Mr. Speaker, that at the end of the day, an overwhelming majority of the House of Representatives will support this, because we want to do more than simply pat our men and women in uniform on the back and pat the Iraqi people on the back. We want to talk about the importance of sustaining what took place yesterday for the future of Iraq.

Mr. LANTOS. Will my friend yield?

Mr. DREIER. I will in just a moment. We have got a limited amount of time. I look forward to engaging my friend, but I promised the former Secretary of State of Michigan that I would yield 2½ minutes to her. At this point I would like to do that and then would look forward to any comments that my friend would offer.

Mr. LANTOS. I would like to comment on your observation.

Mr. DREIER. Absolutely. I look forward to it.

Mr. LANTOS. Thank you for your courtesy.

Mrs. MILLER of Michigan. I thank the gentleman for yielding, and I rise in strong support of this rule and the underlying resolution as well, because this House must show our troops, the Iraqi people, and our terrorist enemies that we are committed to achieving victory in Iraq.

Mr. Speaker, just a couple of days ago, I spoke with a constituent of mine named PFC Josh Sparling. Josh serves

in the 82nd Airborne Division with the 3rd of the 504th, also proudly known as the Blue Devils. Josh was wounded by an IED while serving with his unit in Ramadi, Iraq. He is currently at Walter Reed Hospital recuperating from surgery, with doctors working literally to save his leg.

When I talked to Josh, he did not want to complain about his wounds nor the pain that they were causing him. No, this American hero wanted to talk to me about the progress being made on the ground in Iraq, and how well the new Iraqi troops performed in the field, and how committed the Iraqis were to reclaiming their country from the terrorists.

His proudest day in Iraq was when he provided security in the Iraqi election last October. He watched thousands of Iraqis singing and celebrating on their way to polling stations. It made him proud that the American military was accomplishing their mission to spread peace and hope and freedom and democracy. He was disappointed that he was not in Iraq right now with his unit providing security for yesterday's election and watching the left flank of his buddies.

Mr. Speaker, that is commitment. That is dedication, what we expect and what we get from our brave men and women in uniform. Yesterday's election was a great victory for the Iraqi people, more proof of an historic pivot in that part of the world, and now is not the time to wave the white flag just as our Iraqi allies begin the difficult business of forming a new democratic government.

We cannot redeploy troops based on political concerns instead of needs on the ground to secure victory. We must not let down all of our brave men and women in uniform who have served so remarkably. We cannot let down over 11 million Iraqis who yesterday stuck a finger in the eye of the terrorists as they stuck their finger in that blue ink. We cannot give our terrorist enemies a victory which they cannot achieve on the battleground.

We need to send a message, this House needs to send a message, today that we are committed to completing the mission. Vote ''yes'' on the rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, before I yield 1 minute to the gentleman from California (Mr. LANTOS) to respond to what the chairman of the Rules Committee had said, let me make clear, nobody is talking about waving a white flag here. What we are talking about is trying to figure out a way to make a bad situation less bad. The polls have shown clearly that the majority of the Iraqi people want us out of Iraq. When a majority wants something, they usually get what they want, because that is what a democracy is about.

We don't know a lot about democracy in this House because we are routinely shut out of being able to have debates and votes on important issues. But the bottom line is that those of us who are advocating that the President set some sort of a timetable are doing so because we think that that is a way to strengthen the situation, to give the new government over there a chance to succeed. I don't believe it can succeed if it is viewed as a puppet of the United States. I don't believe it can succeed with a huge U.S. occupation over there. I don't believe it can succeed with the largest U.S. Embassy in the world over there. I don't believe it can succeed if those are the conditions.

And so having said that, let me yield 1 minute to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. I thank my friend for yielding.

Mr. DREIER. Mr. Speaker, I would like to yield a minute to my friend from California as well.

Mr. LANTOS. Thank you.

My good friend Mr. DREIER suggested that there will not be a divisive debate this morning. That divisive debate has already begun. You need to listen to the words of what my colleagues are saying. I attempted to avoid this divisive debate this morning. I attempted at the end of this session to have this Congress go home with a unanimous vote congratulating the Iraqi people on what they have done; congratulating our military, our allies and the Iraqi forces for making it possible for them to vote.

There are divisions on policy, and it is an ostrich policy to pretend that there are no divisions. I may agree with the gentleman's view about a timetable. That is not the issue. The issue is that the last discussion of Iraq in this body will show division, bitterness and divisiveness, and that could have been avoided with a little bit of flexibility and consideration on the part of the majority for the views of almost one-half of this body.

I thank my friend for yielding.

Mr. DREIER. Will the gentleman yield? I have yielded 2 minutes to the gentleman. I think he still has time.

I just would like to say that I believe that the resolution that has been brought forward is one which recognizes the directive, the call from the President of Iraq. It recognizes the sense of the men and women in uniform who are on the ground there. And I believe that an overwhelming majority, and I will say to my friend, there may be some Republicans who choose to vote against this measure. I don't know that every Republican is going to vote in support of this resolution, but this resolution underscores the importance of victory in Iraq.

Mr. LANTOS. Reclaiming my time, it is in the national interest to show the greatest degree of unity in this body, and your resolution does the opposite.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to one of the authors of the amendment that was rejected last night in the Rules Committee, the gentleman from Florida (Mr. HASTINGS), my colleague on the Rules Committee.

Mr. HASTINGS of Florida. I thank my friend, the distinguished Rules Committee member from Massachusetts, for yielding me time.

Last night I made the statement in the Rules Committee that I would not participate in the debate. I do not intend when the debate begins to have anything to say, and quite frankly if I had the wherewithal, I would ask my colleagues on the Democratic side not to say anything as well. But I do know a little bit now, having served on the Rules Committee for a little while, about closed rules, and I know when we have closed rules, we restrict democracy.

We come here to advocate for democracy in Iraq, as rightly we should. But I come this morning to advocate democracy for the Members of the House of Representatives who have a different point of view that needs to be heard regarding this important matter having to do with our Nation. Like my friend and mentor, TOM LANTOS, I feel that there will be division as a result of the resolution as filed. I quite frankly am a bit surprised that so many people in the majority who argue that the war should not be politicized have done an act, although subtle and nuanced, that is as political as most things that we do here.

□ 1000

I do not decry politics. That is what we do for a living. But when it comes to this Nation, we all have a responsibility to stand together. There is no one in this Congress that does not support the military of the United States in every aspect of what it has done. There is no one in this Congress that wants us to fail in achieving victory in Iraq and anywhere that terror exists in this world. We have a vested interest in that. We have a natural right to pursue that particular interest.

But to fashion a resolution that ignores the language that Mr. LANTOS offered, that does precisely the same thing with civility all throughout it, I cannot imagine that we have passed yet another closed rule and that we have restricted a sensible, civil resolution offered by Mr. LANTOS, Ms. PELOSI, and Mr. HOYER.

In that light, I consider it to be the kind of act that is seemingly becoming the pattern with so many people in this House who represent so many constituents who are not being heard.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

First of all, let me say that as a member of the Rules Committee, I am very proud of this democratic, small ''d,'' institution; and I am very proud of the work of the Rules Committee. I would like to say that in this session of Congress more amendments offered by Democrats have been made in order than amendments offered by Republicans.

Mr. Speaker, I would also like to say that as my friend talks about ideas

being shut out, that is a mischaracterization of what has happened here. We have come forward with a sense of the Congress resolution, a simple resolution is what it is. I would like to share with my colleagues, since we are talking about the process of democracy in Iraq and the process of democracy here in the United States of America and in the people's House, according to the Congressional Research Service, they state on simple resolutions, ''Simple resolutions express nonbinding opinions on policies or issues (the 'sense' of the House or Senate) or deal with the internal affairs or prerogatives of the House. For example, they are used to establish select and special committees, appoint the members of standing committees, and amend the standing rules. In the House, the Rules Committee reports its special rules in the form of simple resolutions.''

This is a simple resolution which I believe is going to enjoy strong bipartisan support. Democrats and Republicans will, I believe, in overwhelming numbers support this resolution which simply says, Mr. Speaker, that we recognize the incredible sacrifice by our troops, we recognize the incredible sacrifice and suffering that the Iraqi people encountered under Saddam Hussein and the struggle that they have gone through over the past 3 years. And it recognizes what has been clearly stated by Iraq's President, by our men and women in uniform and by the people of Iraq, and that is establishing some artificial timetable would undermine the process of democracy.

One must look at the letter which has gotten a great deal of attention that was sent from the number two operative in al Qaeda, Mr. Zawahari to the lead operative for al Qaeda in Iraq, the center of terrorism from Zarqawi. And he has said in that letter, Democracy is coming and there will be no excuse for violence thereafter.

Mr. Speaker, it is absolutely essential that we do everything that we can for the stability of Iraq, the stability of the region, and the stability of the world, that we must maintain that path towards democracy. The coalition forces, the Iraqi security forces are making that happen.

Mr. DREIER. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, in 20 seconds I put to the Chair a simple question: If this resolution is so simple and noncontroversial, why did it come through the Rules Committee? And is it not true that Mr. LANTOS' resolution is also simple, and there was nothing to preclude the Committee on Rules from hearing the Lantos matter, had you chosen? And are you not the greatest exemplar of not having closed rules, Mr. Chairman?

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

I will simply say that I believe we should do everything we can to pursue the deliberative process here. I believe that the Rules Committee does that. We have a management responsibility. We bring resolutions through the Rules Committee. If there is controversy, I believe that recognizing our strategy for victory in Iraq is the right thing to do. People in Iraq, our men and women on the ground, recognize that.

I believe it is the right thing to do and I look forward to a strong and overwhelming bipartisan vote in support of this resolution.

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

Mr. HASTINGS of Florida. I thank the chairman for not answering my question.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, to suggest that the Rules Committee respects a deliberative process in this House or that it is somehow democratic or receptive to alternative ideas, I think demonstrates to me that the chairman has pretty low standards when it comes to being inclusive.

The bottom line is, on important issues, on important matters like this one, we are routinely shut out. I mean, the chairman may be on board with what the President is doing in Iraq, but there are many of us who have great concerns. And the fact of the matter is, the section that is controversial in this bill deserves debate, not in the context of this resolution, but we should be on this floor debating this for a period of time and let everybody have their chance to present their viewpoint on what our policy should be in Iraq.

We should be debating Iraq almost every day. I mean, we are at war. We have lost 2,100 American servicemen and women; 15,000 are wounded. We have spent hundreds of billions of dollars, and we do not like to talk about it except in the context of these resolutions that kind of get dropped on us and brought to the floor; and we are supposed to praise our troops, which we all do.

We want to congratulate the democratic voting in Iraq, which we all do. But then tucked into this is a provision which some of us find objectionable.

This administration has a credibility gap, in my opinion, when it comes to Iraq. We have been misled too often, and it is time to demand the truth. It is not acceptable to embrace an open-ended U.S. policy toward Iraq that suggests that we put all our faith in the President.

He has been wrong on everything. There were no weapons of mass destruction. There was no tie to al Qaeda. There was no imminent threat to the United States from Iraq, and he rushed us into war. He said we would be greeted as liberators. Here we are approaching the third year. We are not greeted as liberators. We are stuck in a mess.

Mr. Speaker, I will also point out to the chairman of the Rules Committee that if you read the front page of today's Washington Post it says, ''Iraqi Vote Draws Big Turnout of Sunnis.'' Underneath, subheadline, ''Anti-U.S. Sentiment is Motivator for Many.''

A majority of the people in Iraq want us to begin the process of withdrawal; and what you are asking us to do is to embrace a resolution that says we will be there for as long as the President wants us, and that is unacceptable.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, like the President's wishful, staged declaration of ''Mission Accomplished'' on that aircraft carrier 2½ years ago, or the Vice President's declaration that the insurgency was in its ''final throes,'' this resolution proclaims the desire of Congress for ''victory'' in Iraq.

Instead of dispatching our troops in adequate numbers, this Congress made one speech after another. Instead of covering our troops with adequate, impenetrable armor, this Congress passed one paper resolution after another like this, which provided little shield from those who would do our brave men and women harm.

Well, each day's news shows how out of touch this Administration and its congressional followers continue to be. Like the administration, this Congress has no idea what victory means other than trying to escape the morass that its bad judgment got us into.

I believe that victory in Iraq, which we all desire, begins with a commitment to championing the truth. This is an administration that cannot utter ''Iraq'' without saying ''9/11,'' even though it knows there is absolutely no connection between the two.

To win a war you have to shoot straight. Our young men and women in Iraq and Afghanistan understand that, but this administration and its congressional followers demonstrate again and again that they do not—when they are discussing the real weakness of the Iraqi army or fail to do so, the strength of the insurgency, or the length our armed forces should be deployed.

They are so proud of the democratic choices made in Iraq this week and so very fearful for there to be any democratic choices on the resolution of the gentleman from California (Mr. LANTOS) and others. They fear a democratic debate in this House because their position is one of complete weakness. They have waved the white flag themselves at the possibility of a true debate in this Congress.

What we need is a genuine debate about the best pathway for our security in Iraq. The President finally conceded over 30,000 civilians have died in this invasion. We have passed 2,000 young, brave men and women in the service of America, and we are on the way to 3,000.

This administration has begun a public relations offensive when what we need is an offensive for the protection of our families. It has abandoned that

in favor of a meaningless political victory, not a real plan for success for the security of our families.

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

I first say to my friend from Texas (Mr. DOGGETT) that this notion that we are going to stay just as long as President Bush wants us to stay and not a day longer, well, actually, what President Bush has said is that we will stay as long as necessary and not a day longer. And that was part of the initial strategy that was launched on his speech on the 26th of February 2003. And it is very, very clear that the President of Iraq has said that any kind of artificial timetable would, in fact, jeopardize the prospect of democracy.

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

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

Mr. DOGGETT. Has the President or your resolution been willing to declare that it rejects the idea of permanent bases in Iraq?

Mr. DREIER. Reclaiming my time, I will say that the President has said in that speech that we will remain in Iraq as long as necessary and not 1 day longer. That is very clear to me, and so it is obvious.

Mr. Speaker, I am happy to yield 2 minutes to the very, very able fighter for freedom, our great friend from Springdale, South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I am here today in support of the rule and the underlying resolution, in very strong support. I am here as a Member of Congress. I am here as a 31-year veteran of the Army Reserves and the National Guard.

I am also proud to be the father of a son who served for a year in Iraq. I know firsthand of the progress that is being made there, along with other Members of Congress.

We should be proud that Chairman HUNTER, his son served in the Marines for a year in Mosul. Mr. SKELTON had a son serve in Afghanistan in the war on terrorism. Mr. TAYLOR of North Carolina, Mr. AKIN of Missouri, Mr. KLINE of Minnesota, Ms. ROS-LEHTINEN of Florida, and Mr. SAXTON of New Jersey, all of us have had family members who have participated in the global war on terror, and we are so proud of their successes.

Additionally, I would tell you that I disagree with Democratic Leader PELOSI. I believe that her position is wrong. I believe that proposing a withdrawal is giving your game plan ahead of time. You do not do it in football; you do not do it in politics. And you do not do it in a time of war. It is my view that we should understand that war is unpredictable.

Of all times, this week 61 years ago we found out the unpredictability of war and that is the Battle of Bulge. Tens of thousands of German troops secretly were located in the Ardennes Forest, attacked our troops in Luxembourg, in Belgium, and in Germany itself, and we lost 17,000 Americans. This could not be projected, this surprise attack.

We need to be prepared. So I am very proud that indeed progress is being made.

Our President has a wonderful plan of developing the Iraqi Security Forces, developing the Iraqi economy and the political situation, as we saw yesterday with the historic turnout of millions of Iraqis to build a civil society. And the bottom line is, it protects the American people.

This is exactly what America did after World War II, developing the democratic society of Japan which now is one of our great allies. We have the same potential to protect American families now.

□ 1015

Mr. MCGOVERN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, the resolution we are debating today is an H. Res. resolution. Basically, this is just a sense of the Congress. It is largely symbolic.

One of the complaints that many of us on this side of the aisle, and I know some of the people on the Republican side have as well, is that we kind of skirt around the real issue, which is what the policy is. Staying as long as it is going to take, that is not a policy. That is a sound bite.

The President does not know where we are going in Iraq. He has given speeches that have been heavy on rhetoric, but not particularly big on specifics.

If we want to do something helpful here, bring a binding bill to the floor here that sets out our policy, and let us have it out. Let us have the debate. Let us talk about what our policy should be in Iraq. Let us come back next week or let us come back for a week in January and have this debate. Let us discuss what, in fact, our policy should be in Iraq. We are not doing that. This is all symbolic.

Notwithstanding the fact that we have 160,000 troops over there, that over 2,100 Americans have died over there, and 15,000 Americans have been wounded, tens of thousands of Iraqis have been killed, we have yet to have a real policy debate on this House floor about what course we should take in Iraq. That is what we want. That is what we are hoping for. I do not think that is unreasonable.

To bring a largely symbolic resolution to the floor and tuck in it this kind of policy statement, give us an hour during the debate on the resolution to talk about everything, that is not the way we should be doing business around here.

Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, the odds of success in Iraq are not enhanced by Congress continuing to act as a rubber stamp for President Bush. We need a change in strategic vision in Iraq.

This resolution says that setting a timetable somehow is a Communist plot, but, in fact, the President himself set timetables in Iraq when he set timetables to have transitional elections in Iraq. He set timetables for elections because it focused the Iraqis to demand performance, and that is what we should do in setting a timetable to transition to Iraqis true sovereignty for three reasons.

Reason number one, we should no longer provide a crutch for an indefinite period of time to the Iraqi politicians. We need to focus their minds on making the compromises that are necessary if a real government is going to be followed. We cannot fall into the trap of enabling Iraqi politicians to continue their bickering. They need a solution.

Number two, people say a timetable will encourage more violence. Let me ask you this: If there is a young unemployed man who is angry about foreign troops marching on his neighborhood, what do you think will make him more angry and more likely to plant an IED, the fact that we tell him we are going to leave in a year or so, or tell him we are going to stay there as long as George Bush says so? We need to tell them that we are going to come home.

The third reason we ought to think about this is that in our briefings we have received, we have been told that the Iraqi military will be fully trained by next December 2006, and it is realistic, it is commonsense, it is a measure to focus the Iraqi politicians on the necessity of seeking compromise, to say that we should begin transitioning next year and substantially conclude by December 2006.

During that time I have one message for the administration. They need to do a better job arming the Iraqi military forces. They need radios, they need Humvees, they need logistics. We cannot allow that force to fall apart. We need to defeat this resolution.

Mr. DREIER. Mr. Speaker, may I inquire of the Chair how much time is remaining?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from California (Mr. DREIER) has 4 minutes remaining. The gentleman from Massachusetts (Mr. MCGOVERN) has 3¼ minute remaining.

Mr. DREIER. Mr. Speaker, I yield myself 30 seconds, and I do so to simply focus on the issue that is constantly raised here, and that is, the notion that we somehow impose closed rules on every piece of legislation.

There have been 113 rules considered on the House floor in the first session of the 109th Congress. With the exception of those rules which by statute or simple resolutions or appropriation continuing resolutions, 10 percent of those 113 rules have been closed rules.

We allow for a free floor in debate. More Democratic amendments than Republican amendments have been made in order. So we are enjoying democracy right here in the people's House, and the people of Iraq are enjoying the same.

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

Mr. MCGOVERN. Mr. Speaker, I yield to the gentleman from Texas (Mr. DOGGETT) for a unanimous consent request.

Mr. DOGGETT. Mr. Speaker, given the stated interest in democracy here in the House, I would ask unanimous consent to amend the rule to permit for division of the question so that we could express our unanimous support for the various provisions of this resolution, except for that on which we have disagreement as to the best way to achieve success in Iraq. At this point, so that we can have the kind of democracy that occurred this week in Iraq, of which the majority seems so proud, and actually have it right here on the floor of the House, I ask unanimous consent for a division of the question on the provisions of this resolution.

The SPEAKER pro tempore. The majority manager of the resolution has not yielded for the purpose of such a request.

Mr. DOGGETT. Given his professed interest in democracy, I am sure he will yield for that unanimous consent.

The SPEAKER pro tempore. Does the gentleman from California yield? The gentleman from California is indicating that he does not yield for that purpose.

Mr. DOGGETT. Shocking, truly shocking, that democracy cannot exist here on the House floor.

Mr. MCGOVERN. Mr. Speaker, I yield myself the remaining time, and I will close for our side.

Mr. Speaker, first of all, let me remind the Members of this House, the chairman of the Rules Committee talked about how generous the Rules Committee is. This year, in the 109th Congress, we have had 43 restrictive rules, 22 closed rules, plus three additional closed rules that were included in one rule, H. Res. 351, and we have had 11 open rules as far as appropriations bills.

Let me also simply say my point was that on important matters we usually have closed rules, as we did yesterday on the pension bill.

Mr. Speaker, I will be asking for a ''no'' vote on the previous question so I could amend the rule and allow the House to consider House Resolution 613 instead of House Resolution 612. House Resolution 613 was introduced last evening by International Relations Ranking Member LANTOS, the Democratic Leader PELOSI, Democratic Whip STENY HOYER and the gentleman from Florida (Mr. HASTINGS), which expresses congratulations to the people of Iraq on three national elections conducted in 2005.

This amendment was offered in the Rules Committee early this morning, but unfortunately, it was rejected.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment and the text of House Resolution 613 immediately prior to the vote on the previous question.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, regardless of how Members of this House feel about the war in Iraq, I think all of us want to congratulate the people of Iraq for holding these historic elections and for getting out to vote despite the significant risks. We all want to congratulate our troops, but quite frankly, there is language in this bill that some of us consider inflammatory, that some of us strongly disagree with, and I would urge my colleagues to vote ''no'' on the previous question so that we can have a unified message and not a divisive message here in the House.

Mr. Speaker, we have been in Iraq now for over 1,000 days, and I believe we must begin the transition to putting the Iraqis in charge. President Bush's unwillingness to announce a plan to remove U.S. troops within a clear time frame and his refusal to renounce the use of permanent U.S. military bases I think undermines his rhetoric and I think endangers the chance for democracy to succeed. Our occupation in Iraq complicates the transition to democracy.

People can disagree with me on this, but the fact of the matter is we should be debating this issue of how we deal with Iraq not in an H. Res. form, but in a binding resolution here on the House floor. We have time to debate Merry Christmas resolutions here in the House, but we never have the time to debate in a real way and in a meaningful way this war in Iraq.

We have sent thousands of our servicemen and -women into harm's way in Iraq. I would argue we rushed into this war. We have paid dearly for what the politicians in Washington have decided to do. We owe our troops better than just coming up and saying, stay the course. We owe them more than saying we are going to stay there until victory is achieved.

What is victory? I mean, nobody has defined what victory is. The President says we will know when we get there. Well, that is not good enough. That is not good enough for anybody in this House. That is not good enough for our soldiers.

We owe these brave men and women more than just a pat on the back and a congratulations. We owe them a real policy, and we owe the people of Iraq who have sacrificed so much the right to determine their own future. They want us to begin to extricate ourselves from Iraq. We should do that, and I would hope that my colleagues will vote ''no'' on the previous question so we can bring up a resolution that truly unites this body and not divides it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I have seen these buttons that my colleagues on the other side have been wearing, although I do not see them wearing it this morning, but they wore them last night, that says, debate Iraq. I just listened to a statement by my friend from Massachusetts, and I would say what is it that we are doing right now?

We have just gone through a very rigorous debate on the Defense appropriations process. It was considered under an open amendment process. We have gone through the Defense authorization process, and we have had a full debate on that. Every single day on the House floor at least one Member stands up to outline his or her position on the issue of Iraq. We are debating it constantly here, and it is a very healthy and important debate for us to have.

Mr. Speaker, as I have been listening to this debate, which has been taking place over the past hour, a name sticks in my mind. The name is J.P. Blecksmith. J.P. Blecksmith is a young marine who was tragically killed in one of the biggest battles in Iraq a year ago last month. It was the battle of Fallujah, and since he died, I have gotten to know his family, and his parents have repeatedly said to me personally, have gone on television and said this, that in the name of their courageous son who is a marine killed in the battle of Fallujah, it would be absolutely reprehensible for the United States of America to cut and run, for us to leave Iraq on some artificial timetable.

So, Mr. Speaker, today is a day of celebration. I cannot understand why my colleagues would say that the following line is somehow contentious. It simply says, while congratulating the Iraqi people for this overwhelming success that they had yesterday, congratulating our men and women in uniform and the Iraqi security forces and the coalition forces, it says basically what President Talabani of Iraq has said in a Wall Street Journal editorial. The resolution says, Setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region is fundamentally inconsistent with achieving victory in Iraq.

What is contentious about that? I cannot understand why anyone would believe, Mr. Speaker, that we cannot come together with a strong bipartisan vote, making sure that the success that we enjoyed on January 30 and October 15 and just yesterday in Iraq is sustained.

We know that Mr. Zarqawi has made it very, very clear that, as democracy blossoms, terrorism will come to an end.

So let us do everything within our power to support this resolution, to support our troops, to support the sustained victory of the people in Iraq. I urge support of this resolution.

The material previously referred to by Mr. MCGOVERN is as follows:

PREVIOUS QUESTION FOR H. RES. 619, THE RULE FOR H. RES. 612 EXPRESSING THE COMMITMENT OF THE HOUSE OF REPRESENTATIVES TO ACHIEVING VICTORY IN IRAQ

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

''*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 613) congratulating the people of Iraq on the three national elections conducted in Iraq in 2005. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and the preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations; and (2) one motion to recommit.''

H. RES. 613

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas all segments of Iraqi society actively participated in the approval of a new Iraqi Constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, for a new, national parliament that will serve in accordance with the recently-approved Iraqi Constitution for a four-year term and that represents the first fully sovereign, elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq; and

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust, pluralistic democracy that will bring stability to Iraqi society is emerging: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq on the three national elections conducted in Iraq in 2005;

(2) encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and

(3) expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

Ms. WOOLSEY. Mr. Speaker, today, without a doubt, we should congratulate the Iraqi people for what appears to be a successful, high-turnout election.

For the third time this year, courageous Iraqi citizens have enthusiastically exercised their democratic rights.

But successful elections do not, and cannot, obscure the devastating national tragedy that is the Iraq war.

It doesn't change the fact that over 2,100 Americans have died for weapons of mass destruction that never existed.

It doesn't change the fact that this war has turned Iraq into a hotbed of terrorist activity.

It doesn't change the fact that our troops are sitting ducks for the insurgents, who have been emboldened—not deterred—by our military presence in Iraq.

Here's the bottom line: a successful Iraqi election should, at the very least, reinforce the imperative of bringing our troops home. If Iraq is truly able to self-govern, then we have no business occupying their country and meddling in their affairs.

I've argued all year long that it's time to restore Iraqi sovereignty and give Iraq back to the Iraqi people. If the election is a watershed moment as the White House claims . . . then what is the continued justification for having our troops over there in harm's way?

Now is the time to enlist the support of the international community to establish an interim security force for Iraq. But that's just the start.

As I've written to the President in a letter signed by 61 other members of the House, the United States must also launch a ''diplomatic offensive,'' recasting our role in Iraq as reconstruction partner rather than military occupier.

We must also lead the way in establishing an international peace commission to oversee the post-war reconciliation and coordinate peace talks between Iraq's various factions.

The majority of the American people aren't behind it. Our global allies aren't behind it. The Iraqi people aren't behind it. Even Iraqi leaders—Sunni, Shiite and Kurdish alike, who agree on practically nothing—have united around a call for the United States military to leave.

With the Iraqi people having voted once again, let's offer the ultimate vote of confidence in their democracy. Let's reward the self-sufficiency they've demonstrated—by giving them their country back and bringing American soldiers home.

Mr. DREIER. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

□ 1030

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 621 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 621

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes. No further general debate shall be in order, and remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. Notwithstanding clause 11 of rule XVIIl, no further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 621 is a structured rule providing for further consideration of the bill. It provides that no further general debate is in order, and the remaining proceedings under House Resolution 610 shall be considered as subsumed by this resolution. It makes in order only those amendments printed in the Rules Committee report accompanying this resolution.

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

It waives all points of orders against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in support of House Resolution 621 and the underlying bill, H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

Yesterday, this House began consideration of the underlying bill and a portion of the amendments offered that were made in order. Following yesterday's debate, the Rules Committee completed its consideration of over 130 amendments, and today, upon passage of this rule, we will be able to complete consideration of the bill and the amendments that were made in order.

Mr. Speaker, I again would like to commend Chairmen SENSENBRENNER and KING for working together to give this House an opportunity to debate the issue of border security and to pass meaningful legislation to secure our borders.

As I emphasized yesterday, this debate is, at its core, an issue of protecting the homeland. While the economic and the social impact of illegal immigration cannot be denied, the integrity of our borders is fundamentally a matter of national security.

Mr. Speaker, we do not have the luxury to turn a blind eye to our borders and simply do nothing, and this problem cannot be talked away. I believe that today's bill, though not perfect, puts many good ideas into action. Border security did not become a problem overnight and, Mr. Speaker, it simply cannot be solved in 1 day.

Now, I understand that some of my colleagues may have legitimate disagreements with certain aspects of the bill. In fact, I do not agree with every aspect of this bill and would even like to see some additions. However, I remain confident, I remain confident that the underlying legislation will prove essential in beginning to turn the tide on illegal immigration.

H.R. 4437 is a commonsense bill that makes the employment verification system mandatory rather than the existing voluntary program. It also increases penalties for illegally crossing our border and for businesses that knowingly hire these illegal immigrants. We must mandate detention for all aliens apprehended at the border, especially the so-called OTM, ''other than Mexican,'' category, and deport them back into their country of origin.

Mr. Speaker, if we pass H.R. 4437, we will have stronger borders and we will save and protect lives. And, Mr. Speaker, not just the lives of our own legal inhabitants, but also the lives and the safety of so many of the unsuspecting immigrants left stranded on our side of the border.

So, Mr. Speaker, I want to ask my colleagues for their support of the rule and the underlying bill.

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

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Georgia (Mr. GINGREY) for yielding me the time, and I yield myself such time as I may consume.

Mr. Speaker, at several points during my remarks I am going to refer to Ellis Island, and I am going to begin today by citing Emma Lazarus, who wrote the poem ''The New Colossus'' in 1883. Twenty years later, it was engraved on a bronze statue in New York in the harbor.

What Miss Lazarus said at the beginning of her poem is, ''Not like the brazen giant of Greek fame, with conquering limbs astride from land to land; here at our sea-washed, sunset gates shall stand a mighty woman with a torch, whose flame is the imprisoned lightning, and her name Mother of Exiles. From her beacon-hand glows worldwide welcome.''

She goes on to say, ''Keep, ancient lands, your storied pomp!'' With silent lips she cried. ''Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.''

Emma Lazarus understood the dynamics of America, as did those who went through Ellis Island and those of us that visit there to draw our strength in the diversity of this Nation.

Today, we come to put a cover over that torch and a blindfold on that lady and toss all of those magnificent notions of diversity and this great golden door right out into the Hudson. Or maybe it is the Potomac River that we do so today.

I rise to express my strong opposition to this restrictive rule, the second in as many days, for a xenophobic bill masked in catchy phrases, such as ''border control'' and ''homeland security.''

This restrictive rule blocks all but a select few from offering amendments to the underlying legislation. The chairman of the Rules Committee was in here a minute ago and said that they have made more Democratic measures, speaking of the entirety of the session, in order than Republican measures. Well, that does not hold for this particular party in part B, a very confusing process, I might add, which even the majority leader recognized.

Republicans are again allowing important and critical debates to happen behind the closed doors of the Republican Conference rather than on the House floor in the eye of the public.

What did you all talk about yesterday for all them hours that you could not bring this mess out here to the floor?

Under this rule, 18 of the 115 possible amendments, that would now make 33 of 130, could be considered or actually made in order. Two of those will be offered by the chairman of the Judiciary Committee, the author of the underlying legislation. As if that is not offensive enough, only four of the 18 amendments permitted in order in the rule will be offered by Democratic Members.

Then again, Democrats should not be surprised that our amendments have again been blocked from consideration. After all, President Bush, a Republican, could not even get his legislation proposal through the House Rules Committee.

President Bush, one day in July of 2001, in remarks at Ellis Island, in part said the following: ''The Founders themselves decided that when they declared independence and wrote our Constitution. You see, citizenship is not limited by birth or background.''

We have an amendment dealing with that here today. ''America at its best is a welcoming society. We welcome not only immigrants themselves, but the many gifts they bring and the values they live by. Hundreds of thousands of immigrants take the oath of citizenship every year.''

And I have had, me, I have had the pleasure of seeing them in tears, with their hands raised, on numerous occasions when I served in the Federal judiciary. And my colleagues in the Federal judiciary will tell you there is no greater feeling, except perhaps when we, in other roles as judges, are helping people to adopt a child, than to see a person adopt this country as their own.

''Each has come not only,'' President Bush says, ''to take, but to give. They come asking for a chance to work hard, support their families, and to rise in the world. And together they make our Nation more, not less, American. Immigration is not a problem to be solved, it is a sign of a confident and successful nation. And people who seek to make America their home should be met in that spirit by representatives of our government. New arrivals should be greeted not with suspicion and resentment but with openness and courtesy.''

I hope throughout the debate people hearken to the great commander in chief of this country.

At 6 a.m. this morning, 6 a.m., Mr. Speaker, those of us on the Rules Committee with our colleagues in the majority voted along party lines against the President and rejected an amendment that would have made the Kolbe-Berman-Gutierrez-Flake guest worker visa amendment in order.

Less than 24 hours ago, the chairman of the Rules Committee, my good friend from California, stood on this very floor noting that the Republican leadership was committed to debating the President's proposal during consideration of the underlying legislation.

□ 1045

Yet on two separate occasions when presented with opportunity to fulfill their empty promises, my friends in the majority balked. I guess old habits are hard to break.

We can only hope that encouraging the spread of democracy into the House of Representatives will be the Republican New Year's resolution for 2006. Later we are going to vote on spreading democracy in Iraq. I hope all of that works, but I sure would like to see more of it come to the House of Representatives.

Mr. Speaker, this morning south Florida newspapers include a story about 20 Haitians being found last night in a boat just north of the district in West Palm Beach that I am privileged to serve. Upon boarding the boat, which had left Port-au-Prince roughly 10 days ago in search of safety from political turmoil, customs officials noticed that they had no food or water, and that the day before many of them had fallen dreadfully ill, including the children.

While the 20 hopeful immigrants were all taken into custody and will eventually be deported back to Haiti, I tell this story because it happens too often in the district that I am privileged to serve and in south Florida generally.

In the Southwest of our great country, they come on foot. In Florida, they come by boat. People go to extreme lengths and take enormous risks just to get here. Once before in Boynton when a group of Haitians had washed up on shore, I stepped over the body of a naked pregnant Haitian woman and I thought to myself, my God, what kind of courage does it take to try to get away from despotism, to try to get away from political turmoil, to get on a boat and come here the way that she and others that died in that event had done?

In no way do I or any Member of this body, that is Republican or Democrat, condone illegal immigration, but if Congress is going to have this debate, we ought to consider why people are willing to risk their lives to come to the United States. It is not always to bilk our social programs or to steal an American job, it is for all of the things that Emma Lazarus, and President Bush described her emblem being at the Statue of Liberty and Ellis Island, and President Bush speaking there, as I quoted earlier. It is for safety and for security and for a better life.

Building a fence around the country, which some have advocated, is not going to deter people from coming here illegally, but reforming a system which requires literally years to process work visa applications will. Authorizing more border security personnel also will not deter people from coming here illegally, but ending double-standard immigration policies will.

Yesterday I talked about how much hypocrisy exists inside our immigration measures. We have wet foot, dry foot, up foot, down foot, all kinds of policies that seem to come at the whim of whomever the director is at any given time, be they Democrat or Republican.

The system is broken. Nevertheless, the policy solutions in the underlying legislation will never end these failures because they do not even address them, not to mention the fact that they are not going to see the light of day. They are Black Flag dead in the United States Senate. Instead, they are extreme ideas aimed more at catering to the lowest common denominator of the majority's political base than providing practical, commonsense solutions to a real issue in America.

''Keep, ancient lands, your storied pomp!' cries she with silent lips. 'Give me your tired, your poor, your huddled masses yearning to breathe free. The wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me. I lift my lamp beside the golden door.' ''

What she knows as she puts the new colossus before us is that this Nation's strength comes through that golden door, and many of the persons that we will talk about today as if they are objects have made more than valuable contributions.

Many of our ancestors who were brought here, others who were forced to come here, others who came of their own volition have gone on to make this Nation the great Nation that it is. I beg my colleagues to reject this restrictive rule and the underlying legislation.

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

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

Mr. Speaker, the gentleman from Florida has a great heart, and he indeed is my friend, and he knows that. He in his remarks indeed tugs at our heartstrings as he so eloquently quotes poetry and talks about the inscription on Lady Liberty and the men and women over the history of our country who have come to our shores seeking new opportunities.

It compels me to think about and to speak about my own heritage, my maternal grandparents, my grandfather an immigrant, an Ellis Island immigrant, in the early part of the 20th century from County Roscommon in the country of Ireland; my grandmother, Ellen Heron from Scotland. These two young people met in New York City and married and started a family of five children, including one of whom is my precious mother, 88 years old today.

I never knew my grandfather because he died at 25 years of age, literally working himself to death, possibly on buildings like the Twin Towers that were attacked so viciously 4 years ago where over 3,000 people were killed, and not just United States citizens. There were many foreign nationals among those 3,100.

So I certainly share the compassion and the intense feeling that my good friend from Florida has with regard to our love in this country of immigrants, and we do welcome them.

I am sure if my grandparents were living today, they would want to thank God that they had this opportunity to come into our great country to produce a better life for them and their children. In those days, of course, they had to be physically healthy and mentally healthy.

But today, Mr. Speaker, as we all know, the times unfortunately have changed drastically, and what we are trying to do with regard to border security is not just to protect our own citizens, but protect every person who comes to this country legally seeking a better opportunity, the land of free, that they are safe to go to work, to go to school and raise their children.

Mr. Speaker, that is what this legislation is all about. I want to make sure that my colleagues on both sides of the aisle understand.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased and privileged to yield 3 minutes to the gentlewoman from California (Ms. SOLIS) that doubtless has significant wisdom with regard to the matter we are debating.

Ms. SOLIS. Mr. Speaker, I thank the distinguished Member from Florida, and I appreciate the opportunity to speak on the floor on this very important issue.

Mr. Speaker, today I rise in strong opposition to this rule. The Sensenbrenner bill is an unacceptable, inefficient and punitive proposal to reform our immigration system. Rather than focusing our resources on apprehending terrorists, fraudulent document manufacturers and other serious criminals, this proposal hurts hard-working families who want nothing more than to contribute to the economy and to achieve the American dream. These workers help to make our economy the strongest in the world.

Criminalizing and deporting 11 million undocumented immigrants already in the United States is unrealistic and would be very costly to the American Treasury, as much as $230 billion. This legislation places unfunded mandates on our local governments and especially on our first responders who already face serious budget deficits.

While I agree that we must secure our borders, enforcement-only legislation is the wrong approach. Our immigration system is broken and severely outdated and should be comprehensively reformed. That is why I am disappointed that this rule does not allow for amendments which would provide real, effective reform, including a path to legal permanency for the undocumented that are already here, a reduction in the immigration backlog so that thousands of separated families can be reunited, and new channels for future workers to enter safely and legally.

This border security PLUS approach is a comprehensive solution to a complex problem. For generations, immigrant families have journeyed to the United States in search of the American dream. Like the immigrants of the past, today's immigrants contribute significantly to our country and yearn for that American dream.

As a daughter of proud immigrants, I value America's history of treasuring the contributions that immigrants have made to this country. My parents came from abroad. My father came from Mexico and came here to this

country under the Bracero program to work to make this country great. He busted his back working on the railroads; helping to pick fruit and vegetables in Texas, in Colorado, in Montana; and eventually met his wife, my mother, from Central America who had to leave poverty in Central America to find a better life. She and my father raised seven children, and I am proud to be a U.S. citizen born here.

Some of the amendments that you are going to hear about would try to deny a mother who gave birth to a child here that citizenship because she does not have her documents.

How dare the Republican Party begin to try to take apart our very Constitution? How dare the Republicans attempt to try to take away the lifeblood of our country, the contributions that immigrants have made and will continue to make?

Give me your tired, your poor. Give me those huddled masses that are yearning to breathe free. We did it a century ago when Italians, Germans and Europeans came to this country. But now when this economy is going down the tubes, we quickly want to point fingers at what I think is a community that has worked very hard, and that is the Hispanic community. I am a very proud to be a part of that community.

I know the residents and constituents that I represent toil every single day paying taxes, making those beds in those hotels, providing service, janitorial services, and many of them caring for our elderly and our children. What are we going to say to them for harboring the undocumented, that they are also criminals? I think not. This rule and the underlying piece of legislation should be voted down.

Mr. GINGREY. Mr. Speaker, I yield myself 1 minute to respond to the gentlewoman from California.

I want to remind the gentlewoman we are not criminalizing 11 million illegal immigrants in this country. Indeed, 60 percent are already criminalized from the standpoint from entering this country illegally, and 40 percent are just because they have overstayed their visas, and we are equalizing that in this bill.

The other thing that is important for the gentlewoman to know, given the history of her ancestors, that addressing this issue first and foremost, border security, is protecting, indeed protecting those 11 million, most of whom are working and supporting their families and are law-abiding except for the fact that they came in illegally. We want to protect them as well.

□ 1100

With that, Mr. Speaker, I yield 4 minutes to my colleague on the Rules Committee, the gentleman from Florida (Mr. PUTNAM).

Mr. PUTNAM. Mr. Speaker, I thank my friend from Georgia for yielding.

My good friend from Florida closed his opening statement with the inscription at the base of Lady Liberty, and that new colossus that was so new and shiny at that time has grown into the great colossus.

That shining city upon a hill that Winthrop commented on and that Reagan resurrected in his soaring rhetoric is still a shining city upon a hill that all of us like to speak of and remark upon on a number of occasions on this floor.

Who was that city shining to? Who was it beckoning? Who was it welcoming but immigrants? We are still that great city shining upon a hill. We are a nation of immigrants, and they are our strength, and they are our diversity, and they are our source of innovation, and they are what prevent us from being stagnant in the old ways of the old world.

But a key change has occurred since the wave came over from Ireland and Poland and the European nations, and then subsequently from the Latin American nations and the Asian nations, and that is the rise of Islamic fundamentalist terrorism.

And so that immigration policy cannot be unfettered. We have to put in place common-sense, meaningful reforms so that we address it in three parts. We do not disagree about that. There is not an ounce of disagreement between our parties about strengthening our borders.

We all agree that we cannot continue to have a policy that allows hundreds of thousands of people to come across our borders, many of whom are seeking a better life, but a goodly number of whom are not. They are part of MS–13 gangs, they are part of human exploitation or sexual traffickers or even terrorists trying to bring in bombs or other equipment to do our society fundamental harm. So we have to be very careful in moving forward with this legislation and craft a balanced approach.

I commend the authors on their enforcement provisions at the border. That is phase one, to address our border security, to make sure that we have boots on the border, equipment, sensors, all of the technology that our innovation can provide to make sure that we are welcoming those immigrants who are coming here to build a better life for themselves and their family, and stopping those who are not.

The bill is incomplete in that it does not deal in a comprehensive way with the other two pieces of immigration policy, which are very sticky, difficult issues, that of what to do with those 11 million people who are already here and that of how we address the temporary worker program. It is incomplete in that sense. But this is an important step.

I would only characterize it as a baby step. But it is an important step forward to moving what I believe will become comprehensive immigration reform that deals with these three key components of this hugely important policy in a post-9/11 world.

I firmly believe that we are a stronger nation because of the diversity that our immigrants have brought us. I feel blessed to live in a nation that women seek to be here so badly that they are willing to put their babies on inner tubes to float across the Florida Straits to be here or to risk everything to come across a wall or a fence or a river to be a part of the freedoms and liberties that we take for granted every day.

I fundamentally feel blessed to live in a nation that everyone else strives so hard to join. And we have to have an immigration policy that meets the needs of our economy and welcomes those people who want to bring positive, meaningful developments to our Nation and help them find a better life for themselves and their families; and this bill puts us on the path toward doing that.

But it is important that we recognize what is not in the bill, and before it becomes law what must, what must become part of it, which is a comprehensive assessment of a temporary worker program and a way to deal with the enforcement of the 11 million people who are here.

Mr. GINGREY. Mr. Speaker, I yield 3¾ minutes to the gentlemen from Arizona, Mr. HAYWORTH.

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

Mr. HAYWORTH. I thank my friend from Georgia for yielding, and I thank my friend, the chairman of the Rules Committee, for literally a last-second update as I step into the well.

But despite these courtesies, I rise in opposition to the rule. And let me detail the reasons why. There are obviously, to put it mildly, strong differences of opinion on this question. Indeed, I heard my other colleague from Florida just say the key was comprehensive reform, which translates into a guest worker program, which many advocate, though I do not.

The distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House, was quoted in a publication this morning, saying this: ''First of all, we have to convince the American people that we can secure the borders. And then we also have to be able to convince the American people that we can sustain the laws. We also need to look at this guest worker issue so we can fulfill the need for jobs, but I do not think that is something we should do right away.''

Point well taken, Mr. Speaker, my colleagues. It leads to the following questions. How long then do we wait? Will we wait for the catch-and-release policy to go into effect late in 2006? Will we wait until we have operational control of the borders? The Secretary of Homeland Security says that could take 5 more years.

Will we wait for the worker verification program to be fully implemented? That will not come, in this legislation, until the year 2011. Will we

wait until the fence is completed on our southern border?

Fair questions to ask, fair questions to be debated.

I heard from my friend from Florida that he favors comprehensive reform. I would invite the leadership of this House to come to this floor and affirm that they would not support a conference report that includes a guest worker plan.

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

Mr. HAYWORTH. I yield to the gentleman from Georgia.

Mr. GINGREY. Mr. Speaker, I want to ask the question if the gentleman is opposed to the basic principles of this bill, the preponderance of provisions that are included in this base bill, or does he have other concerns that he might want to express?

Mr. HAYWORTH. Mr. Speaker, where do I begin?

Acknowledging that one of the central tenets and challenges of the legislative process is incremental reform, we can all understand that. But also understanding that in terms of truth in labeling, are we in fact engaged in enforcement first or are we engaged in enforcement maybe part of the way, awaiting bureaucratic implementation.

Now, if I can return to my point and to the reason why I must, in reluctance, oppose this rule, I do appreciate the courtesy of my friends, with whom I agree on many issues, but with whom I disagree this morning.

I proposed the following amendment that has been disallowed. It is the sense of Congress that a new temporary visa program or amnesty program shall not be enacted until each of the enforcement provisions in this act have been fully implemented and a measurable enforcement of United States borders and the interior of the United States has been demonstrated.

This is not included. We do not have any way to measure the progress. Regrettably, I oppose the rule.

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

Mr. COSTA. Mr. Speaker, I am opposed to the rule and I am opposed to this legislation. I do not think any of the Members here disagree that strong and safe borders are vital and important to the security of our country.

Throughout my career, I have consistently supported strengthening our borders. And while the Sensenbrenner bill does address part of our problems, it is not the comprehensive solution we must have. It does not solve or even acknowledge the problems of illegal immigrants. Therefore, this bill is half a loaf at best.

We can secure our borders and keep out illegal immigrants, and we should. But what about the 11 million-plus people here illegally who are, by and large, law-abiding members of our community? What about the 11 million-plus people who keep the hotels, restaurants, and construction sites and farms running in every State of this Union?

This bill is no solution for them and it is no solution for our country. Denial is more than a river in Egypt, it is alive and well here in the House of Representatives in the form of H.R. 4437.

If we continue to delay facing the reality of this challenge, the reality of the importance of immigrants who are not here legally to our economy, then I urge those of you who decide to vote for this measure to be prepared to face the wrath of business people in your towns and cities throughout this country.

They will want to know why you voted to place the financial liability of document verification on them. They will want to know why you have made them a de facto agent of the Federal Government. They will want to know why you voted to require them to follow a system that makes them liable for thousands of dollars of fines when they are simply trying to run their businesses.

They will want to know why you voted to cripple tourism industries, home construction and farms, by refusing to confront the undeniable evidence that 11 million immigrants here illegally are making a difference.

My colleagues, we all acknowledge that the status quo of illegal immigration is unacceptable. Therefore, I implore you to act on a comprehensive solution, not the politics of division. This should not be a wedge issue. After all, lest we forget, we are a nation of immigrants.

I am the grandson of immigrants. Our failure to act now is not responsible. Therefore, I must oppose this measure.

Mr. GINGREY. Mr. Speaker, I yield 3½ minutes to the gentlemen from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I am going to support the rule, and I am going to support this bill. But there are a lot of things that are not included in this bill that I believe we, as Members of Congress of the United States of America, should include in this bill, representing the citizens of the United States of America.

There has been a lot of talk about unfunded mandates in this bill. Let us talk about the unfunded mandates in the States of our country that are educating illegals, that are providing health care, the judicial system incarcerating them, how much is that costing the economy?

I have been in the construction industry for over 35 years, and I remember in the 1970s through the late 1980s, a man could go out, a woman could go out in the construction industry and make a good living, could buy a house, raise a family.

In the late 1980s and early 1990s, especially during the recessions in the 1990s, that changed. You had labor coming into this country that some say are just going to work on farms until they get a call from their cousin who works on a construction site, or it might be a drilling company or a manufacturing plant, and says, You can make more money over here than you can over there.

And I have watched the jobs in our construction industry be lost to American citizens because wages were cut so much that they had to do something else. Now you tell the guys who used to be able to work in this country, who do not want to go to work with a tie and a suit on, that their job went to someone else who is willing to undercut their labor costs, and they are not paid what they should be, why that has happened to them, why they can no longer afford to own a home, why they can no longer afford to have a family and send them to college.

□ 1115

The wrath of the business people in this country was discussed. I am worried about the wrath of the citizens I represent who have lost their jobs.

The number one issue I hear about in California every week is illegal immigration, why can you not do something about it? Eleven million people impacting our highways and freeways, congesting southern California roadways, is that acceptable to the guy sitting on the road spending 2 hours trying to get to work? No, it is not acceptable.

There were some amendments that I offered that my good friend, the chairman, was unable to put in the bill, and I respect that. There are reasons for that. Congressman DEAL had a great amendment that said, on ''anchor babies,'' if they come here illegally and have a baby, that baby should not be a citizen of this country. I agree with that 100 percent.

There are countries who advertise to have people come here on vacation, and they provide a house, the medical, the care for their child, to have their baby here so they can become a citizen of this country; then they fly back to their country and the kid has dual citizenship. Is that right? No, it is not right. It is wrong.

And the people coming from Mexico and other countries are good people. Do not get me wrong. They are here just to better their life. I am not arguing that a bit. That is not the issue here. The issue is what responsibility do we have to the people of the United States of America, what responsibility we have to the workers of the United States of America who have lost their jobs or, instead of being paid $22 an hour are now having to work for $11 an hour? Tell that to that carpenter.

I go to job sites in this country, and the guys are pouring concrete, they are framing, and nobody on the job site, except the foreman, speaks English. Now, you tell that to the carpenter who lost his job or had his wage cut in half. You tell that to the electrician or the plumber or the framer or the roofer who have had their wages cut in half and lost many benefits because somebody is willing to come here to better

themselves, and, God bless them, I am not arguing that, but they took their job. Tell that to those people.

And I am going to say once again not everybody wants to get up in the morning and put a suit and tie on to go to work. They want to get up and work with their hands. They are proud of what they did. They look at their work during the day, and when they go home, they can say, I accomplished something.

We need to do more than we are doing here, but at least we are making a step in the right direction.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time.

Might I just say that I have started this debate by suggesting that everyone who comes to this floor comes with good intentions and certainly comes charged with the responsibility of securing the borders. Again, there is no divide amongst Americans about the importance of securing the homeland. And, frankly, the eloquence of Mr. HASTINGS on reminding us of our original roots that the Statue of Liberty represents to this Nation, that we come from many walks of life. And some have, as we well know, come to this Nation in fishing boats or walked across various lands or may have flown here, and some of us came in slave boats. But we are all Americans now, and we should be united around the concept of security. But we should not be united around the concept of divisiveness.

So when you poll Americans or ask constituents in the district, they again want comprehensive immigration reform because so many of them, short of our Native Americans, can track their history from places away from this soil.

So I would ask my good friends why they would put a rule in that does not bring the diversity of this Congress, four Democratic amendments as opposed to a wide diversity of issues. Why, for example, do they insist on forcing local governments into utilizing hard-pressed resources for doing the Federal Government's work, immigration work? That is our work to do.

Why do they insist on forcing law enforcement to take precious resources away from protecting children and going after bank robbers and making sure the crime statistics go down by arresting hotel maids in hotels?

And it is important to recognize that they have amendments that would take away the very essence of the Constitution, which abides and believes in due process and the right to access the courts. We cannot dictate what the courts will say, but I think if you will ask any American, they would find it faulty that they do not allow people to petition to go into the courts.

What about those babies who have come here at 6 months old, and you criminalize them when they are 17-year-old honor students and simply want to be part of the American Dream?

So this legislation is missing because Americans understand the concept of earned access to legalization. Get the criminals out of here. We join you in that. Arrest the criminals. Arrest the drug dealers. Arrest the people that are not doing what they should do. But those who are working hard, paying taxes, should have an opportunity to be able to be part of this great American dream.

And, Mr. Speaker, what about the soldiers on the battle line who are seeking citizenship, but have undocumented relatives, offering their lives for Americans and the undocumented relatives which they seek to bring into status, are now criminalized and arrested and incarcerated simply for their presence in the United States?

So I hope, as we proceed, we will find ways to defeat these amendments. And I ask that we defeat the underlying bill.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

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

Today is not a red letter day for this great and storied institution. Rather than doing what we know has to be done regarding immigration reform, we are simply punting the ball to the Senate, hoping that they will have the courage to act in ways that we cannot.

Many of us here wanted an amendment that would be made in order that would allow for a temporary worker program to be established. That was not allowed. In doing so, in not allowing that, we are simply ensuring that we play a diminished role in the eventual bill that will pass this body.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that simply references the role that a temporary worker program would play in enhancing border security is simply baffling. Every member of the Republican leadership and virtually every Member of this institution has expressed the need to have a temporary worker program at some point in order to secure the border. Yet some said they would vote against the legislation if it was included here. Gratefully, the Senate will not need a ''sense of the Congress'' resolution to understand what they have to do, and that is to include a temporary worker program.

The elephant in the middle of the room, of course, is the 11 million illegals who are here. Without a temporary worker program, we will continue to turn a blind eye to their existence, to pretend that they are not here. Nobody in this body, not one, is advocating that we round up and deport those who are here illegally now, but unless we have a program for them to go into, we simply will not enforce the law. And that is the dirty little secret here. We ought to at least be honest with our constituents in this regard.

There are some who will vote against the rule and underlying legislation with the hope that we will later do something more comprehensive. Some will vote for the rule and underlying legislation with resignation that all we are capable of doing is to send this legislative vehicle, however flawed, to the Senate with the hope that they will act with the maturity that we lack.

One would be justified in either approach.

Mr. Speaker, today is not a red-letter day for this great and storied institution. Rather than do what we know must be done regarding immigration reform, we are punting the ball to the Senate—hoping that they will have the courage to act in ways that we cannot.

Many of us in this body asked for an amendment made in order that would make this legislation comprehensive, in other words, an amendment that would provide for enhanced border security, increased interior enforcement, and would provide a legal framework for foreign workers to enter the country and then return home.

It is unfortunate that this amendment was not made in order. In doing so we ensured that this body will play a diminished role, at best, moving ahead immigration reform.

If the denial of this amendment was unfortunate, the removal of language in the manager's amendment that references the role that a temporary worker program will play in enhancing border security, is simply baffling. Every member of the Republican leadership has expressed support for a temporary worker program, as has an overwhelming majority of this body, yet the language was removed after threats from a few that the inclusion of any reference to a temporary worker program would guarantee their ''no'' vote against this legislation.

Gratefully, the Senate doesn't need to see ''sense of the Congress'' language on a temporary worker plan from the House to add such a provision to their legislation. They know that such a plan is a necessary part of securing the border.

The elephant in the middle of the room is the 11 million illegal aliens who have already entered the country. Without a temporary worker program we will continue to turn a blind eye to their existence. We'll pretend they aren't here.

Nobody in this body is advocating that we round up and deport all of those who are here illegally. It's no wonder. It would be the equivalent to rounding up the entire population of the State of Ohio and sending them back to their home country. Yet that is what ''enforcing the current law'' would require.

We in this body know that, Mr. Speaker. But unfortunately we don't want to admit it to our constituents. George Washington once famously said ''If to please the people we do what we ourselves disprove, how will we then defend our work?'' That is the question for us today.

There are some who will vote against this rule and underlying legislation in the hope that we will later do something more comprehensive. Some will vote for this rule and underlying legislation with resignation that all we are capable of is to send a legislative vehicle,

however flawed, to the Senate with the hope that they will act with the maturity we lack.

One would be justified in either approach.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from California (Mr. BERMAN), who has an extraordinary amount of experience in the area that we are debating.

Mr. BERMAN. Mr. Speaker, I thank the gentleman for yielding me this generous amount of time in the context of the deliberations on this bill.

I would like to lay a little bit of a foundation for a question which I would like on my time to yield to either Mr. DREIER, because we have spoken privately about this issue for so long, or Mr. PUTNAM, who very specifically and straightforwardly addressed the issue on the floor.

And that is, the background, I have said on a number of occasions in the Rules Committee and in the Judiciary Committee and on the floor yesterday that this bill is either an insult to our intelligence or a con on the American people. And I say that, and those are harsh comments, and I do not use that language a lot around here, because one of two things is going to happen: Either the leadership of this House and the Rules Committee is refusing to allow us to address a fundamental and essential question of whether or not to have a program for the adjustment of 11 million or more people now in this country where they would come out of the shadows, be identified, deport the criminal aliens and find a way to condition those who are working in this society into coming out and giving us their true identities; and dealing with future shortages and a temporary guest worker program, particularly for seasonal industries. The refusal to do that tells me that J.D. HAYWORTH is right.

There is one of two agendas here. One agenda is the agenda that Mr. PUTNAM and that Mr. FLAKE hoped for, and that is we will pass a bill with a number of really some very silly and harsh provisions; the Senate will clean those up, turn it into a comprehensive approach; and the people here who have been screaming the word ''amnesty'' for any effort to solve this problem will now be forced to come back and cast a vote for it.

I do not think that is what is going to happen. This bill will probably pass today, and we will never again in this Congress see the immigration issue. And guys will go back to their districts, and they will talk about how they tried to get tough on the border and they tried to do something.

This is not a border enforcement bill. There is a case that we could try to do some things on the border to be more effective than we have been. When this bill tries to deal with employer verification in the context to our 11 million people in this country who are working without documents or without work status, we know it can never go into effect. We have to either deal with that and then do employer verification, which is the critical component of a comprehensive approach, or we are never going to pass this bill into law.

So what I would like to do is have Mr. DREIER or Mr. PUTNAM, and I do not know how they want to do it, if they would be willing to, explain to me what the fairness is of not letting this body decide, and J.D. HAYWORTH has one view, HOWARD BERMAN has another view, but decide whether or not on a critically important issue that the President has spoken of the need for, others have denounced, why we cannot have a debate and a vote on that kind of a program.

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

Mr. BERMAN. I yield to the gentleman from Florida.

Mr. PUTNAM. Mr. Speaker, I thank the gentleman for yielding to me, and I thank my chairman for allowing me to respond.

The gentleman made the statement that this is not a border enforcement bill, and I would disagree and say that it is a border enforcement bill. It is not a comprehensive immigration reform bill.

Mr. BERMAN. Mr. Speaker, reclaiming my time, just to clarify, there are provisions about border enforcement in this bill, but when you implement, as this bill pretends to do, a massive comprehensive verification system, that has nothing to do with border protection. That is about ensuring that no one gets hired who is here without status. We cannot do that with 11 million people in this country, many of whom are working now.

I am sorry for cutting the gentleman short.

Mr. GINGREY. Mr. Speaker, I yield myself 15 seconds.

The gentleman from California did not ask me to respond, but he suggested the bill is one of two things, but I suggest to him that, rather, it is a third thing.

This bill, indeed, is a response to the American people who are demanding we secure our borders first.

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

Mr. HASTINGS of Florida. Mr. Speaker, pretending that we are dealing with the problem is not dealing with the problem. This bill is going nowhere fast, end of story.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I had intended to stay out of this debate, but the tone of the debate has made me angry. It never ceases to amaze me how many men will seize any opportunity to kick people when they are down.

Illegal immigrants have no legal rights in this country.

□ 1130

They have no economic power. They have no political leverage. But, if they did, this bill would not be on the floor today. Sure, we are a Nation of laws, but we are also a Nation of values and ideals, and it is those values and ideals that bond us together as a society and an economy.

Every single one of us, and I can say that because there are no Native Americans in this body, every single one of us are the children of immigrants, and whether they were legal or illegal was largely due to the accident of their birth, what country they were born in, what visa and immigration quotas applied and, the economic status of the parents to whom they were born.

There is no sector of this economy that works harder for less compensation than undocumented aliens. There is no single group of workers that believe more in the American ideal than the people that we want to isolate and disown and marginalize today. They are here because they were willing to risk everything to forge a better future for their children, and that is what makes America great, because they believe in the American ideal; they believe that if they work hard enough, even though they will not be paid as much compensation as many of the people working beside them, but if they work hard enough, their children will have a better future, and that is why they are here.

I do not know any other sector of the American workforce that puts more money aside for the future of their children. That is what America is all about. It is not what this bill is about.

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

Mr. Speaker, I see that my distinguished friend and your fellow colleague from Georgia could not resist, I see he joined us. Maybe I could talk some ''Savannah talk'' and ''Brunswick talk'' to get him to understand that people come through those areas, too, as I am sure he is mindful.

Mr. Speaker, basically what we have here is enforcement, but none of the compassion that President Bush has been speaking about.

Let me tell you what the President said. I quoted him on Ellis Island, and he was eloquent on Ellis Island in July of 2001. But August 24, the same year, here is what the President said in part: ''And I remind people all across our country, family values do not stop at the Rio Bravo. There are people in Mexico who have got children who are worried about where they are going to get their next meal from, and they are going to come to the United States if they think they can make money here. That is a simple fact. And they are willing to walk across miles of desert to do work that some Americans won't do, and we have got to respect that, it seems like to me, and treat those people with respect.''

We ought to treat ourselves with respect and have comprehensive immigration reform, and not some piecemeal bumper sticker stuff that is not going to do anything other than give people an opportunity to go home to

say that we did something about immigration.

Mr. Speaker, I will tell you what we are doing: We are going to create fear and confusion in the realm. And it is not all about 11 million illegal people, it is about a number of circumstances having to do with that knock on the door.

Defeat this rule.

Mr. GINGREY. Mr. Speaker, I yield 2 minutes to the gentleman from the coast of Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me time, and I thank my friend from Florida for his kind words. He is right, I could not resist the open microphone opportunity, but also the subject matter. The subject matter is important.

Is this rule perfect, and is this bill perfect? Certainly not. I remember and had the honor of serving when we did welfare reform. All kinds of emotions were flowing back and forth, and it took us a number of different attempts and pieces of legislation to get to where we as a Nation thought we needed to go on welfare reform. As a result, there were 14 million people on welfare. That number was reduced down to 4 million people. Lots and lots of positive things happened with it, but we had to take that first step.

This is now the first step, or second step, if you will. It is overdue, in my opinion and the opinion of most Members on a bipartisan basis. We should have done something about immigration reform a long time ago.

Border security is integral to it. I do not live in a border State, where people pour over a river at night or walk across a desert, but I understand from our colleagues what a huge problem that is and how that is not just confined to immigrants from the country that is right next door to us, but other people who do not have anything to do with that country, who use it as a highway, a transit corridor, to come into America. So we need to do something about border security.

But certainly I believe we need to do something about employer sanctions. We always blame illegal immigration on that 20-year-old migrant who is here trying to send money home for his family. We do not ever talk about our own employer, who has also broken the law by hiring. We need to have tools so that employers can check the backgrounds of people before they hire them and then have penalties if they do not. I feel strongly about that.

Mr. Speaker, I represent an agricultural area. Certainly I see why we need to have a guest worker program. That is something I think we need to get to on a bipartisan basis, and we are going to have a great debate once we open that up.

But I strongly support this rule, and I am going to support the bill just to get the steps going. I do not think there is any turning back now that we have done this first very significant piece of legislation. We are in the immigration debate, and we will be doing immigration reform, I think, for very many months to come, and there is plenty of room for bipartisan ideas.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time for the purpose of closing.

Mr. Speaker, we have heard from the other side, and indeed from some Members on this side of the aisle, question what we are going to do with the 11 million or so illegals who are mostly working hard, supporting their families, law-abiding since they have been here.

As a physician Member of this body, Mr. Speaker, I would like to make a medical analogy as to why we are approaching this in the manner that we are approaching it; that is, to secure, first and foremost, our borders.

The medical analogy, indeed a surgical analogy, is this: The patient is our great country, the United States of America. The surgeon is this Congress. During the surgical procedure, it is discovered that massive hemorrhaging is occurring, massive hemorrhaging. The analogy is the 500,000 illegal immigrants that continue to come through our porous borders every year.

There is lots of blood in the field that the surgeon is concerned about. But does he or she spend their time, we, the Congress, trying to mop up the blood before we stop the bleeding? If we do that, I suggest to you, Mr. Speaker, that the patient dies.

No. First and foremost you stop that hemorrhaging. And that is what we are doing in this bill. Then you deal with the blood that has been lost, that is in the suction bottle, if you will. And do we take that blood and pour it down the drain? No, Mr. Speaker, we do not, because that blood, and that is the 11 million people that are here working hard in this country, that has been the lifeblood of this patient, the United States of America, for a number of years.

So what we do, Mr. Speaker, in many instances in a surgical situation, we put that blood back into the patient, because we know that it has served the patient well. Then we restore the patient to perfect health.

Mr. Speaker, that is what we are talking about. That is why we are addressing this issue in the timeline first and foremost, stop the hemorrhaging. If we do not, the patient dies.

Mr. Speaker, we in the Congress have a solemn responsibility to protect the integrity of our borders, and inaction would be a dereliction of duty. The American people look to us as the stewards of our Nation's security, and we must not let them down. I want to encourage my colleagues to support both this rule and the underlying bill.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of this effort to make the most meaningful changes to our immigration enforcement in a decade. This legislation is long overdue. Illegal immigration is spinning out of control, and we must act now to enact a tough and unified policy to effectively curb the influx of illegal aliens entering our Nation.

My district is in southern California. This region bears the brunt of our Nation's failed immigration policies. California has the highest number of illegal immigrants residing in its borders. In fact, nearly 32 percent of the total number of illegal immigrants in the United States are in California. The tide of illegal immigration increases Californian's tax burden, while weakening its legal, education and welfare system.

I am an original cosponsor of this bill because it lays a solid foundation to enhance our border security and enforce our current immigration laws. This is desperately needed. We must end policies that encourage illegal immigration.

I am disappointed that some of the other creative solutions that Members offered to address our failed immigration policies are not included under this Rule. I firmly believe these are important ideas that should be considered by Congress as we work to enforce and bolster our Nation's immigration policies.

For example, Representative NATHAN DEAL's amendment to deny citizenship to children born in the United States to illegal immigrants was not made in order. Providing automatic citizenship to the children of illegal aliens is an incentive for illegal immigration and we must close this loophole.

Three amendments that I offered, but were not made in order under this Rule, would have discouraged illegal crossings by eliminating incentives and providing tough interior enforcement.

Allowing all counties to be reimbursed for detaining and transferring illegal aliens: One amendment I submitted would allow all counties to be promptly reimbursed for the costs associated with assisting Federal immigration officials. Immigration affects all counties in the United States, not just those within 25 miles of the southern border. All counties absorb the costs of detaining, housing, and transporting illegal aliens.

Prohibiting illegal aliens from obtaining mortgages: Another amendment I submitted would require lenders to verify that mortgage credit applicants are U.S. citizens or legally present in the U.S. Allowing individuals who are here illegally to participate in the homebuying process only incentivizes illegal immigration. White picket fences shouldn't go to those who break down our fences to get in.

Outlawing birth tours: The last amendment I submitted would prohibit any alien from entering the United States with the intention of giving birth. It is truly disturbing that an entire industry has built up around the U.S. system of birthright citizenship. Each year, thousands of near-term pregnant women come to the United States from countries across the world for the sole purpose of giving birth so their newborns can become U.S. citizens. We cannot continue to allow illegal immigrants to make a mockery of our nation's hospitality and our laws.

Conclusion: It is imperative that we close the loopholes that encourage citizens to infiltrate our porous borders. If the war on terrorism is to be ultimately successful, it is more important than ever that we take the necessary steps to tighten security at our borders and provide law enforcement agencies the tools they need to identify those individuals who enter or remain in the United States illegally.

I am pleased this bill is before us today so we can begin to address those failed policies,

which we have ignored for too long. As we move forward, we must reject all proposals that contain any and all forms of amnesty. Rewarding lawbreakers will only weaken any proposal aimed at strengthening the system.

There should be no new guestworker program until we better enforce current immigration laws. History has shown that enforcement provisions are ignored and underfunded while guestworker and amnesty provisions are always implemented. The American people need to see that the current laws against illegal immigration are being enforced before any guestworker program can be considered.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the resolution.

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

Mr. HASTINGS of Florida. Mr. Speaker, 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.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mrs. DRAKE. 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. 1815 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of 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.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to close conference meetings will be followed by 5-minute votes on the motion to instruct conferees on H.R. 1815; the motion for the previous question on H. Res. 619; adoption of H. Res. 619, if ordered; adoption of H. Res. 621; and the motion to suspend the rules and agree to H. Con. Res. 294.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 12, as follows:

[Roll No. 642]

YEAS—409

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—12

Blumenauer
DeFazio
Hinchey
Kucinich
Lee
Lewis (GA)
McDermott
McKinney
Olver
Stark
Waters
Woolsey

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

□ 1206

Mr. BUYER and Mr. ACKERMAN changed their vote from ''nay'' to ''yea.''

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.

APPOINTMENT OF CONFEREES ON H.R. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

MOTION TO INSTRUCT OFFERED BY MR. SKELTON

The SPEAKER pro tempore (Mr. REHBERG). The unfinished business is the vote on the motion to instruct on H.R. 1815 offered by the gentleman from Missouri (Mr. SKELTON) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 187, not voting 18, as follows:

[Roll No. 643]

YEAS—228

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza

Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield
Wolf
Woolsey
Wu
Wynn

NAYS—187

Aderholt
Alexander
Bachus
Baker
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
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
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (PA)
Pickering
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
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
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—18

Akin
Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Edwards
Feeney
Hyde
Istook
Kirk
LaHood
McCarthy
Napolitano
Payne
Pearce
Putnam
Schiff
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1215

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SCHIFF. Mr. Speaker, on rollcall No. 643, had I been present, I would have voted "yea."

Stated against:

Mr. KIRK. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

Mr. PUTNAM. Mr. Speaker, on rollcall No. 643, I was unavoidably detained. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H. RES. 612, VICTORY IN IRAQ RESOLUTION

The SPEAKER pro tempore (Mr. REHBERG). The pending business is the vote on ordering the previous question on House Resolution 619 on which they yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 12, as follows:

[Roll No. 644]

YEAS—221

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
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
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
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
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
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
Case
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
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
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
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
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

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Sweeney

□ 1224

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 217, noes 202, not voting 14, as follows:

[Roll No. 645]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
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
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
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
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
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
Case
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
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
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—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hart
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Pearce
Schwartz (PA)
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REHBERG) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1232

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

The SPEAKER pro tempore. The pending business is the vote on adoption of House Resolution 621 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 216, nays 203, not voting 15, as follows:

[Roll No. 646]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehlert
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
Case
Castle
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett

Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pence
Peterson (MN)
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
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
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
Chabot
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
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayworth
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barrett (SC)
Barton (TX)
Blackburn
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jones (OH)
LaHood
McCarthy
Moore (WI)
Napolitano
Payne
Pearce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1240

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. JONES of Ohio. Mr. Speaker, on rollcall No. 646, the rule providing for the border security, H.R. 4437, I was outside the floor and as I returned the gavel went down. Had I been present, I would have voted "no."

CONDEMNING THE LAOGAI

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 294, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 294, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 1, not voting 19, as follows:

[Roll No. 647]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo

Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—19

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Gilchrest
Hoekstra
Hyde
Istook
LaHood
Lewis (CA)
McCarthy
Napolitano
Neal (MA)
Payne
Pearce
Stark
Sweeney
Walsh
Watt

□ 1248

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

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. 1815, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2006

The SPEAKER pro tempore (Mr. REHBERG). Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT OF MARYLAND, MCKEON, THORNBERRY, HOSTETTLER, RYUN of Kansas, GIBBONS, HAYES, CALVERT, SIMMONS, Mrs. DRAKE, Messrs. SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, SMITH of Washington, Ms. LORETTA SANCHEZ of California, and Mrs. TAUSCHER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. HOEKSTRA, Mr. LAHOOD, and Ms. HARMAN.

From the Committee on Education and the Workforce, for consideration of sections 561–563, 571, and 815 of the House bill, and sections 581–584 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, WILSON of South Carolina, and HOLT.

From the Committee on Energy and Commerce, for consideration of sections 314, 601, 1032, and 3201 of the House bill, and sections 312, 1084, 2893, 3116, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. BARTON of Texas, GILLMOR, and DINGELL.

From the Committee on Financial Services, for consideration of sections 676 and 1073 of the Senate amendment, and modifications committed to conference: Messrs. OXLEY, NEY, and FRANK of Massachusetts.

From the Committee on Government Reform, for consideration of sections 322, 665, 811, 812, 820A, 822–825, 901, 1101–1106, 1108, title XIV, sections 2832, 2841, and 2852 of the House bill, and sections 652, 679, 801, 802, 809E, 809F, 809G, 809H, 811, 824, 831, 843–845, 857, 922, 1073, 1106, and 1109 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, and WAXMAN.

From the Committee on Homeland Security, for consideration of sections 1032, 1033, and 1035 of the House bill, and section 907 of the Senate amendment, and modifications committed to conference: Messrs. LINDER, DANIEL E. LUNGREN of California, and THOMPSON of Mississippi.

From the Committee on International Relations, for consideration of sections 814, 1021, 1203–1206, and 1301–1305 of the House bill, and sections 803, 1033, 1203, 1205–1207, and 1301–1306 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, LEACH, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 551, 673, 1021, 1043, and 1051 of the House bill, and sections 553, 615, 617, 619, 1072, 1075, 1077, and 1092 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, CHABOT, and CONYERS.

From the Committee on Resources, for consideration of sections 341–346, 601, and 2813 of the House bill, and sections 1078, 2884, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, BROWN of South Carolina, and RAHALL.

From the Committee on Science, for consideration of section 223 of the House bill and sections 814 and 3115 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, AKIN, and GORDON.

From the Committee on Small Business, for consideration of section 223 of the House bill, and sections 814, 849–852, 855, and 901 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 314, 508, 601, and 1032–1034 of the House bill, and sections 312, 2890, 2893, and 3116 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, DUNCAN, and SALAZAR.

From the Committee on Veterans Affairs, for consideration of sections 641, 678, 714, and 1085 of the Senate amendment, and modifications committed to conference: Mr. BUYER, Mr. MILLER of Florida, and Ms. BERKLEY.

From the Committee on Ways and Means, for consideration of section 677 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, HERGER, and MCDERMOTT.

There was no objection.

VICTORY IN IRAQ RESOLUTION

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to the rule, I call up the resolution (H. Res. 612) expressing the commitment of the House of Representatives to achieving victory in Iraq, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 612

Whereas the Iraqi election of December 15, 2005, the first to take place under the newly ratified Iraqi Constitution, represented a crucial success in the establishment of a democratic, constitutional order in Iraq; and

Whereas Iraqis, who by the millions defied terrorist threats to vote, were protected by Iraqi security forces with the help of United States and Coalition forces: Now, therefore, be it

Resolved, That—

(1) the House of Representatives is committed to achieving victory in Iraq;

(2) the Iraqi election of December 15, 2005, was a crucial victory for the Iraqi people and Iraq's new democracy, and a defeat for the terrorists who seek to destroy that democracy;

(3) the House of Representatives encourages all Americans to express solidarity with the Iraqi people as they take another step toward their goal of a free, open, and democratic society;

(4) the successful Iraqi election of December 15, 2005, required the presence of United States Armed Forces, United States–trained Iraqi forces, and Coalition forces;

(5) the continued presence of United States Armed Forces in Iraq will be required only until Iraqi forces can stand up so our forces can stand down, and no longer than is required for that purpose;

(6) setting an artificial timetable for the withdrawal of United States Armed Forces from Iraq, or immediately terminating their deployment in Iraq and redeploying them elsewhere in the region, is fundamentally inconsistent with achieving victory in Iraq;

(7) the House of Representatives recognizes and honors the tremendous sacrifices made by the members of the United States Armed Forces and their families, along with the members of Iraqi and Coalition forces; and

(8) the House of Representatives has unshakable confidence that, with the support of the American people and the Congress, United States Armed Forces, along with Iraqi and Coalition forces, shall achieve victory in Iraq.

The SPEAKER pro tempore. Pursuant to House Resolution 619, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous

consent request to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. SOLIS).

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

Ms. SOLIS. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to remove communicative badges while engaging in debate.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. HONDA).

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

Mr. HONDA. Mr. Speaker, I rise in opposition to H. Res. 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Yesterday, millions of Iraqi citizens cast their ballots in national elections to constitute the country's first full-term National Assembly since the U.S. invasion. This achievement should be recognized, and I would enthusiastically support a resolution that simply commends the Iraqi people and U.S. troops for their commitment to the democratic process under extraordinary circumstances.

Unfortunately, the Republican leadership, once again, refuses to suspend politics at the water's edge. House Resolution 612 seeks to make yesterday's elections a vindication of President Bush's misguided Iraq policies and a basis for continued military engagement in a country that overwhelmingly desires the withdrawal of U.S. troops.

Accordingly, I rise in opposition to H.R. 612, and I take this opportunity to announce my support for H.J.Res. 73, Congressman JOHN MURTHA's plan for the strategic redeployment of U.S. troops.

Those familiar with my record know that I have consistently opposed the President's decision to invade Iraq. The war was always predicated on the false premise that Iraq was in possession of weapons of mass destruction. This Congress was negligent in not demanding more proof of the President and then refusing to hold him accountable for his exaggerated and unfounded claims.

His war strategy was equally flawed. He has failed to provide the resources our men and women in uniform need to be successful, and American lives have been lost as a result. In 2002 and 2003, Army Chief of Staff General Shinseki warned that not enough boots on the ground would lead to a power vacuum that our enemies would exploit. Tragically, his premonitions—ignored by President Bush and his political appointees—have been borne out.

To date, approximately 2,150 brave Americans and an estimated 30,000 Iraqis have been killed in Iraq, and there appears to be no immediate end to the quagmire in Iraq.

As a Member of Congress, I have wrestled with whether this "war of choice" has become a "war of necessity," but I am persuaded by developments in Iraq that the presence of U.S. troops is fueling the insurgency, compromising the readiness of our military, undermining respect for the U.S. abroad, and shortchanging domestic priorities, including homeland security.

I, therefore, am announcing my support for H.J.Res. 73, introduced by Representative MURTHA, calling on President Bush to immediately redeploy U.S. troops and diplomatically pursue security and stability in Iraq. I am convinced that the withdrawal of U.S. troops will undercut the insurgency, which relies on popular opposition to the U.S. presence.

I remind my colleagues that, if experience has taught us anything, it is that democracy cannot be forced upon a nation by gunpoint.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. HINCHEY).

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

Mr. HINCHEY. Mr. Speaker, I rise in opposition to House Resolution 612, and in honor and support of our military personnel, I earnestly request an open debate on the war and occupation in Iraq.

I rise in strong opposition to H. Res. 612, the measure offered by Representatives HYDE and ROS-LEHTINEN.

In pushing this measure rather than the one offered by Congressman STENY HOYER, Republicans are once again denying the House of Representatives the opportunity for free, fair, and open debate on our continued involvement in Iraq. This maneuver is pure subterfuge designed to hide the Bush administration's continuing coverup of the rationale behind their behavior in Iraq, as well as the incompetent and corrupt manner in which American occupation of Iraq has been carried out.

The Republican leadership has the responsibility to bring a genuine and serious debate over Iraq to the floor, so that all of the implications of our continued involvement can be thoroughly debated before the eyes of the American people. H. Res. 612 does nothing to address this responsibility.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. LEE).

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

Ms. LEE. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their election. It is time to bring our troops home with no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. BALDWIN).

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

Ms. BALDWIN. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Michigan (Ms. KILPATRICK).

(Ms. KILPATRICK of Michigan asked and was given permission to revise and extend her remarks.)

Ms. KILPATRICK of Michigan. Mr. Speaker, I rise in opposition to the resolution. I honor and support the troops in Iraq and ask that we have an honest, open debate on the Iraq war on the House floor.

I rise in opposition to this resolution H. Res. 612. I share in the celebration for the successful parliamentary elections that took place in Iraq yesterday. It is my sincere hope that the event marks an important step toward establishing the long-term political stability in the country and the political legitimacy of its government.

However, this resolution goes beyond congratulating the Iraqi people for their bravery and success in yesterday's election. It pays more homage to the Bush Administration's prosecution of the war in Iraq than it devotes to the bravery of the Iraqi voters. Frankly, I have opposed this Administration's decision to go to war from the beginning and voted against extending the President the authorization to use military force against Iraq. I did so because the war aims of this administration seemed confused and I thought we should allow the U.N. weapons inspection team to complete its mission before embarking on a war footing.

What I resent most about this resolution is that there was no attempt by the majority to work with Members on this side of the aisle to arrive at a consensus resolution that we can all support. I can only conclude that it is interested only in gaining political one upmanship than it is in reaching bipartisan agreement on congratulating the Iraqi people for their progress toward democracy.

Additionally, this resolution sends the message that anyone advocating a draw down of U.S. forces 6 days or 6 hours earlier than the president does is imposing an "artificial deadline" and proposing a cut-and-run strategy. I reject that characterization. What I want to see from this administration is a timetable for training a viable Iraqi security force that would allow for an orderly draw down of our troops. After reading this resolution and listening to series of statements by the President on our Iraq strategy, I am truly concerned that we have no orderly way out of our predicament. It is my conclusion that our current course only continues our open-ended obligation.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in opposition to the resolution. I honor and support our troops and request an open debate on the House floor on the Iraqi war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Massachusetts (Mr. OLVER).

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

Mr. OLVER. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqi people on the completion of their parliamentary election and I request an open debate on Iraq.

The parliamentary election concluded yesterday in Iraq is a towering achievement and if this resolution spoke to that achievement I would be happy to vote for it.

But the votes have not even been counted and we cannot yet know whether this parliamentary election will produce elected members proportionately from the many ethnic and religious groups that make up the Iraqi people. That is necessary for the give and take and political compromises that occur in a healthy and mature democracy, to lead to a stable and unified Iraqi nation. I think every member of this House hopes this parliamentary election will lead to a stable free and democratic Iraq for the sake of the Iraqi people and especially the courageous Americans who have died or are now serving in Iraq.

What we do know is the constitution under which this parliamentary election has been held has major flaws. Under the constitution the central government powers are exercised through a weak and perilously divided executive; provisions remain that will further fracture Iraq into smaller regions drawn along religious, ethnic, and tribal lines; and incredibly, the huge revenues from oil, the greatest Iraqi natural and national resource, are reserved solely for the use of the region where the oil is produced. These factors bode extremely poorly for the establishment of a stable, free unified Iraq and the constitution will surely have to be greatly modified.

Given those problems it is at the very least premature to be trumpeting victory in Iraq whatever that victory may ultimately look like. Over a 15 year period America has engaged in two wars in Iraq. President Herbert Walker Bush, with the full support of the United Nations and a broad coalition of participating nations, followed his military commanders' advice by deploying 500,000 troops to liberate Kuwait from the Iraqi invasion. Saddam Hussein was driven out of Kuwait with only 19 American soldiers losing their lives.

In contrast, President George W. Bush, without U.N. support and only a small coalition of the so called "willing," rejected his highest military commanders' advice and deployed only 140,000 troops to overthrow Saddam Hussein, occupy Iraq, and establish a free and stable Iraq. Establishing a free and stable Iraq is a noble goal. Yet after two and a half years of war, occupation, and insurgency, our casualties in this ill-conceived and incompetently managed war in Iraq have now passed 2,155 American soldiers killed.

More than 2,000 of those deaths have occurred since the President George W. Bush declared "Mission Accomplished" 30 months ago.

I fervently hope that this resolution, a year from now, will not show this House with as much egg on its face as that "Mission Accomplished" declaration produced.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATSON).

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

Ms. WATSON. Mr. Speaker, I rise in opposition to the resolution. I congratulate and honor the Iraqis for their successful election. I would request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Wisconsin (Ms. MOORE).

(Ms. MOORE of Wisconsin asked and was given permission to revise and extend her remarks.)

Ms. MOORE of Wisconsin. Mr. Speaker, I rise in opposition to the resolution. I congratulate the Iraqis for their successful election, and I ask for an open, honest debate on the prosecution of this war.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. WATERS).

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that communicative badges cannot be worn on the House floor when under recognition.

□ 1300

Ms. WATERS. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for the election, and I agree with BARBARA LEE: it is time to bring our troops home, and there should be no permanent bases in Iraq.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Ohio (Mrs. JONES).

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise in opposition to H. Res. 612. I congratulate the Iraqis for their successful election and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Speaker, I rise in opposition to House Resolution 612. The reason is I support and honor our troops and request an open debate on this subject on the floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. GUTIERREZ. Mr. Speaker, I rise in opposition to House Resolution 612. I honor and support our troops and request an open debate on Iraq on the House floor.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Florida (Ms. CORRINE BROWN).

(Ms. CORRINE BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in opposition to H.R. 612. I honor and support our troops and request an open debate in the people's House on the Iraqi war on the floor of this House of Representatives.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Mr. Speaker, I rise in opposition to this resolution: in honor and support of our troops in Iraq, in opposition to our policy on the war in Iraq, and in urging the Republican leadership of the House to grant this an open and adequate debate on the entire question of our policy on Iraq on the floor of this House.

Mr. LANTOS. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman. I rise with a humble spirit to salute the people of Iraq who have shown us the ability for a successful election and ask that we honor and support our troops, but yet have an open and full debate on the redeployment of our troops on the floor of the House regarding Iraq.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 612.

The SPEAKER pro tempore (Mr. REHBERG). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

This resolution before us clearly and explicitly states that this body is committed to achieving victory in Iraq. The United States should not go back on its commitments to confront tyranny and to "make the world safe for democracy." Failure is not a part of the American nature nor of our moral fiber. It is certainly not a concept that is acceptable to our men and women in the Armed Forces.

When we talk about progress in Iraq and concrete benchmarks for measuring success, we need only look back at yesterday's landmark nationwide elections in Iraq. Iraq's Independent Electoral Commission reported that at least 97.5 percent of planned voting centers were opened, monitored by up

to 120,000 observers, including 800 accredited by international observer groups.

The U.N. envoy to Iraq said that the initial signs are very positive, adding that ''anecdotal evidence shows that there has been good turnout, that it was inclusive, and that security was well maintained.''

Are we not in agreement that yesterday's vivid example of democracy taking root in Iraq was a profound victory for the Iraqi people, for our sons and daughters who continue to place themselves in harm's way, and a resounding defeat to the brutal Islamic jihadists? Are we not in agreement that this election empowers the people of the region who have toiled under brutal dictatorships for far too long and that the success of democracy yesterday in Iraq aided our efforts in the global war against terror? Are we not in agreement that these elections could not have been possible without the presence of our men and women in the Armed Forces?

If we are in agreement that these most recent Iraqi elections were a success and were met with very little violence and widespread participation due to the presence of U.S. forces in support of Iraqi security, then we should be in agreement with the totality of the text of the resolution before us. We should not leave the Iraqi people at this most critical juncture. We should not leave before they are fully capable of protecting their own nation, their people, and their incipient democracy from those who seek to destroy what they have been creating because they wish to turn Iraq into a safe haven for Islamic militants and extremist elements like Iran and Syria.

This is not in our nature, Mr. Speaker. This is not what our troops want, and it is not what the Iraqi people want.

References have been made to calls for U.S. withdrawal, but let us review some of those. Iraqi officials have not made such requests to the U.S. Government. The Arab League, for example, their statement says that it was the result of undue political pressure by rogue regimes, particularly Syria and Iran, whose foreign minister was involved in the drafting of the final communique.

We are fully aware that these pariah states have a vested interest in seeing Iraq fail and assisting the foreign fighters who are launching attacks against Iraqis and our U.S. and coalition forces in Iraq. We have achieved significant progress thus far in Iraq. The political and the psychological transformation that has taken place in Iraq will have long-term positive impact on our efforts to curtail the spread of Islamic extremists and jihadist activities.

Saddam Hussein would not be on trial today for his crimes against humanity, and most of the villainous heirs to his legacy would not be neutralized were it not for the critical role played by our U.S. Armed Forces personnel. Without the presence of our forces, the people of Iraq would not have had the opportunity to participate in the January 30, 2005, nationwide elections. They would not have returned to the polls on October 15, again to approve their Constitution and would not have been celebrating their new found democratic freedoms by participating in yesterday's yet another historic election.

Our mission, however, Mr. Speaker, remains only partially accomplished. Iraqi security forces are taking up more of the military burden, and the new coalition for strategy for ''clear, hold, and build'' is denying the insurgents many of their former sanctuaries.

The Iraqi Army and the police forces are growing larger, better trained, more effective. These forces are also becoming increasingly professional. Today, Iraqi security forces are now strong enough to garrison and control cleared areas, as recently illustrated by the resoundingly successful joint U.S. and Iraqi offensive in Tel Afar.

The Iraqi security forces are improving, but they cannot yet stand on their own. To abandon them now would be to leave them at the mercy of the brutal Islamic jihadists and would destroy the progress that we have achieved thus far.

Again, this is not in our nature. As clause 5 of this resolution states: Our presence in Iraq ''will be required only until Iraqi forces can stand up so our forces can stand down and no longer than is required for that purpose.''

Are we not in agreement on this critical point? Is it the contention of those who oppose this resolution that we abandon the Iraqi people after they have displayed immeasurable courage in the face of attacks from Islamic jihadists and their state sponsors? We should not base our strategy on artificial timelines. The criteria governing our eventual withdrawal from Iraq must be performance based, not chronologically based. Victory defined is: ''Final and complete defeat of an enemy in a military encounter. Success in a struggle against . . . an opponent, or an obstacle.''

Who is the enemy, the common enemy of Iraq and coalition forces, the enemy of the American and Iraqi people, of those who want freedom and democracy to flourish in Iraq? They are the Islamic jihadists and the militants who are seeking to destroy what we have helped the Iraqi people accomplish.

And what is our strategy for victory? One developed by our military and policy planners in coordination with our coalition partners and our Iraqi partners. Our military and policy planners track numerous indicators to map our progress and adjust our tactics as necessary to meet our strategic goals.

I would further add, Mr. Speaker, that despite some of the references made to the alleged lack of a clear path to victory, the President has, in fact, articulated our approach in the recent National Strategy for Victory in Iraq. Many of these reports with metrics on our efforts, our strategies, our goals, our accomplishments are readily available not just to us in this Chamber but to the American people. We are not just winning in Iraq, but we stand on the precipice of something far more profound: a decisive shift away from the world of brutal dictatorships which ruin their own societies through a combination of state-sponsored murder and incitement, and toward the emergence of a modern, democratic Middle East that takes its rightful place among free nations.

However, if we leave prematurely, Mr. Speaker, before the Iraqi people are able to stand on their own, we risk endangering all that we have worked so hard for and that some of our brave men and women in our Armed Forces have also sacrificed for. Let us not diminish their sacrifice by leaving their mission incomplete. Let us stand behind them as they seek to bring home a definite victory for us in this war on terror.

In closing, I would ask that we all recall the words of former President Ronald Reagan, who said: ''It is up to us . . . to work together for progress and humanity so that our grandchildren, when they look back at us, can truly say that we not only preserved the flame of freedom but cast its warmth and light further than those who came before us.''

We have prevailed in the struggle against tyranny and fascism after 40 years in a global conflict. We prevailed in the battle of ideas against communism. We will again prevail in defeating Islamic fascism if we fulfill our mission in Iraq and do not heed the nay-saying of defeatists. With freedom on our side, we cannot fail, Mr. Speaker.

I am proud of the service of my stepson, Doug Lehtinen, and his fiancee, Lindsay Nelson, who are marine officers serving in Iraq flying F–18s. They will tell us that setting an artificial deadline for withdrawal would put them in harm's way. They are fully trained military officers who understand that war is difficult; but they believe in their mission, a mission for victory in Iraq, a mission without a surrender statement.

As JOSEPH LIEBERMAN, the Senator, said just a few days ago a withdrawal, a withdrawal on an artificial timeline would discourage our troops because it seems to be heading for the door. It will encourage the terrorists. It will confuse the Iraqi people.

□ 1315

I agree with Senator LIEBERMAN, and I hope my colleagues do as well today.

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

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

Mr. Speaker, today could have been a day to rejoice and to celebrate in

unity. Yesterday, the people of Iraq asserted their newly won rights, won, it must be said, at a steep cost; and they inspired us all by flocking to the polls at great risk to their lives. This was a peaceful process, an affirmation of all that has been sacrificed in nearly 3 years of valiant struggle. We should be rejoicing, Mr. Speaker.

But it is a sad day, indeed, when the Iraqi people have to teach the United States Congress a lesson in democracy. The majority leadership in this body and in the Rules Committee that acts as its legislative gatekeeper have used authoritarian tactics to bring before us the resolution that we now debate. They have eliminated any real opportunity for nearly half the Members of the House of Representatives to effect the language of this measure, a measure deliberately calculated to be divisive.

Mr. Speaker, look around at this people's House. It was not designed to be an echo chamber. We are not here merely to recycle the administration's rhetoric on Iraq. It is clear that there is a spectrum of views on my side of the aisle on how to deal with the difficult situation in Iraq in the weeks and months ahead. Why should the majority try to force the issue, politicize the war effort and polarize this body further?

This resolution came to us yesterday afternoon. We tried negotiating in good faith and that went nowhere, so last night I introduced an alternative resolution and asked the Rules Committee to make it in order.

My resolution congratulates the Iraqi people on three democratic national elections this year; it encourages all Americans to support the Iraqi people; and commends and congratulates our troops and those of our allies and the Iraqi forces protecting their people at election time. The Democratic leader, Ms. PELOSI, and the Democratic whip, Mr. HOYER, joined me in advocating this measure.

Mr. Speaker, that is the resolution which should have come before us today. It is a measure that would have won the unanimous support of this body, or nearly so, and would have sent a message of support to the Iraqi people, to our troops, and to the whole world.

But the leadership of this body has approached this entire important matter in a rigid, unbending, and authoritarian fashion. Theirs was a take-it-or-leave-it proposal, not a comma to be changed; and that approach is inappropriate in a democratic legislative body where some of us have been attempting so hard to operate in a bipartisan fashion.

Mr. Speaker, along with several of my Democratic colleagues, I was hosted by the President at the White House 2 days ago. The President said he wanted to explore a bipartisan approach on Iraq. Unfortunately, my colleagues on the other side of the aisle have not gotten that message. Instead, they have made a mockery of it.

The election in Iraq yesterday was truly inspiring. It fills me with hope that Iraq can indeed emerge as a stable, pluralistic, and democratic society. This resolution could have been considerably improved, had there been a process of bipartisan consultation. We could have sent a united and strong message to our troops, to the Iraqi people, and to the global audience.

But whatever my thoughts on the substance of the measure, I profoundly reject the arrogant and undemocratic process that produced it, and for this reason I shall vote ''present'' on this measure.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from Virginia (Mrs. DRAKE).

Mrs. DRAKE. Mr. Speaker, I rise to join in congratulating the Iraqi people for their bravery, courage and their belief in freedom. Just 3 years ago, none of us would have ever predicted or believed that Iraq would have a Constitution and a newly elected national council of 275 representatives based on province and population.

Mr. Speaker, this is a remarkable transition. The Iraqi people have no prior experience in democracy, and they have lived under a brutal dictatorship for decades. Today, freedom, liberty, and democracy are within their grasp.

Mr. Speaker, I ask my colleagues to join in support of this resolution, in support of a free and democratic Iraq, and, as a result, a safer America and world. The road ahead will be long, hard and unpredictable, but the dream of freedom lights their way.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, this resolution mentions the word victory six times, but victory is not defined. We are assured this administration will know victory when they see it, just like they knew WMDs when they did not see them.

Supporters of this bill point to yesterday's election as victory, but many were drawn to the polls by their overwhelming dislike of U.S. occupation. They like us all right; they would like us to get out of their country.

This fantasy victory resolution means more occupation, more war, more civil war, more deaths of our troops and innocent civilians, more waste of taxpayer money, while this House is reduced to a bunch of cheerleaders in a bloody ''Baghdad Bowl'' sponsored by Halliburton.

Congressman PAUL and I have a resolution which will let Iraqis, through their new representatives, decide whether the occupation ends or not. Do you want sovereignty, do you want self-determination, or do you just want occupation, deception, fake news, fake policy and next year's fakeout, partial troop withdrawals while a permanent U.S. presence is being built?

These fake resolutions keep this Congress in a stupor, almost a trance-like denial of conditions in Iraq and how we got there. Wake up, Congress. Wake up America. Get out of Iraq.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Mr. Speaker, a few moments ago we heard almost all the members of the Out of Iraq Caucus ask for a debate on the war, and one of the comments that was made throughout that series of unanimous consent requests was a statement affirming that they honor and support our troops, as do I believe all Members of this body seek to do that.

However, the deeper question I would like to raise in this, if we honor and support our troops, I would suggest to this body that we also listen to our troops and what they are saying on the ground, especially those who have paid a tremendous price.

I had the great honor and privilege yesterday to visit with several soldiers from Kentucky, one of whom was from my district, in Walter Reed Hospital. They included Specialist Jeremy Lowe, Sergeant Bill Winburn, and Sergeant Carlos Farler.

All of them emphasized strong belief in the mission. All of them shared very clearly and articulated the successes, most unreported by the national media, that they are seeing on the ground. They expressed a tremendous amount of confidence in what the Iraqi people are doing.

I think it is important that we stand with the troops in this resolution, that we stand with our country, that we stand with the Iraqi people, and that as we debate the war, and I believe there is an important need for debate, for discussion on policy, on the future, that one thing that we need to keep clear is that the messages that are sent communicate to several audiences: first and foremost to our troops in the field; second, to the Iraqi people; third, to our enemies, who will use our words against us; and, finally, to the entire world who is watching.

We must keep our promises, we must keep our commitment to our troops and carry on this mission that they believe in, where they see success, until it is completed.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the distinguished ranking member for yielding me time, and I want to associate myself with his remarks.

Mr. Speaker, at least this resolution provides us an opportunity to pose a serious question, an opportunity that, unfortunately, Democrats are usually denied in this people's House. I want to read some findings of a recent poll about the realities on the ground in Iraq.

Forty-five percent of Iraqis believe that attacks against American and

British troops are justified; 72 percent do not have confidence in coalition forces; 82 percent are strongly opposed to the presence of coalition troops; and less than 1 percent of the population believes that coalition forces are responsible for any improvement in security. That is the reality.

Let me note too, by the way, that this poll was conducted by Iraqis and commissioned by the British ministry of defense.

This data provokes a question for the proponents of this resolution: Now that we have a free, democratically elected Iraq, are we prepared to leave on their timetable? If the new Iraqi Government tells us, we want you to leave immediately, will we do so? Will we listen to them? For if we listen to the views of the Iraqi people as reflected in this poll, we can anticipate such a request in the very near future.

Or will we insist on staying until we believe they are ready to stand up? Will this administration attempt to influence what the democratically elected Iraqi Government asks us to do in this regard, or will they be pressured to be quiet on this particular issue? Because the American people deserve to know the answer to this question now, and the Iraqi people deserve to know the answer to this question now, as well as the duly elected representatives of the Iraqi people from the elections that occurred this past week.

I guess the real question is here, Will we really respect democracy in Iraq and the democratic process, or will we simply give it lip service?

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 1½ minutes to my friend, the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I would like to thank the leadership and Chairman HYDE of the International Relations Committee for drafting this important resolution.

Yesterday's elections mark yet another milestone for Iraqis in the future of a democratic Iraq. It is estimated that over 70 percent of Iraqis voted in yesterday's election. That is 12 percent more than voted in the last election, and with remarkably low violence. There were reports of polling stations running out of ballots early in the day because of the large numbers who came out to vote, and the voting deadline was extended in many parts of the country because of high turnout.

Many of those voting were Sunnis, who are now choosing to play an active part in their country's new democracy; and it was Iraqi Security Forces who took over responsibility of their country's security, with over 214,000 Iraqis now trained and equipped.

Mr. Speaker, this is concrete progress. No matter how you cut it, this vote was a win. Not only are Iraqis making progress by coming out to vote in the millions; they sent a message to the world yesterday: they want democracy, and they are willing to defy terrorist threats to make it happen.

□ 1330

We are supportive as Americans.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

(Mr. PRICE of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, the Republican leadership's resolution turns the Iraqi elections, a historic moment for the Iraqi people by any account, from a point of pride to a point of partisanship.

As usual, the minority was prohibited from offering a constructive substitute. We could have offered a measure that congratulated the Iraqi people on this successful election. Or we might have put forward a substitute similar to the one that passed resoundingly in the Senate, that would have required the President at last to submit a detailed plan for phasing down the occupation. The leadership refused to let us do either, opting instead for a measure that divides and distracts.

As a statement of policy, this resolution is deeply flawed. It rejects a plan for bringing our troops home. It fails to empower the Iraqis to take charge of their own future. And it blindly adopts the vague formula the President has repeatedly put forth, ''as they stand up, we stand down.''

As we have come to know very well from this ''mission accomplished'' President, catchy slogans do not make effective foreign policy.

Standing up Iraqi troops is a critical step in empowering the Iraqi state, but American national security demands additional priorities: That we maximize Iraq's chance of a successful transition to self-rule while minimizing the possibility of civil war; that we stabilize the region, preventing the terrorists from taking hold; and that we protect America's men and women in uniform.

It is high time we took up a real measure to deal with the situation in Iraq such as H. Con. Res. 70, which I have introduced with Mr. MILLER of North Carolina, now co-sponsored by 17 Members. That approach takes into account the Iraqis' recent steps toward sovereignty with two successful elections. It recognizes the valor of our troops. It requires a detailed exit strategy of the President. It calls for an immediate, initial draw down, and it sends a strong signal that we do not intend to occupy Iraq indefinitely.

Why will the House Republican leadership not let us vote on such a measure? Because they fear it would pass, and they fear embarrassing the President by calling him to account.

Mr. Speaker, let us start giving the American people what they are looking for: Honesty, accountability and a serious plan going forward; three things that have been sorely lacking since President Bush launched this war.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I marveled at Mr. LANTOS's good comment that this could have been, as I understood the quote, could have been a day for celebration. And I would submit it is a day for celebration. It should be. It is.

This is a great day. A great thing happened yesterday in the cradle of mankind. They elected permanent leaders. Now, there are those Americans who have said that it was quagmire in Iraq. We had to get out. It was a mistake to be there. Some made these statements out of personal heartache and tragedy, but some were made purely from partisan political motivation.

So when the question is asked, why should the leadership politicize the Iraqi situation, that is exactly the question I have been asking. Why? Why? Why, leading up to this election for the last 6 weeks, the yabbers got more shrill, more hysterical that we have to withdraw? And surely there are some people that are smart enough to know that that risk, the election that people who saw the fliers that said, ''you vote, you die,'' might actually take it more seriously if they thought we were going to withdraw quickly before the ink went off their fingers.

So I say to those who said the freedom, democracy and liberty we were fighting for and the evil that we fought against was not worth it, it is worth it. And the soldiers that have been there know it. That is why the retention among the soldiers that have been to Iraq is way up. I have talked to them.

I have not heard people ask, why are we still in Bosnia where President Clinton said we had to go? One of my best friends from college, we served in the Army in Fort Benning together, he just got sent to Bosnia. Why is not anybody saying, let us get out of there? Why are the same people not saying, we should have gotten out of Germany to President Truman? We should have gotten out of Japan? Because our leadership made good decisions, and we are safer of it.

Thank God for the heroes that have made America better by spreading liberty around the world.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, there have been many false dawns in Iraq over the past 2½ years, times when we hoped we might be seeing a new day, but yesterday was truly remarkable. More than 11 million Iraqis went to the polls, many dressed in their finest clothes, to cast their votes for a new parliament and a new future.

Iraqi Sunnis, who boycotted the polling in January, turned out in droves to ensure their voices would be heard in the new legislature.

Perhaps most remarkable was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. For this, we have the men and women of the U.S. Armed Forces to thank.

For months, our troops have endured ever more numerous IED attacks and fierce urban combat in order to secure the country for yesterday's vote. They have done everything we have asked of them and more, and we are all, all deeply grateful for their sacrifice.

I want to support this resolution. I have an enormous respect for the chairman of our committee and the chairman of the Mideast Subcommittee, but I am deeply troubled by what is a calculated and transparent attempt to use the unity of the Iraqi vote to cause further disunity here at home.

Two days ago, I was invited to the White House along with Mr. LANTOS and a number of our colleagues to meet with the President and senior administration officials on preparations for the elections and the next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity as we exchanged ideas on how to best move forward in Iraq. Unfortunately, this resolution is not in keeping with the spirit of that meeting.

I hope to have the opportunity to return to Iraq in the near future and visit our troops along with several of our colleagues. We are going, as we have in the past, not as Republicans and Democrats but as Americans and as Members of the Congress of the United States.

It is too early to know if the election will be a turning point that we have all hoped for, but one thing is plain, greater division at home does not further the war effort. This is not the way to honor yesterday's triumph and the sacrifice of so many young Americans.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I very much appreciate this resolution coming to the floor of this Congress.

I would say that, Mr. Speaker, as we are holding this debate, our Armed Forces overseas are engaged in the active defense of our homeland. Their daily contributions and sacrifices are working to bring democratic stabilization to a country which has never known the freedom it has achieved today.

After decades of tyrannical rule under Saddam Hussein, yesterday, the Iraqi people voted in their third national election this year. They selected a government that will now for the first time establish really true and pure sovereignty for this Nation. And as the Iraqis put together their formal parliament, as they elect themselves a prime minister and are seated at the United Nations, they will be the freest and most representative Arab country in the world.

What a legacy for the United States of America to contribute to? What a noble cause that we are seeing come to fruition today? And I appreciate the tone that I am hearing from over here on the other side of the aisle. It sounds to me like we are coming together in a way we have not in the past, coming together in support and pulling for the Iraqi people and pulling for this common cause of freedom that we all struggled so long for.

When we look back across the history of this country and think about some of the other conflicts this Nation has been involved in, we have always had disagreements about whether to go forward and how to go forward; but look at the legacy of a place that is left in a place like, for example, in 1898 the USS *Maine* was sunk to the bottom of Havana Harbor. Who said then that the Filipinos would be free today and grateful for a century because of that act of our war against the Spanish at that time?

Who said at the beginning of the Civil War that it was about freeing the slaves? No, it was about saving the Union, but we know it now as the war that freed the slaves.

This will be the war that freed the Iraqi people, the war that established Iraq as the lone star to create a free Arab world which means the elimination of the habitat that breeds terrorists.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. Mr. Speaker, I regret that I cannot agree with the previous speaker. I think the tone of this debate is good, but the process is terrible. Mr. LANTOS, the ranking member of the committee, attempted to participate in making this a truly bipartisan resolution.

Now, I am one of those who has consistently supported the policies of our government and who supports success in our efforts in Iraq. I think that is in the best interests of America, certainly in the best interests of the Iraqi citizenry and the best interests of civility in the Middle East. However, I am saddened by the continued partisanship with which this issue is handled.

Mr. LANTOS and I and Ms. PELOSI offered a resolution which congratulated the Iraqi people, noted their courage, noted their determination to reach for democracy. That is what this effort is about. There was no attempt at bipartisanship. That was rejected out of hand, not even allowed as an amendment. That is not the way we bring our country together. That is not the way we strengthen our resolve. That is not the way we show the world that we are of, if not exactly one mind, of one objective.

I thank my friend for yielding me time. I thank him for his efforts. I generally agree with the propositions set forth in the resolution, but I am not sure I am going to vote for it because I am deeply grieved by the continuing failure to try to bring this House together on this issue and to bring this country together on this issue and to ensure that together we go forward to achieve success.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA).

Mr. CHOCOLA. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, there are a lot of voices in the debate about our success in Iraq, but I think the two most relevant voices in this debate are the Iraqi people themselves and the troops that have served and are serving in Iraq.

The Iraqi people spoke loud and clear yesterday when over 70 percent of them turned out at the polls to put in place the only constitutional democracy in the Arab world.

Mr. Speaker, I would like to share the voice and perspective of a young soldier that just returned home to Indiana. Staff Sergeant Ben Joy with the Gary, Indiana, based 113th Engineering Battalion returned just last Tuesday after a year in Iraq just in time for the holidays. Obviously, his family is overjoyed to have him home.

Staff Sergeant Joy set up security for elections earlier this year, and he explains, ''Election time is very busy. It was probably working 16 or 18 hours a day. The polls were peaceful then and now,'' he says, ''and the U.S. effort is working.'' He went on to say that ''you can tell that the people, they want to be free. They didn't really know how in the beginning. They're starting to show it more and more now.'' He adds, ''The build-up that is going on there, the Iraqis taking over, they clearly want us there. And I mean, if we stay the course, I think everything will work out just fine.''

Mr. Speaker, I think we should heed the actions of the Iraqi people and the words of Staff Sergeant Joy and support this resolution.

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

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

Mr. Speaker, I rise in opposition to this so-called victory in Iraq resolution, and I do so for two central reasons.

Firstly and procedurally, it is unusual for a resolution which purports to set forth a congressional directive for our military in wartime to be so vague. Notable is the absence of any definition section in this bill. On its face, the resolution commits the Congress and the American people to ''victory in Iraq,'' but no where does it define or attempt to explain what that term means. No where does it set forth the conditions under which an objective observer could determine what number of Iraqi forces must be in place or what functions they must undertake before we begin the withdrawal of U.S. troops which leads me to my second reason for opposing the resolution.

□ 1345

This resolution is essentially a stay-the-course resolution that blindly supports an open-ended commitment to continue to send and keep our sons and daughters in uniform in Iraq and to write a blank check to continue pumping billions of dollars into that country

without requiring anything of the new Iraqi Government.

Moreover, this resolution does not allow us to fulfill the constitutional oversight responsibilities of this Congress. It says we need to stay in until the Iraqis stand up. That is rhetoric. We owe the American people better than this.

I am concerned that this resolution may have been offered to position people on either side of the aisle. I support our troops, as we all do, both sides of the aisle. We share that. We also share the heavy responsibility to ensure that our people do not stay in Iraq one minute longer than is required, and this bill does not allow an objective observer or any Member of this Congress to determine when that point is reached, when that point occurs.

With the Iraqi elections yesterday, an enormous success did occur. We have entered that phase of this war that we must ask how much more can we do for the Iraqi people as an occupying force. We must ask whether our presence in Iraq is undermining the stability we hope to provide. At some point, we all have to stop the politics on this issue.

I agree with the gentleman from Ohio, it is not good for America. It is not good for the best Americans, those men and women who are in uniform in Iraq and for their families who are carrying the heaviest burden for all of us.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 3 minutes to my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentlewoman for the time and really wanted to stand in support of the resolution and believe that the resolution is a good one and that yesterday in this week's election speaks volumes for all the work that we have accomplished.

I want to speak more importantly in memory and honor of Sergeant Daniel Clay, who was killed when the marines were attacked in Fallujah on December 1. His dad, Mr. Bud Clay, wrote the President a letter and said that ''I am writing to tell you how proud and thankful we, his parents and family, are of you and what you are trying to do to protect us all. This was Dan's second tour in Iraq and he knew and said that his being there was to protect us.

''I want to encourage you. I hear in your speeches about 'staying the course.' I also know that many'' of you are against this war and you must get weary of fighting to try to do what is right. ''We and many others are praying for you to see this through, as Lincoln said 'that these might not have died in vain.'''

I also have the actual letter that Daniel Clay wrote his family to be opened in the event of his death, and I think it would be in his honor to read it. This is of course by a very young man:

''Mom, Dad, Kristie, Jodie, Kimberly, Robert, Katy, Richard, and my Lisa.

''Boy do I love each and every one of you. This letter being read means that I have been deemed worthy of being with Christ. With Mama Jo, Mama Clay, Jennifer, all those we have been without for our time during the race. This is not a bad thing. It is what we hope for. The secret is out. He lives and His promises are real! It is not faith that supports this but fact and I now am part of the promise. Here is notice! Wake up! All that we hope for is real. Not a hope but real.

''But here is something tangible. What we have done in Iraq is worth my sacrifice. Why? Because it was our duty. That sounds simple. But all of us have a duty. Duty is defined as a God-given task. Without duty life is worthless. It holds no type of fulfillment. The simple fact that our bodies are built for work has to lead us to the conclusion that God, who made us, put us together to do His work. His work is different for each of us. Mom, yours was to be the glue of our family, to be a pillar for those women, all women around you. Dad, yours was to train us and build us, like a platoon sergeant, to better serve Him. Kristie, Kim, Katy, you are the fire team leaders who support your squad leaders, Jodie, Robert and Richard. Lisa, you too. You are my XO and you did a hell of a job. You all have your duties. Be thankful that God in His wisdom gives us work. Mine was to ensure that you did not have to experience what it takes to protect what we have as a family. This I am so thankful for. I know what honor is. It is not a word to be thrown around. It has been our honor to protect and serve all of you. I faced death with the secure knowledge that you would not have to. This is as close to Christ-like I can be. That emulation is where all honor lies . . . I thank you for making it worthwhile.

''As a marine this is not the last chapter. I have the privilege of being one who has finished the race. I have been in the company of heroes. I now am counted among them. Never falter! Don't hesitate to honor and support those of us who have the honor of protecting that which is worth protecting.

''Now here are my final wishes. Do not cry! To do so is to not realize what we have placed all our hope and faith in. We should not fear. We should not be sad. Be thankful. Be so thankful. All we hoped for is true. Celebrate! My race is over. My time in the war zone is over. My trials are done. A short time separates all of us from His reality. So laugh. Enjoy the moments and your duty. God is wonderful.

''I love each and every one of you.

''Spread the word. Christ lives and He is real.

''Semper Fidelis.

''Sergeant Daniel Clay.''

Daniel Clay is like so many others who have fought to make yesterday possible, and yesterday is certainly not a conclusion but let us hope a beginning of a new and significant chapter in Iraq where the military sacrifices become smaller and the political engagement becomes greater.

One thing I have learned and loved about this House is the fact that we are using politics as a substitute for civil war. Let us hope that Iraq learns that lesson and that 200 years from now they will look back at yesterday as one of their first most significant days in democracy.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader.

Ms. PELOSI. Mr. Speaker, I rise to commend the gentleman from California (Mr. LANTOS), our ranking Democrat on the International Relations Committee, for his leadership to make our country safer, our military stronger, and to bring stability to the region. While we may not always agree on the approach to take, Mr. LANTOS strove very hard for a bipartisan resolution, and I want to just read from the resolution that he would put forth in the spirit of congratulating the people of Iraq.

He said: ''Resolved, That the House of Representatives congratulates the people of Iraq on the three national elections conducted in Iraq in 2005.'' Imagine, in January, in October, and now in December, three times courageously they went to the polls, and his resolution spells that out.

His resolution would encourage ''all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society,'' and again, throughout his resolution he makes that point.

And he expresses ''thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.''

That is the spirit of the resolution that we should be voting on today, one that brings us together, that is clear to the Iraqi people that their courage is an example to the world.

But, sadly, this Congress is not an example of democracy to the world when instead of using an occasion to unify, once again, the Republican majority brings to the floor a resolution rejecting the good offers of the gentleman from California (Mr. LANTOS) to come together in a bipartisan way and uses what should be a cause for celebration as instead a means to denounce those who disagree, not very democratic, and also to insist that if you want to congratulate the people of Iraq, you must support the status quo.

More of the same in Iraq is not making the American people safer. More of the same in Iraq is not making our military stronger. More of the same in Iraq is not bringing stability to the region.

So I think you will see Democrats united in congratulating the people of Iraq, commending our men and women in the armed services, and supporting

that in a democracy we will have different views and that we will respect them. I have said it before and I will say it again, Senator Taft, who would become the Republican leader of the Senate during World War II, he said disagreement in time of war is essential to a governing democracy, and this was during World War II. Why do the Republicans think that we cannot have disagreement in time of war?

So as we go into this holiday season, I know that we can come together and say to our men and women in harm's way that we honor them for their service; we are grateful to them for their patriotism, their courage and the sacrifice they are willing to make for our country; and in this holiday season, we strive for peace on Earth and goodwill toward man, which would not be possible without our men and women in the armed services.

That should be the spirit in which we go forward, not in the divisive manner the Republicans have put forward. That is really quite sad, but I hope that in the vote that we have today that the Iraqi people will know that on both sides of the aisle we all see them as an example of democracy and hope that they will not be discouraged by this suppression of dissent in the United States.

Mr. Speaker, this marks the second time in a month that House Republicans have gone to extreme lengths to avoid a fair and open debate on the war in Iraq. Last month, after being stung by a resolution introduced by Mr. MURTHA calling for the redeployment of U.S. forces in Iraq, Republicans brought to the floor a measure that was an act of deception and an attempt to mischaracterize the Murtha legislation.

Today, under the guise of commending the people of Iraq for yesterday's election, the Republicans present a resolution that spends more time trying to justify the continued presence of U.S. troops in Iraq than congratulating the Iraqis.

If the majority wants to debate the President's Iraq policy then let us do that. A war that is now more than 1,000 days old, has cost the lives of more than 2,150 Americans, and has not made the American people safer or the Middle East more secure, certainly merits debate in this House. But let us do so in a way that does not insult the intelligence of the American people or trivialize an issue of the utmost importance.

We should debate the war in Iraq thoroughly, with full consideration of the points of view of all Members. Sadly, the Republican leadership did not permit that debate today.

Millions of Iraqis voted in Iraq's three national elections this year, and all Americans should salute that fact. They should salute as well the courage of the 160,000 American troops and the courage of the thousands of soldiers from other nations and from Iraq itself, who made the safe conduct of these elections possible. It should appropriately be acknowledged that the elections are hopeful steps toward a more stable Iraq.

Mr. LANTOS brought a resolution to the Rules Committee, which would have done those things, but the majority refused to allow it to be considered. It can only be that the majority does not want to let commending the Iraqis get in the way of a tightly controlled tribute to the President's war policies. As we lecture the Iraqis about the need to accommodate differing points of view, let us hope that they do not devote too much attention to the example provided by this Republican House.

The Lantos resolution provides well-deserved recognition to all of the Iraqis who have taken part in their country's political development this year. It recognizes the heroism of the soldiers who strive each day to bring security to Iraq.

Commending them should be our focus today, but Mr. LANTOS was not allowed to offer his resolution. It would be unfortunate if the message we sent to the Iraqi people and our troops was that scoring political points is more important in this House than acknowledging their achievements this year.

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to yield 2½ minutes to my fellow Floridian (Mr. YOUNG), the chairman of the Defense appropriations subcommittee.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of the resolution, especially to congratulate those millions of Iraqi citizens who in the face of adversity were willing to stand up and exercise their right to vote, to establish their own government; and I think that is something we should be very proud of. But as representatives of the American people for whose safety we here in this House are responsible, we had better recognize that there is a global war on terror being launched against us.

While a major battlefield, Iraq is just one of the battlefields. Afghanistan is one of the battlefields. Another battlefield was in 1993 when the World Trade Center was bombed with six lives being lost. Another of the battlefields was June 1996 when the Khobar Towers in Saudi Arabia were bombed when 19 of our airmen lost their lives. Another of the battlefields was in August of 1998 when our embassies in Kenya and Tanzania were bombed, 259 lives lost, 11 of those Americans. October of 2000, another of the battlefields against terror was the bombing of the USS *Cole* off the shore of Yemen. Seventeen American sailors died, many others injured.

Then was September 11, at the Pentagon, when 189 lives were lost when the airplane flown by terrorists flew into the Pentagon. Another was September 11 and the World Trade Center was bombed. Airplanes crashed. Suicide bombers flew the airplanes, nearly 3,000 people lost their lives.

Mr. Speaker, this is a global war on terror; and if we do not win the battle in Iraq, where else might we win it, or where else might we have to fight it? We had better be sure of what we are doing before we make a decision that will allow terrorists to regroup, to recover, to rearm, to retrain and become even a bigger enemy and a bigger threat than they are today to the security of the American people who we represent here in this Chamber today.

□ 1400

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I want to thank the gentleman for yielding me this time.

I truly wish democracy for the people of Iraq, and I commend the people of Iraq on yesterday's election. However, to claim success is really premature. Our soldiers are still at great risk. The insurgents are just as dangerous today as they were the day before the election.

This resolution quotes the President saying, ''When the Iraqis stand up, we will stand down.'' Under those terms, our soldiers could be in Iraq indefinitely.

This resolution is merely more rhetoric about how many Iraqi soldiers have been trained. In February 2004, Secretary Rumsfeld claimed there were more than 210,000 Iraqis serving in the security forces. Just 7 months later, Secretary Rumsfeld said 95,000 trained Iraqi troops were taking part in security operations. According to the figures in the President's November 29 speech, there appears to be between 84,000 and 96,000 Iraqis trained.

However, independent experts in a November 30 Christian Science Monitor article said that they believed the President's numbers were much too high. Instead, they said 30,000 was a more accurate figure.

Mr. Speaker, not only are the number of Iraqi soldiers uncertain, their readiness is also in doubt. In September, General George Casey told Congress that the number of Iraqi battalions rated at the highest level of readiness had dropped from three to one, which means the Iraqis have about 800 soldiers which are at the highest level of readiness.

If the President's criteria for concluding our involvement in Iraq is the Iraqi army standing up, it appears we are nowhere near achieving this goal.

Mr. Speaker, nearly everything this administration has said about the war has turned out to be false. There were no weapons of mass destruction. Iraq did not attempt to purchase uranium yellow cake from Niger. There was no relationship between Saddam Hussein and Osama bin Ladin or other al Qaeda leaders. We were not greeted as liberators. Iraq's oil revenues have not paid for reconstruction costs. In fact, it has cost U.S. taxpayers $251 billion so far. The insurgency is not in its last throes. And the war has not made us safer. It has provided an opportunity for al Qaeda and other terrorist organizations to recruit new members, and it has also diverted hundreds of billions of dollars away from efforts to secure our Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). The Chair will remind Members that they should not wear communicative badges while under recognition.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, I thank Mr. LANTOS for yielding me this time to express what I think just about every speaker has said; that part of this resolution I support, and every Member of this body supports congratulating the Iraqis on the election. It was a critical step in developing democratic institutions in that government in its capacity to deal with its own problems. And we certainly all express our appreciation to our soldiers and their families for the sacrifices that they have made.

However, this resolution endorses the policy of this administration which got us into the war in Iraq and has prolonged our presence because of its current policy and unwillingness to change policy, and that I cannot support.

So what should we be doing? I think Mr. LANTOS is 100 percent right. We should be having an open debate on this issue. Our soldiers deserve that. The American people deserve that. We should be expressing that our objective in Iraq is to make sure that the Iraqis are capable of defending themselves.

In order to accomplish that, we should be engaging international organizations that are better suited than we in helping to develop democratic institutions in Iraq and in training Iraqi soldiers and security forces so that 2006 can be a year for a substantial number of our troops coming home.

It is our responsibility to ask our President to submit such a plan to Congress and to the American people so that we can accomplish these objectives. Unfortunately, this resolution does not do that, and I regret another missed opportunity.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, these cut-and-run Republicans cut off discussion of real security options and run up billion dollar bills every month.

Thin paper resolutions like this have not deflected bullets from our troops, and another such gimmick will not deflect accountability from a failed policy.

We are leaving Iraq. It is only a matter of when, of how many brave young Americans return home alive, how much we deplete our national treasury in the meantime, what chaos is left behind, and how many more terrorists are recruited while you dither and delay.

This resolution is not leading. It is misleading. And the pull-out most needed is to pull your heads out of the sand and listen to sound military advice, like the sound military advice of decorated military heroes like JACK MURTHA, like the sound military advice that should have been heeded before this mission ever got under way.

Only yesterday, the President renounced torture, but Republicans still cannot renounce the notion of permanent military bases occupying Iraq. ''Support our troops'' is more than a slogan. ''Support our troops'' means giving them the armor and the number they need to succeed in their job. It means never exploiting their courage and sacrifice for political gain or to advance failed policies. It is time that our troops get the support they need and that people stop hiding behind their valor and give them a strategy that works.

Abandonment and surrender, you say? For three years, you have abandoned reality and surrendered to fantasy. Stop repeating the same old mistakes. Step up to a new course that offers more hope for our future and for our security than the string of missteps in which you are currently mired.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to my distinguished colleague from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I intend to vote for this resolution because I want to salute the elections in Iraq and our U.S. troops there. And I oppose set time tables for a U.S. withdrawal from Iraq. However, in good conscience, I must say I am deeply offended that, for the second time in 1 month, the House Republican leadership has brought a resolution dealing with the vital issue of war and peace to the floor of this House on a partisan basis without a single committee hearing, without a single witness and less than 24 hours after this resolution was even introduced.

Eight seconds. Eight seconds. That is how much the House leadership and Rules Committee has given each Member of Congress to speak on this vital issue today. How dare the leadership give itself the time to express their views of conscience but deny other Members of Congress the right to express their views of conscience on the issue of when to bring our troops home from harm's way.

We have had time to rename dozens of post offices. Are our troops not worth more than 8 seconds per House Member for debate? I think so. I hope and pray the Iraqi parliament gives its members a greater voice in their democracy than U.S. Members of Congress are being given in ours today.

The Republican leadership could have worked on a bipartisan basis to write a resolution saluting the Iraqi elections and our troops there. We could have had a unanimous vote to send to our troops during the Christmas and holiday season. Instead, the leadership cynically chose to push a partisan resolution that they knew would split the House, would split the American people, and send a mixed message, not a unified message, to our troops in harm's way.

And as someone who has represented over 40,000 soldiers, Army soldiers who have fought in Iraq, I think it is shameful that the House Republican leadership would put its partisan ploys above the interests of supporting and sending a unified message of support to our troops in Iraq.

Mr. LANTOS. I will use the balance of my time, Mr. Speaker, to read the resolution which was disallowed by the Republican leadership, a resolution congratulating the people of Iraq on three national elections conducted in Iraq in 2005.

Whereas the people of Iraq have consistently and courageously demonstrated their commitment to democracy by participating in three elections in 2005;

Whereas on January 30, 2005, the people of Iraq participated in an election for a transitional national assembly;

Whereas Iraqi society participated in the approval of a new Iraqi constitution through a referendum held on October 15, 2005;

Whereas reports indicate that the people of Iraq voted in unprecedented and overwhelming numbers in the most recent election, held on December 15, 2005, yesterday, for a new national parliament that will serve in accordance with the Iraqi constitution for a 4-year term and that represents the first fully sovereign elected democratic assembly in the history of Iraq;

Whereas this remarkable level of participation by the people of Iraq in the face of dire threats to their very lives has won the admiration of the world;

Whereas the Iraqi elections could not have been conducted without the courage and dedication of the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq;

Whereas the December 15, 2005, election in Iraq inspires confidence that a robust pluralistic democracy that will bring stability to Iraqi society is emerging:

Now, therefore, be it resolved, that the House of Representatives congratulates the people of Iraq on three national elections conducted in Iraq in 2005; encourages all Americans to express support for the people of Iraq in their efforts to achieve a free, open, and democratic society; and expresses its thanks and admiration to the members of the United States Armed Forces and the armed forces of other nations in Iraq, including the members of the security forces of Iraq, whose heroism permitted the Iraqi people to vote safely.

This is the resolution that would have received unanimous approval by this body. Instead, we had an ugly, divisive, and unnecessary debate.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I am now very pleased to yield the balance of my time to the distinguished gentleman from Texas (Mr. DELAY) for the purpose of closing the debate on the resolution before us.

Mr. DELAY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I greatly appreciate her leadership in bringing this resolution to the floor.

Mr. Speaker, blessed be the peacemakers, for they will be called children of God.

Peacemakers, Mr. Speaker, not simply peaceful. You need not be a soldier or a sailor to know the difference. To know that peace, like all virtues, demands vigilance, courage and unrelenting moral exertion. Every man and woman today making peace in Iraq, whether so signified by a flag on their uniform or an ink stain on their finger, understands those responsibilities.

The Iraqi people have hoped and prayed for a generation simply for the chance to take up peace's burden for themselves. Yesterday, they did, thanks to the bravery and the brilliance of the United States military. Because of their service and sacrifice, a war is being won and a peace is being made in Iraq, across the Middle East, here at home and around the world.

Now, many in this room sought to avoid this war rather than to fight it; to ignore a gathering threat rather than confront it; and now seek to end this war rather than win it. They point to the war's cost, its difficulties and our setbacks, and, despite the catastrophic consequences of failure, call for an immediate retreat and surrender.

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Well, not us, Mr. Speaker. This resolution reaffirms our commitment to victory, our commitment to the freedom and security of the Iraqi people, and our commitment to victory in Iraq and the broader war on terror. Every terrorist captured, every vote counted is another step the Iraqi people take towards freedom, victory, and peace. And another step our troops take toward home. Help win the war and help make the peace by supporting this resolution.

Mr. BLUMENAUER. Mr. Speaker, I am disappointed that Republican leadership is again attempting to score political points on the backs of our troops. I congratulate the Iraqi people for their brave actions during yesterday's election and hope for them that this is a turning point in their country's history. Had the Republican leadership allowed our ranking member on the House International Relations Committee, Mr. LANTOS, to offer his resolution to this effect, we could have offered a unanimous statement of support from Congress and avoided this ugly and divisive debate.

The basic flaw in the resolution that we are debating is that it assumes that victory in Iraq is a military outcome to be achieved by U.S. troops. Our men and women in uniform have done everything which we've asked of them. They have won every battle, but a successful future for Iraq requires a strategy to secure the peace that builds on what our troops have achieved.

It makes no sense to remain in Iraq until victory is achieved if our continued military presence brings Iraq no closer to stability. Instead, we need a plan to change the course in Iraq and achieve the best possible outcome for Iraqis and Americans. I have laid out a plan, as have Mr. MURTHA and others. Rather than a divisive debate over a politicized resolution, we should have an open and honest debate over how to best proceed in Iraq. The American people deserve no less.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to offer my support for H. Res. 612, which expresses the commitment of the House to achieving victory in Iraq.

The situation in Iraq has been the subject of much debate recently, and on the occasion of the successful Iraqi election yesterday, I think this resolution is both timely and appropriate.

We all agree that the U.S. faces a difficult task in the coming days and months ahead in Iraq. We must maintain enough of a presence to allow the newly elected government to survive, but not so much as to undermine its legitimacy. Thus, the plan is to turn over control on an aggressive schedule, as soon as Iraqi forces are able to handle the jobs themselves.

The objective is to create a democratic government that is able to manage its own affairs and keep the civilian population safe. This entails a gradual turnover of responsibility to Iraqi troops and an incremental redeployment of American forces. The schedule of withdrawals must be based solely on the Iraqis' ability to handle the job, not an arbitrary timetable. Furthermore, the message from elected leaders must be that troop withdrawals are part of a plan, not due to the fact that we are tired of being there.

As you know, Mr. Speaker, there have been many successes in Iraq notwithstanding the violent insurgency that seeks to thwart democratic change. There has been economic progress in every sector of Iraq, and, as we have all witnessed there has been significant political progress as well. Yesterday, approximately eleven million of the fifteen million eligible Iraqi voters participated in their national elections. This represents over 70 percent voter turnout—even larger than the 10 million who participated in the referendum on the new constitution in October, and the eight million who voted for their interim government last January. We can view this as yet another positive sign that the disparate ethnic and religious sects have opted to engage in the political process rather than civil war.

In fact, 82 percent of Iraqis polled believe their lives will be better in a year, and there is reason to share their optimism. However, there is also the need to have realistic expectations. Although they are making progress, Iraqi troops are not yet self-sufficient.

Iraqi forces do control and police more than one-third of Baghdad. In addition, Iraqi forces also secure Fallujah, Mosul, and Tal Afar, and most of the Syrian border.

American military commanders estimate that approximately 100,000 members of the Iraq military are able to work independently on operational matters with logistical support from U.S. troops. They expect this number to double in the next year. Thus, it is quite possible that a significant number of American forces will be able to leave the country in the coming year. However, it is also likely that we must maintain a sizeable American presence in the region for years to come.

Our efforts in Iraq must also be viewed from a broader Middle Eastern perspective. Other countries in the area have taken steps toward openness and democracy. Lebanon recently elected a new Prime Minister and forced Syria to end its long occupation. Afghanistan elected a president; the Palestinians new leadership; and Kuwaiti women won suffrage. The politics of this region have been characterized by autocracy and repression for millennia; thus, even these steps can be viewed as revolutionary. These countries' experiences also provide a cautionary tale that change does not come easily. Witness the continued assassinations of political figures and members of the press in Lebanon. Also witness the Egyptian elections, which began with promise but have devolved into disgrace. There are many groups in that part of the world who have a profound interest in the status quo and will do anything to maintain it. In Iraq, these include Saddam loyalists and Islamic radicals, all of whom have different but universally unappealing visions for the region.

The progress in Iraq to date would have been impossible without an American military presence. If our troops were to pull out immediately, violence would not decrease and the economy would not blossom. Rather, the government would collapse and Iraq would devolve into chaos. Instability would spread throughout the region, threatening our allies in the area, such as Jordan's King Abdullah. Iraq itself would become a haven for international terrorism, as Afghanistan once was, and Iran, whose government is hostile to our interests, would gain an exponential increase in regional influence. America's credibility would suffer a crippling blow, resulting in any number of unfavorable geopolitical consequences.

The Soviet Union and communism in Europe ended largely due to the policy of glasnost, or increased openness. Openness and democracy could well be the demise of the current predominant global threat, radical Islam. Thus, we have a great deal at stake in Iraq, and we must persevere until we are successful. The alternative is unacceptable.

I am extremely proud of our brave men and women in uniform and the sacrifices they and their families have made during Operation Iraqi Freedom. I understand the sentiments of those constituents who want American troops to leave Iraq because they want us to stop taking casualties. Words cannot describe the pain I feel when I see reports that more troops have been wounded or killed. However, if our troops leave Iraq prematurely, there will be no chance for stability in the Middle East; no way to check the advance of Iran or Syria; and a far greater likelihood that more Americans will suffer at the hands of emboldened terrorists.

In closing, let me express my sincere congratulations to the Iraqi people on the occasion of their successful national elections. My thoughts and prayers remain with our men and women in uniform, as they continue to work to bring freedom to the Iraqi people and safety and security to all of us here at home.

Mr. SHERMAN. Mr. Speaker, today I voted present on H. Res. 612.

I vote present when a resolution appears well-meaning but its language is flawed.

H. Res. 612 is referred to as the "Iraq Victory Resolution." The term victory means many things to different people. This resolution does not define "victory" and is therefore unacceptably vague.

The resolution concludes that the House has "unshakable confidence" that the United States will "achieve victory." Some would define victory as attaining all of the results promised by the administration at the time U.S.

forces invaded. I am not absolutely certain that we will achieve all of the results promised by the administration in the winter of 2002–2003.

Mr. Speaker, I join with my colleagues in congratulating the Iraqi people for electing a new parliament that will govern Iraq for the next 4 years, and for doing so in the face of great danger. I especially commend our troops for their heroism in Iraq and for their tremendous sacrifice for their service to our country.

Mr. Speaker, we had the opportunity to send a strong bipartisan message to the people of Iraq and to our troops. I am afraid that this resolution falls short.

Mr. DEFAZIO. Mr. Speaker, once again, the House Republican leadership refuses to allow an honest debate over the future of the U.S. military presence in Iraq. The American people, and in particularly our men and women in uniform serving honorably in difficult circumstances in Iraq, deserve more than cheerleading and sloganeering by Congress and the President. Unfortunately, empty gestures are all this Congress provides with this resolution.

Like all of my colleagues in Congress, I was heartened when millions of Iraqis, even at risk of life and limb, voted in late January to establish an interim government and constitutional assembly and again in October in support of a new Constitution. And, the early reporting on yesterday's election for a new four-year parliament in Iraq has been positive. There has been progress in Iraq. I congratulate the Iraqis on the election, and I commend our troops for helping to provide security for the election.

Unfortunately, I cannot support the resolution on the floor today because it contains the blatantly false assertion that negotiating a time line for withdrawal of U.S. forces with the Iraqi government is somehow inconsistent with achieving victory in Iraq. To the contrary, I believe that negotiating a timeline for withdrawal of U.S. forces is a prerequisite for stabilizing Iraq and bringing our troops home with honor beginning early next year.

Announcing the termination of the open-ended U.S. military commitment in Iraq and providing a concrete plan, including a timeline negotiated with the Iraqi government, for withdrawal could well undermine support for insurgents. The majority of insurgent fighters are Iraqi Sunnis who have stoked the wide variety of grievances of ordinary Iraqis arising from the U.S. military presence to generate popular support for their cause. Most importantly, establishing a withdrawal plan and timeline would remove one of the chief causes of instability in Iraq, the U.S. military presence itself, by separating nationalist Iraqi insurgents trying to end the U.S. military presence, both Sunni and Shia, from foreign elements in Iraq for their own reasons. As, the Commander of U.S. forces in Iraq, General George Casey, testified to Congress earlier this year that ''the perception of occupation in Iraq is a major driving force behind the insurgency.'' A specific withdrawal plan, with benchmarks for measuring success in stabilizing Iraq, could turn Iraqis, both Sunni and Shia, against the foreign terrorists operating in Iraq. This could be a key turning point in stabilizing the country.

A time line and withdrawal plan negotiated with the Iraqi government would also boost the Iraqi government's legitimacy and claim to self-rule, and force the Iraqi government to take responsibility for itself and its citizens. Negotiating a withdrawal timeline and strategy with the Iraqi government could, more than possibly anything else, improve the standing of the Iraqi government in the eyes of its own people, a significant achievement in a region in which the standing of rulers and governments is generally low.

Similarly, establishing a firm timeline for withdrawal could accelerate the development of Iraqi security forces and deepen their commitment to defending their own country and their own government. It would eliminate the conflict they now feel by working with what many of them see as an occupying force. It would allow them to defend a sovereign Iraqi government, rather than fight alongside U.S. forces. As long as the U.S. military remains in Iraq, Iraqi politicians and security forces will use it as a crutch and will likely fail to take the necessary steps to settle their differences and establish an effective, inclusive and independent government.

Negotiating a timeline for withdrawal with the newly elected Iraqi government would show that democracy ended the U.S. occupation of Iraq, not terrorist or insurgent violence, and would allow our troops to come home with honor.

Just as importantly, a specific plan and timeline for withdrawal would provide much needed relief to over-burdened military personnel and their families and provide some certainty to U.S. taxpayers regarding the financial burden they'll be forced to bear.

Finally, a plan for withdrawal could also help the United States in our broader fight against Islamic extremists with global ambitions, most notably al-Qaeda, by taking away a recruiting tool and training ground. Porter Goss, the Director of the Central Intelligence Agency, testified to Congress that, ''Islamic extremists are exploiting the Iraqi conflict to recruit new anti-U.S. jihadists. These jihadists who survive will leave Iraq experienced and focused on acts of urban terrorism.'' He went on to say, ''The Iraq conflict, while not a cause of extremism, has become a cause for extremists.''

The House should be debating this important issue and strategies for moving forward in Iraq instead of politically motivated misleading resolutions.

Mr. FRELINGHUYSEN. Mr. Speaker, recent newspaper articles, television news reports, debates on the floor of the U.S. House and Senate, and even dinner time conversations this holiday season have been dominated by discussions about the war against terrorism in Iraq.

Two and a half years removed from the beginning of this war, the stakes for victory remain high. It is important for all Americans, whether they support the war or not, to understand the implications of why we went there; what we are there to achieve; and what the consequences would be if we agreed to an artificial timetable to withdraw our troops. Because we continue to face both great difficulties and great opportunities in Iraq, it is even more important that all Americans absolutely recognize what the future of Iraq means to our security here at home and the future of the Middle East!

My current reading of the Iraq debate is that some war critics, who originally supported the war, have lately been trying to revise or rewrite the history of how Iraq became the central front in the war on terrorism. Some of this is genuine, principled opposition to war. Some of it is personal animosity toward the President. Whatever the reason, we need to separate the two. As some have said, ''hate the war, love the warfighter.''

To understand why we are there we do not have to look much further than what some critics said before the war and what they are saying now.

In 1998, House Democratic Leader NANCY PELOSI said ''Saddam Hussein has been engaged in the development of weapons of mass destruction technology.'' Seven years later, she says Saddam's weapons were ''not an imminent threat to the United States or a cause for war.''

In 2002, Senator HILLARY CLINTON said Saddam ''has also given aid, comfort, and sanctuary to terrorists.'' Now she claims there were ''false assurances, faulty evidence'' for war, but still hesitates to embrace calls for immediate withdrawal.

Even former President Bill Clinton said in 1998 that Saddam's ''ability to produce and deliver weapons of mass destruction poses a grave threat.'' Yet, now he says the war was ''a big mistake,'' but, like his spouse, warns of the danger of a premature withdrawal.

Unlike what Iraqis endured under the tyranny of Saddam Hussein, Americans are afforded the right to voice their concerns and state their opinions just as these elected officials and other citizens have done. However, it is important we understand the facts before more judgments and accusations are made.

Saddam Hussein reigned through terror, sponsored terror, and massacred innocent Iraqis with chemical weapons. He invaded his Kuwaiti neighbors and violated more than a dozen U.N. resolutions. His armed forces shot at U.S. and British pilots for the ten years they patrolled the U.N.-imposed ''No Fly Zones'' as they protected the Iraqi people from his brutality. And in the words of weapons inspector Dr. David Kay: Saddam had the ''intent'' and ''capabilities'' to develop weapons of mass destruction.

I have never regretted voting to give the President the authority to go to war in Iraq and remove Saddam from power. While I agree with Senator JOHN MCCAIN that mistakes have been made and some pre-war intelligence was unintentionally flawed, we cannot overlook positive developments in Iraq. I am convinced, however, that the progress we have made could be lost if we prematurely withdraw our troops before the Iraqi people are fully capable of governing and securing their own country.

The War on Terrorism in Iraq and Afghanistan is the defining challenge of our generation, whether some ''war opponents'' like it or not. Osama Bin Laden's deputy Ayman Al-Zawahiri has declared Iraq to be ''the place for the greatest battle,'' where he hopes to ''expel the Americans'' and then spread ''the jihad wave to the secular countries neighboring Iraq.'' Such statements reaffirm why withdrawing our troops according to an artificial political timetable would be detrimental to the future of Iraq, our own national security, and could actually embolden those who hate our way of life.

Iraq continues to strengthen its security forces, but not all of their military battalions are ready to operate independent of coalition troops. Our troops, and those of our coalition allies, are still needed in Iraq and we need to stand firm in the face of the terrorists. If we

leave prematurely, jihadists and terrorists will interpret our withdrawal as total victory and use that opportunity to turn Iraq into a springboard for future attacks closer to our shores. We know what these terrorists are capable of. Here in New Jersey, we don't need to be reminded of 9/11, nor have we forgotten terrorist attacks in Bali, London, Madrid, Thailand, Bangladesh, Jordan, Israel, and the discovery of cells in Belgium and a host of countries around the world.

We also have a responsibility to 28 million Iraqis who, after decades of abuse and torture by Saddam, yearn to be free and deserve a chance for prosperity and stability. We pledged to guide the Iraqi people through the difficult steps of constituting a new government, strengthening the Iraqi Army, and laying the ground work for free elections. But it would be incredibly dangerous if we allowed threats from Bin Laden, Zawahiri, or any of the insurgency to influence our foreign policy and "break our promise" to the Iraqi people. Drawing down our forces in Iraq should be based strictly on the progress being made by the Iraqi government to fully secure their own country and the judgment of our military generals on the ground over there.

For our troops to come home safely, our strategy for victory depends significantly on more Iraqi Security Forces, ISF, being trained, equipped, and ready to "lead the fight" for securing their own country. American military leaders in Iraq estimate that 210,400 Iraqi forces are currently fighting to defend Iraq. More than 80 battalions are fighting alongside coalition troops while nearly 40 others, including four in Baghdad, are independently policing and controlling areas of Iraq. Despite that innocent Iraqis continue to be a target of suicide bombers, more than 50,000 Iraqi police have completed basic training courses and ISF recruitment remains high. With all due respect to media reports, most of the insurgency only exists in four of 18 provinces in Iraq, a country the size of California.

Despite continued terrorists attacks, car bombings, beheadings, and kidnappings, the terrorists have not achieved their goals. In fact, 2005 has been a watershed year for democracy in Iraq. In January, the world watched as Iraqis defied terrorist threats by going to the polls and casting their votes for self-determination. Eight million Iraqis went to the voting booth and took a stand against terror by voting for an interim National Assembly. In October, almost 10 million participated in an Iraqi referendum to approve a national constitution that—for the first time ever—guarantees them basic freedoms, rights and protections under law, regardless of their gender, religion, or ethnic origin. And on December 15 even more Iraqis cast their votes for a permanent, full-time government.

In addition to the political and security strategy in Iraq, we must also continue to focus on the economic and reconstruction effort. While at times slow, critical infrastructure in Iraq continues to be restored and rebuilt to meet the increasing demand and need of the country's growing economy. The Army Corps of Engineers and many of our soldiers and Marines, working alongside Iraqis, the USAID and other international agencies, are helping Iraq build schools, modernize water and sewage projects, and open new fire and police stations. Approximately 80,000 children are attending Iraq's 3,400 schools. After years of neglect, more than 15,000 Iraqi homes have been connected to the Baghdad water system. And more Iraqi women are receiving better health care thanks to the construction of a new 260-bed maternity hospital in Mosul.

These are strong signs of progress in Iraq—none of which would have been possible without the service, sacrifice, and strong morale of U.S. and coalition forces. Unfortunately, such stories are not always being told by the media. Iraqis want to be free, and thanks to the support of our service men and women, they are taking steps each and every day to reach their goal.

Mr. Speaker, victory will not be accomplished overnight. On the contrary, the Iraqis still need our help to meet their political and security objectives. Our work in Iraq remains dangerous and difficult but we must meet the challenges of this new kind of war. We must honor the service and sacrifice of our soldiers by doing whatever it takes to protect our nation and prevail in Iraq and Afghanistan.

Mrs. MALONEY. Mr. Speaker, I will always support our troops, and I thank them and honor them for their bravery and valor during the difficult task of fighting the insurgents in Iraq. I also commend and admire the people of Iraq for their determination and bravery in the historic elections this week. The turnout was impressive—it was a testament to the spirit of the people and it will hopefully lead to a strong democracy.

I hope and pray that we are successful in Iraq—that the violence ends, that the country is stabilized and that our soldiers come home safe, sound and soon. Unfortunately, more than 150,000 of our best and bravest remain in Iraq having been given no real plan to win the peace and no defined terms of victory. Indeed, they were sent to Iraq by an administration that was unaware of the circumstance in Iraq and unprepared to win the peace.

I plan to vote "present" on this resolution because it calls for "complete victory" without actually defining victory. The administration has set tangible dates for elections and for the creation of a government, but why is it always vague about the terms of "victory"? We have trained 100,000 Iraqi troops, will "victory" be achieved only after we train 100,000 more? Can victory only be won after our troops remain in Iraq in full force for another ten years? Longer than that?

Our military is the best in history, and it can achieve victory in any situation, as long as it is told what victory entails.

Elections are important milestones, but they are not magic pills. In 1967, there was an historic vote in South Vietnam, similar to the elections Iraq is holding now. As we all know, hostilities in Vietnam would continue for 7 years after those elections, with 50,000 more Americans losing their lives.

We continue to wait for the Iraqi forces to be capable of securing Iraq themselves, but the vagueness of our goals and the vagueness of "victory" in this war gives them little incentive to take over from our military. We badly need a timetable, but, "When they stand up, we'll stand down," is hardly adequate.

Mr. CARDIN. Mr. Speaker, we can all agree with the parts of this resolution that congratulate the Iraqis for holding a democratic election and commend the sacrifices made by our United States Armed Forces and their families. Unfortunately, this resolution also endorses a failed policy that got us into this war, and has prolonged our presence in Iraq. Therefore, I cannot support H. Res. 612.

It is our responsibility to speak out individually and collectively. I will continue to communicate with the President and urge him to change course in Iraq. In order to achieve the goal of the Iraqis taking charge of their own security needs without the presence of U.S. troops, we must engage international organizations to assume primary responsibility for building democratic institutions including the training of Iraqi security forces. We need a strategy that will permit a substantial number of our troops to return home in 2006. The President should submit a plan to Congress and the American people that carries out these objectives.

As we pass yet another resolution that expresses support for our troops and our desire to achieve "victory" in Iraq, I must remind my colleagues that our soldiers have paid the heaviest price in Iraq. Thousands are dead, and tens of thousands are wounded. The American taxpayer has already invested hundreds of billions of dollars. Mr. Speaker, our soldiers deserve better than the resolution we are considering today with 1 hour of debate. The American people deserve serious consideration of how we can safely bring our soldiers home.

Mr. STARK. Mr. Speaker, I rise in strong opposition to this resolution.

The Republicans do not want any timetables to end the Iraq war because timetables would force the Bush administration to actually create a workable strategy to end the war. To cover for their lack of strategy and competence in Iraq, the Republicans are accusing others of creating artificial solutions to the quagmire they created. This is ironic since the Republicans have done nothing but provide artificial facts about the reasons to go to war, the progress of the war and the goals of the war.

Just about everything President Bush and congressional Republicans have said about Iraq has been proven false. Initially, President Bush and congressional Republicans justified the Iraq War on artificial grounds. Here are just a few examples: Iraq had weapons of mass destruction; Iraq bought enriched uranium from Niger; Saddam Hussein and Iraq were involved in 9/11; the intelligence about Iraq was accurate; and Congress had the same intelligence as the President about Iraq.

Then, President Bush and congressional Republicans provided artificial reasons on the progress of the war. Here are just few examples: The cost of the Iraq war would be low; the United States could use Iraq oil to pay for most of Iraq's war costs; the United States would be welcomed as liberators; the United States has enough troops to keep the peace in Iraq; and the Iraqi insurgency is in its last throes.

President Bush and congressional Republicans have consistently created equally artificial landmarks about what defines victory in Iraq. Here are the latest artificial landmarks: Over 2 years ago, President Bush declared "mission accomplished" in Iraq on the USS *Abraham Lincoln* after the defeat of the Iraqi army; the first Iraq election in January 2005; the passing of the Iraq constitution in October 2005; and the second Iraq election held yesterday.

With the passing of these events and the insurgency still going strong, President Bush

and congressional Republicans are now creating another artificial definition of victory to justify the United States continued presence in Iraq. This resolution now defines victory as the United States staying in Iraq until Iraqis can provide their own security.

After 2 years of training Iraqis, nobody can definitively tell the American people when this is going to happen. The GAO, think tanks and the military itself agree that Iraqi troop readiness is low, their loyalty and morale are questionable, there are sharp regional and ethnic divisions among the troop ranks, and their reported numbers overstate the real effectiveness of the troops. Such analysis does not exactly provide confidence that continuing U.S. training efforts will be successful or that our troops will be coming home anytime soon.

I ask my colleagues how many young American men and women have to die for a war fought for artificial reasons and artificial goals? Our soldiers should not have to be killed while President George Bush fumbles around for a face-saving strategy to end the debacle of the Iraq war.

I urge my colleagues to vote against this resolution. It is time for America to end this mistake and bring our troops safely home.

Mr. DINGELL. Mr. Speaker, I rise today to congratulate the Iraqi people on their participation in a successful election. The successful vote was a major stride for many Iraqis. Guns, bombs and violence were largely set aside for the day as a large majority of Iraqis went to the polls and exercised their right to vote. It is my sincere hope that with the new government in order, the bloodshed in Iraq will be replaced by an open, democratic debate.

I cannot, however, support this flawed resolution. The resolution focuses more on affirming the President's strategy for a continued military presence in Iraq than actually congratulating the Iraqis. And, while I agree with this resolution that a timeline for a U.S. Armed Forces withdrawal is not the proper course of action at this time, I strongly believe our military effort needs to be exceeded by the diplomatic effort to come. Unfortunately though, this resolution does not express that sense. It is nothing more than another political tactic by the Republican leadership meant to squash a real debate on Iraq in favor of a one-sided avowal of faith in an administration that has proved unfaithful.

We have never had a real debate on Iraq here in the House and this resolution does not offer real deliberation either. I call on my friends in the leadership to allow this House, the greatest legislative body in the world, to have a candid discussion, a full and fair debate, for at least 2 days, on this critical matter.

It is becoming increasingly clear that the United States is not doing enough to ensure that diplomacy will win out over violence. Certainly that is our objective, I do not deny that, but without a clear plan from the administration to achieve this aim I fear that our presence in Iraq could be protracted for much longer than it could or should be. This war will not turn to peace by military means alone. Diplomacy, democracy, and dialogue are the only true ways that Iraq can be a success. After four major speeches on Iraq from the President, I still have not seen an honest appraisal from this administration on the progress that has been made, and more importantly, what we are doing to ensure future progress. This is the type of discussion that we should be having here in the House, not a bogus debate on a hollow political resolution veiled as a congratulatory message to the Iraqi people.

We need a change of course in Iraq. We should hasten the shift of control to the Iraqis and move away from military conflict. Peace in Iraq can only be achieved by the Iraqis themselves. Therefore, there must be more emphasis on finding diplomatic solutions to Iraqi problems; to bringing in more nations to work with the Iraqis to rebuild and restructure their country; and there must be support for Iraqi democracy in all its forms. The Iraqi constitution clearly needs to be revisited and the administration must put pressure on the ruling parties, no matter who emerges victorious from the election, to engage in an honest, open deliberation on the amendment process to ensure that all Iraqis feel that they have a legitimate stake in the future of their country.

We have lost more than 2,000 brave men and women in Iraq. In excess of 100,000 active and reserve soldiers continue to serve in Iraq. We must honor the sacrifices and achievements of our troops, the pain borne by their families, and we must celebrate what they have been able to accomplish in spite of the incompetence and arrogance of this administration. Yesterday's elections give hope to the success of a free Iraq. Let us build on this momentum and show Iraqis and the world that the U.S. is truly committed to a stable and free Iraq achieved through diplomacy, not through military might.

Again, I congratulate the Iraqi people on a successful election yesterday. They showed the world that freedom knows no bounds. And I believe we must give our brave men and women all the support they need to achieve victory. However, I urge my colleagues to vote against this cynical, and frankly, disgracefully political, resolution, and ask that my colleagues seek a debate beyond platitudes in this House and demand more honesty and action from this administration.

Mr. FARR. Mr. Speaker, like millions of other Americans, I am pleased that Iraq held a democratic election for permanent representation and commend the bravery of the Iraqi people who risked their lives to vote for their vision of an Iraq ''by and for Iraqis.'' And I remain a stalwart supporter of our sailors, soldiers and marines who are serving in Iraq. What I do not support is the Republican leadership's political manipulation of the Iraq war and their attempts to stymie debate about how to get U.S. troops home as quickly and safely as possible.

I could not vote for H. Res. 612 because it does not call for immediately bringing U.S. troops home. U.S. troop presence fuels the insurgency. If the administration acknowledged this fact and started bring our troops home, we would remove the dangerous veneer of ''occupiers'' and put pressure on the Iraqis to step up to the plate and take over their own security, particularly now that the Iraqis have a representative government. The administration's bogus statement of ''they stand up we stand down'' is a hollow promise to our troops: It's just a slogan that provides no concrete answers on how we're getting out of Iraq. I urge my colleagues in Congress and the administration to stop wasting our troops time with slogans and politically driven resolutions like H. Res. 612 and instead focus on what's really important: bringing our troops home.

Mr. VAN HOLLEN. Mr. Speaker, today the leadership of this House has failed both the American people and the people of Iraq.

Today our country had a tremendous opportunity to stand united and join together in congratulating the Iraqi people on their elections for the first full-term National Assembly. We had a chance to send a shared message of gratitude to our troops and the families who have sacrificed so much. Instead, the Republican leadership chose the politics of division over unity of purpose. In a reprehensible act of blatant partisanship, they squandered a special opportunity to send a strong message and cynically exploited our troops for political gain.

Today, Congressman LANTOS offered us an opportunity to stand together by introducing a resolution that congratulates the people of Iraq on the recent election and expresses our thanks to the men and women of our Armed Forces who are serving there. That resolution would have received a unanimous vote in this House. But the Republican leadership did not want a unanimous vote in support of our troops and the people of Iraq. They denied us the opportunity to cast a vote on the Lantos resolution. The hypocrisy of their action should not be lost on the American people. At a time when we all want to celebrate the right of the Iraqi people to vote in Iraq, the Republican leadership denied this House the right to vote on the unifying resolution offered by Mr. LANTOS. And the very people who tell us each day that our Nation should speak with one voice on Iraq crafted a resolution that was deliberately designed to splinter the Members of this House.

The American people can respect genuine differences of opinion on the best way to move forward in Iraq. We should have a healthy debate about the best way to bring our troops home. Questions of war and peace are matters of conscience. When so many American and Iraqi lives hang in the balance, each of us has a responsibility to exercise our best judgment. What is so disappointing about the actions of the Republican leadership today is that it chose to turn an opportunity for bipartisanship into a political ploy. It demonstrated a smallness of mind that placed politics over the national interest.

I have never before voted ''present'' on a resolution in the House. I hope I do not feel compelled to do so again in the future. But there are times we have an obligation to send a message that we reject the politics of cynicism. The Republican resolution is less about achieving victory in Iraq than victory at the polls in 2006. We must refuse to participate in a political charade. There are few things in politics as despicable as using our troops and the democratic aspirations of the people of Iraq as pawns in a political game. Today's action by the Republican leadership has brought shame upon this House. It is time to put the national interest above political posturing.

Mr. HOLT. Mr. Speaker, I am troubled and disappointed that this particular resolution concerning Iraq is before the House today. It is intentionally divisive, and unnecessarily so.

Yesterday, the Iraqi people engaged in the most basic civic activity of a true democracy; they voted. I congratulate the millions of Iraqi citizens who bravely went to the polls to elect their parliament. I am greatly encouraged by this significant accomplishment, and I am proud to strongly support the Iraqi people as they struggle to build their own democracy.

I also strongly support our troops on the ground in Iraq. I recognize and honor their service and tremendous sacrifice. I also honor the sacrifices that have been made by their family members over the past 4 years. They have served bravely and skillfully, even when they have not been given the equipment and strategic support they require. As they come home, their Government must live up to its promise and provide the long term support they will need.

Every member of the House would support a resolution celebrating and honoring the Iraqi people and successful elections that occurred yesterday.

Every member of the House would also support a resolution honoring the sacrifice and commitment of our service members who are serving in Iraq.

The ranking minority member of the International Relations Committee introduced a resolution that would have done those things.

Unfortunately, the majority has chosen to play politics with our troops and to use the historic Iraqi elections as an opportunity to try to split us apart.

The resolution before us today fails on two fronts. First it fails for what it is not: Not a strategy for success, no change of course, and nothing to communicate to the American People or our troops that we recognize the facts on the ground and have learned from our past mistakes.

It also fails for what it is: an empty, self-congratulatory statement that the current policy is working, without regard for the facts. There is enough good to recognize—the Iraqi elections, the service of our soldiers—that we should not be waving around our own statements of self-appreciation and manufactured on imaginary good news.

Let us discuss real, solid evidence and real, substantive plans. How do we move towards a more stable, functional Iraq?

It is worth discussing, for a moment, the meaning of victory. I would have hoped that the President and Majority would have learned 3 years ago that saying ''Mission Accomplished'' does not make it so. Giving wishful speeches in front of signs that says ''Victory'' does not make it so. And using the word ''victory'' in the titles of counterproductive resolutions like this brings us no closer to a stable and functional Iraq.

Now that the Iraqi people have a framework for a constitution and have elected a parliament, it is time for the United States to bring our troops home. This will do more to erode support for the insurgency than a continued U.S. military occupation can ever hope to accomplish.

As my colleges know, Congressman JOHN MURTHA, a respected defense expert and a decorated Marine veteran, recently introduced H.J. Res. 73, which would bring our troops home from Iraq and bring an end to an occupation that does not serve the interests of the Iraqis or America. This resolution recognizes the ground truth in Iraq and will help to end the insurgency, I am proud to support it, and not this one.

Also, publicly stating that we will not seek to build permanent bases in the country would help to reassure the population of Iraq that we mean what we say when we tell them we have no designs of occupation. That is why I have cosponsored the Iraq Sovereignty Promotion Act, H.R. 3142, which calls for America to make such a public pledge.

Unfortunately, today we are not discussing either of these bills, or any of the many other pieces of legislation that have been introduced by my colleagues on what to do in Iraq. Instead, we have wasted an opportunity to have a substantive debate in favor of yet another divisive hollow resolution.

Mr. OBERSTAR. Mr. Speaker, the majority brings to the House floor today a resolution wrapped in a process that is offensive to the very essence of democracy. This resolution provides a dictated take-it-or-leave-it vote without the opportunity for our side to offer amendments expressing differing views of the elections in Iraq and the U.S. presence there. The substance of this resolution has all the appearance and wording of a campaign slogan.

While applauding the beginnings of democracy in Iraq, the majority has stifled democracy at home by denying Democrats the opportunity to offer our own resolution for consideration and an up-or-down vote on it.

Certainly, Democrats and Republicans congratulate the Iraqi people who drafted and by vote ratified their own constitution, and who voted this week in defiance of radical elements who sought to deter the Iraqi people from voting.

It is appropriate for the House to congratulate the Iraqi people on this step toward democratic governance, and we share the view that this election and the continued training of Iraq's security forces will make it possible for the United States to redeploy our troops and leave Iraqis in charge of their own destiny.

That is as far as this House should go in expressing support for the Iraqi democratic process. However, this resolution goes further. It raises the strawman of ''achieving victory in Iraq'' and it is critical of ''setting an artificial timetable for the withdrawal of U.S. Armed Forces from Iraq, or immediately terminating their deployment in Iraq,'' policies that House Democrats have not proposed. Nor does this resolution define what is meant by ''victory in Iraq.''

I want to express my support for the Iraqi people and this further step toward democracy, but I will oppose this resolution because I find it offensive that the majority has advanced a resolution that pretends to celebrate democracy by adding divisive and partisan language that is clearly designed for use in a domestic political campaign.

Mr. LEVIN. Mr. Speaker, yesterday, millions of Iraqis went out and voted for a new, national parliament, and I applaud them for doing so. I also commend the men and women of the U.S. Armed Forces, who helped the Iraqi people vote in safety. Our troops are doing a difficult job in Iraq.

I do not favor immediate withdrawal. Opposition to immediate withdrawal is not a substitute for a clear and detailed American strategy in Iraq, nor is blindly staying the course. What is needed is coming to terms with what the course should be—a plan regarding completion of our presence in Iraq.

Last month, the Senate adopted an amendment to the Defense bill that requires the President to submit such a plan to Congress, an amendment I strongly support. Indeed, I favor the more rigorous version of the amendment that was offered in the other body. In addition to requiring the Administration to provide Congress with a detailed strategy in Iraq with measurable benchmarks, the Administration would also provide Congress with estimated dates for the phased redeployment of U.S. forces from Iraq as each condition is met.

Unfortunately, the resolution before the House is transparently political. The House should reject it.

Mr. UDALL of Colorado. Mr. Speaker, I strongly object to the procedures under which this resolution is being debated. I voted against those procedures because the House should have been able to have a full and free debate and to consider possible changes in the resolution.

For example, Representative LANTOS proposed that we congratulate the Iraqi people on three national elections conducted in Iraq this year, encourage all Americans to express support for the people of Iraq, and express thanks to the members of the U.S. armed forces whose heroism permitted the Iraqi people to vote safely in yesterday's elections. That would have been something all Members of the House could support, if the Republican leadership had permitted that to be considered.

Still, I will vote for the resolution that is now before us, for several reasons.

First, the resolution calls yesterday's parliamentary elections a ''crucial victory for the Iraqi people and Iraq's new democracy.'' I couldn't agree more.

Reports are still coming in and we won't know the results for some time, but it's clear that the day was a success in terms of high turnout and low levels of violence. To the extent that increased Sunni participation means a greater political role for Sunnis in the new parliament, we could see weakened support for the insurgency. And the Iraqi people should be commended for their courage in coming out to vote—not once, but three times this year.

The resolution then goes on to call for a commitment to victory in Iraq, although it doesn't define ''victory.'' I strongly suspect this language was added, not so much to send a positive message to our soldiers or the Iraqi people so much as it was designed to bolster President Bush's recent speeches in Iraq where the word ''victory'' looms large.

Unlike American success in World War II, ''victory'' in Iraq cannot be measured by military success alone. This was achieved when our troops toppled Saddam Hussein's regime in 2003. What we can hope for in Iraq is that a responsible withdrawal of American forces can be linked to measurable benchmarks of political stability. This means that Iraqi security forces must be capable of providing for the safety of Iraqis. It means that Iraq's cities and infrastructure are rebuilt and its citizens have access to electricity and clean water. A successful withdrawal strategy means that America will no longer bear the brunt of the burden—that the U.N., other international organizations, our allies, and countries in the region will step up to assist with the nation-building mission in Iraq.

A successful outcome in Iraq is essential because failure in this part of the world could lead to wider war, greater terrorism and a disaster for our national security. To be frank, it is not so much ''victory'' that ought to concern us so much as a need to avoid ''failure.''

Unfortunately, whether we can avoid a failure in Iraq is a question that is not completely in our hands because only the Iraqis themselves can find the will necessary to live

alongside each other and to make the compromises necessary to build a functioning government based on an inclusive constitution.

For the record, I opposed the Iraq war resolution, but I have resisted supporting an artificial deadline for withdrawing troops. I believe we need a plan that is designed to bring our troops home and make clear to the Islamic world that we harbor no ambitions for permanent bases, Iraqi oil revenues or any military occupation. But how we withdraw is as important as when we withdraw. This means giving the Iraqis time to form a permanent government and establish the means for international support. We must exercise deep care in the way our country withdraws because leaving a failed state in Iraq will deeply endanger our country.

We were led into war as a divided nation and today we are even more divided. That's why I led a letter last month to Defense Authorization conferees with my colleagues Rep. TOM OSBORNE (R–NE), Rep. ELLEN TAUSCHER (D–CA), and Rep. JOE SCHWARZ (R–MI) urging conferees to include language passed overwhelmingly in the Senate urging President Bush to outline his strategy for withdrawal from Iraq and to provide Members of Congress with quarterly reports on the progress of American operations in Iraq. We wrote this letter because we believe that a successful withdrawal from Iraq can only be helped if Congress and the Bush Administration work to bring unity at home.

It is in our national interest to show the greatest amount of unity possible to the American people, to the international community, and to the Iraqi people, who so bravely made their way to polling stations all over Iraq yesterday.

Sending a message of encouragement to the Iraqi people to build stable institutions based on democratic principles is important at this critical time. it is for this fundamental reason that I vote today in support of this resolution.

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to House Resolution 619, the resolution is considered read and the previous question is ordered.

The question is on the resolution.

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

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 612 will be followed by 5-minute votes on motions to suspend the rules with respect to H. Res. 409; H. Res. 575; and H. Res. 534.

The vote was taken by electronic device, and there were—yeas 279, nays 109, answered ''present'' 34, not voting 11, as follows:

[Roll No. 648]

YEAS—279

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Dicks
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Israel
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Langevin
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—109

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kildee
Kilpatrick (MI)
Kucinich
Larson (CT)
Lee
Levin
Lewis (GA)
Lynch
Markey
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Pelosi
Price (NC)
Rahall
Rangel
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Solis
Stark
Strickland
Stupak
Thompson (MS)
Tierney
Towns
Udall (NM)
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—34

Andrews
Baird
Bishop (NY)
Boyd
Butterfield
Carson
DeFazio
Emanuel
Engel
Eshoo
Harman
Hooley
Hoyer
Johnson, E. B.
Kaptur
Lantos
Larsen (WA)
Leach
Lofgren, Zoe
Lowey
Maloney
Matsui
McNulty
Meek (FL)
Michaud
Owens
Paul
Sanchez, Loretta
Schiff
Sherman
Slaughter
Tauscher
Thompson (CA)
Van Hollen

NOT VOTING—11

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). There are 2 minutes remaining in this vote.

□ 1442

Mr. CLYBURN changed his vote from ''yea'' to ''nay''.

Mr. BOEHLERT and Mr. FORD changed their votes from ''nay'' to ''yea.''

Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MEEK of Florida changed their votes from ''nay'' to ''present.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4440. An act to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO THE PRESIDENT

Ms. ROS-LEHTINEN (during consideration of H. Res. 612), from the Committee on International Relations, submitted a privileged report (Rept. No.

109–351) on the resolution (H. Res. 549) requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address, which was referred to the House Calendar and ordered to be printed.

CONDEMNING THE GOVERNMENT OF ZIMBABWE'S ''OPERATION MURAMBATSVINA''

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 409, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 409, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 11, as follows:

[Roll No. 649]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—11

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1450

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING THAT HAMAS AND OTHER TERRORIST ORGANIZATIONS SHOULD NOT PARTICIPATE IN ELECTIONS HELD BY PALESTINIAN AUTHORITY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 575, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 575, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 17, answered ''present'' 7, not voting 12, as follows:

[Roll No. 650]

YEAS—397

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—17

Abercrombie
Blumenauer
Dingell
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
McDermott
McKinney
Moran (VA)
Obey
Paul
Rahall
Stark
Waters
Watson
Watt

ANSWERED ''PRESENT''—7

Becerra
Capuano
Gutierrez
Gutknecht
Kolbe
Leach
Moore (WI)

NOT VOTING—12

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Doolittle
Hyde
Istook
LaHood
McCarthy
Napolitano
Payne
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1458

Mr. ROHRABACHER changed his vote from ''nay'' to ''yea.''

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Asserting that Hamas and other terrorist organizations should not participate in elections held by the Palestinian Authority, and for other purposes.''.

A motion to reconsider was laid on the table.

RECOGNIZING THE IMPORTANCE AND CREDIBILITY OF AN INDEPENDENT IRAQI JUDICIARY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 534.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 534, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 24, as follows:

[Roll No. 651]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney

Towns	Wasserman Schultz	Wexler
Turner	Waters	Whitfield
Udall (CO)	Watson	Wicker
Udall (NM)	Watt	Wilson (NM)
Upton	Waxman	Wilson (SC)
Van Hollen	Weiner	Wolf
Velázquez	Weldon (FL)	Woolsey
Visclosky	Weldon (PA)	Wu
Walden (OR)	Weller	Wynn
Walsh	Westmoreland	Young (AK)
Wamp		Young (FL)

NAYS—1

Paul

NOT VOTING—24

Bachus	Diaz-Balart, M.	Mica
Barrett (SC)	Hyde	Miller (FL)
Barton (TX)	Istook	Miller, George
Brady (TX)	Johnson, Sam	Napolitano
Chocola	LaHood	Payne
Cole (OK)	Lantos	Radanovich
Davis, Jo Ann	McCarthy	Rangel
Delahunt	McDermott	Sweeney

□ 1506

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

The title of the resolution was amended so as to read: ''Resolution recognizing the importance of an independent Iraqi judiciary in the formation of a new and democratic Iraq.''.

A motion to reconsider was laid on the table.

MEDICAL REPORT ON THE HONORABLE JOE BARTON, MEMBER OF CONGRESS

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

Mr. UPTON. Madam Speaker, I just would like to give a brief medical report on our friend and colleague, JOE BARTON, who left last night rather suddenly to GW Hospital. He had three stents put in this morning.

I talked with him at length a little bit earlier this morning. He is doing quite well. He has a good sense of humor. Some of you might remember that our committee had a BCS hearing earlier this week on a playoff schedule, and I told him it had been resolved: Michigan would not be playing Nebraska, Michigan would be playing Southern California for the National Championship on January 4.

But he is in good humor, and he is doing well. His wife made it early this morning. He is expected to make a full recovery. In fact, he may be here later in the weekend to cast a vote or two if it is required.

He very much appreciates all the Members on both sides of the aisle inquiring about his health and wanted us to assure everyone that in fact he is the same JOE BARTON that he was before; he is expected to make a full recovery, and we may see him again later on this weekend.

GULF OPPORTUNITY ZONE ACT OF 2005

Mr. MCCRERY. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Gulf Opportunity Zone Act of 2005''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

Sec. 101. Tax benefits for Gulf Opportunity Zone.
Sec. 102. Expansion of Hope Scholarship and Lifetime Learning Credit for students in the Gulf Opportunity Zone.
Sec. 103. Housing relief for individuals affected by Hurricane Katrina.
Sec. 104. Extension of special rules for mortgage revenue bonds.
Sec. 105. Special extension of bonus depreciation placed in service date for taxpayers affected by Hurricanes Katrina, Rita, and Wilma.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

Sec. 201. Extension of certain emergency tax relief for Hurricane Katrina to Hurricanes Rita and Wilma.

TITLE III—OTHER PROVISIONS

Sec. 301. Gulf Coast Recovery Bonds.
Sec. 302. Election to include combat pay as earned income for purposes of earned income credit.
Sec. 303. Modification of effective date of exception from suspension rules for certain listed and reportable transactions.
Sec. 304. Authority for undercover operations.
Sec. 305. Disclosures of certain tax return information.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

Sec. 401. Short title.
Sec. 402. Amendments related to Energy Policy Act of 2005.
Sec. 403. Amendments related to the American Jobs Creation Act of 2004.
Sec. 404. Amendments related to the Working Families Tax Relief Act of 2004.
Sec. 405. Amendments related to the Jobs and Growth Tax Relief Reconciliation Act of 2003.
Sec. 406. Amendment related to the Victims of Terrorism Tax Relief Act of 2001.
Sec. 407. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 408. Amendments related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 409. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 410. Amendment related to the Omnibus Budget Reconciliation Act of 1990.
Sec. 411. Amendment related to the Omnibus Budget Reconciliation Act of 1987.
Sec. 412. Clerical corrections.
Sec. 413. Other corrections related to the American Jobs Creation Act of 2004.

Subtitle B—Trade Technicals

Sec. 421. Technical corrections to regional value content methods for rules of origin under Public Law 109–53.

TITLE V—EMERGENCY REQUIREMENT

Sec. 501. Emergency requirement.

TITLE I—ESTABLISHMENT OF GULF OPPORTUNITY ZONE

SEC. 101. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Subchapter Y of chapter 1 is amended by adding at the end the following new part:

''PART II—TAX BENEFITS FOR GO ZONES

''Sec. 1400M. Definitions.
''Sec. 1400N. Tax benefits for Gulf Opportunity Zone.

''SEC. 1400M. DEFINITIONS.

''For purposes of this part—

''(1) GULF OPPORTUNITY ZONE.—The terms 'Gulf Opportunity Zone' and 'GO Zone' mean that portion of the Hurricane Katrina disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Katrina.

''(2) HURRICANE KATRINA DISASTER AREA.—The term 'Hurricane Katrina disaster area' means an area with respect to which a major disaster has been declared by the President before September 14, 2005, under section 401 of such Act by reason of Hurricane Katrina.

''(3) RITA GO ZONE.—The term 'Rita GO Zone' means that portion of the Hurricane Rita disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Rita.

''(4) HURRICANE RITA DISASTER AREA.—The term 'Hurricane Rita disaster area' means an area with respect to which a major disaster has been declared by the President before October 6, 2005, under section 401 of such Act by reason of Hurricane Rita.

''(5) WILMA GO ZONE.—The term 'Wilma GO Zone' means that portion of the Hurricane Wilma disaster area determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act by reason of Hurricane Wilma.

''(6) HURRICANE WILMA DISASTER AREA.—The term 'Hurricane Wilma disaster area' means an area with respect to which a major disaster has been declared by the President before November 14, 2005, under section 401 of such Act by reason of Hurricane Wilma.

''SEC. 1400N. TAX BENEFITS FOR GULF OPPORTUNITY ZONE.

''(a) TAX-EXEMPT BOND FINANCING.—

''(1) IN GENERAL.—For purposes of this title—

''(A) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(i) shall be treated as an exempt facility bond, and

''(B) any qualified Gulf Opportunity Zone Bond described in paragraph (2)(A)(ii) shall be treated as a qualified mortgage bond.

''(2) QUALIFIED GULF OPPORTUNITY ZONE BOND.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone Bond' means any bond issued as part of an issue if—

''(A)(i) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, or

''(ii) such issue meets the requirements of a qualified mortgage issue, except as otherwise provided in this subsection,

''(B) such bond is issued by the State of Alabama, Louisiana, or Mississippi, or any political subdivision thereof,

''(C) such bond is designated for purposes of this section by—

''(i) in the case of a bond which is required under State law to be approved by the bond commission of such State, such bond commission, and

''(ii) in the case of any other bond, the Governor of such State,

''(D) such bond is issued after the date of the enactment of this section and before January 1, 2011, and

''(E) no portion of the proceeds of such issue is to be used to provide any property described in section 144(c)(6)(B).

''(3) LIMITATIONS ON BONDS.—

''(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection with respect to any State shall not exceed the product of $2,500 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(B) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

''(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection, the term 'qualified project costs' means—

''(A) the cost of any qualified residential rental project (as defined in section 142(d)) located in the Gulf Opportunity Zone, and

''(B) the cost of acquisition, construction, reconstruction, and renovation of—

''(i) nonresidential real property (including fixed improvements associated with such property) located in the Gulf Opportunity Zone, and

''(ii) public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone.

''(5) SPECIAL RULES.—In applying this title to any qualified Gulf Opportunity Zone Bond, the following modifications shall apply:

''(A) Section 142(d)(1) (defining qualified residential rental project) shall be applied—

''(i) by substituting '60 percent' for '50 percent' in subparagraph (A) thereof, and

''(ii) by substituting '70 percent' for '60 percent' in subparagraph (B) thereof.

''(B) Section 143 (relating to mortgage revenue bonds: qualified mortgage bond and qualified veterans' mortgage bond) shall be applied—

''(i) only with respect to owner-occupied residences in the Gulf Opportunity Zone,

''(ii) by treating any such residence in the Gulf Opportunity Zone as a targeted area residence,

''(iii) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(iv) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(C) Except as provided in section 143, repayments of principal on financing provided by the issue of which such bond is a part may not be used to provide financing.

''(D) Section 146 (relating to volume cap) shall not apply.

''(E) Section 147(d)(2) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

''(F) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds which are part of an issue described in paragraph (2)(A)(i).

''(G) Section 57(a)(5) (relating to tax-exempt interest) shall not apply.

''(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

''(b) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

''(1) IN GENERAL.—With respect to a bond described in paragraph (3), one additional advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) if—

''(A) the Governor of the State designates the advance refunding bond for purposes of this subsection, and

''(B) the requirements of paragraph (5) are met.

''(2) CERTAIN PRIVATE ACTIVITY BONDS.—With respect to a bond described in paragraph (3) which is an exempt facility bond described in paragraph (1) or (2) of section 142(a), one advance refunding after the date of the enactment of this section and before January 1, 2011, shall be allowed under the applicable rules of section 149(d) (notwithstanding paragraph (2) thereof) if the requirements of subparagraphs (A) and (B) of paragraph (1) are met.

''(3) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on August 28, 2005, and is issued by the State of Alabama, Louisiana, or Mississippi, or a political subdivision thereof.

''(4) AGGREGATE LIMIT.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(A) $4,500,000,000 in the case of the State of Louisiana,

''(B) $2,250,000,000 in the case of the State of Mississippi, and

''(C) $1,125,000,000 in the case of the State of Alabama.

''(5) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (3) if—

''(A) no advance refundings of such bond would be allowed under this title on or after August 28, 2005,

''(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

''(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

''(6) USE OF PROCEEDS REQUIREMENT.—This subsection shall not apply to any advance refunding of a bond which is issued as part of an issue if any portion of the proceeds of such issue (or any prior issue) was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(c) LOW-INCOME HOUSING CREDIT.—

''(1) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR GULF OPPORTUNITY ZONE.—

''(A) IN GENERAL.—For purposes of section 42, in the case of calendar years 2006, 2007, and 2008, the State housing credit ceiling of each State, any portion of which is located in the Gulf Opportunity Zone, shall be increased by the lesser of—

''(i) the aggregate housing credit dollar amount allocated by the State housing credit agency of such State to buildings located in the Gulf Opportunity Zone for such calendar year, or

''(ii) the Gulf Opportunity housing amount for such State for such calendar year.

''(B) GULF OPPORTUNITY HOUSING AMOUNT.—For purposes of subparagraph (A), the term 'Gulf Opportunity housing amount' means, for any calendar year, the amount equal to the product of $18.00 multiplied by the portion of the State population which is in the Gulf Opportunity Zone (as determined on the basis of the most recent census estimate of resident population released by the Bureau of Census before August 28, 2005).

''(C) ALLOCATIONS TREATED AS MADE FIRST FROM ADDITIONAL ALLOCATION AMOUNT FOR PURPOSES OF DETERMINING CARRYOVER.—For purposes of determining the unused State housing credit ceiling under section 42(h)(3)(C) for any calendar year, any increase in the State housing credit ceiling under subparagraph (A) shall be treated as an amount described in clause (ii) of such section.

''(2) ADDITIONAL HOUSING CREDIT DOLLAR AMOUNT FOR TEXAS AND FLORIDA.—For purposes of section 42, in the case of calendar year 2006, the State housing credit ceiling of Texas and Florida shall each be increased by $3,500,000.

''(3) DIFFICULT DEVELOPMENT AREA.—

''(A) IN GENERAL.—For purposes of section 42, in the case of property placed in service during 2006, 2007, or 2008, the Gulf Opportunity Zone, the Rita GO Zone, and the Wilma GO Zone—

''(i) shall be treated as difficult development areas designated under subclause (I) of section 42(d)(5)(C)(iii), and

''(ii) shall not be taken into account for purposes of applying the limitation under subclause (II) of such section.

''(B) APPLICATION.—Subparagraph (A) shall apply only to—

''(i) housing credit dollar amounts allocated during the period beginning on January 1, 2006, and ending on December 31, 2008, and

''(ii) buildings placed in service during such period to the extent that paragraph (1) of section 42(h) does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after December 31, 2005.

''(4) SPECIAL RULE FOR APPLYING INCOME TESTS.—In the case of property placed in service—

''(A) during 2006, 2007, or 2008,

''(B) in the Gulf Opportunity Zone, and

''(C) in a nonmetropolitan area (as defined in section 42(d)(5)(C)(iv)(IV)),

section 42 shall be applied by substituting 'national nonmetropolitan median gross income (determined under rules similar to the rules of section 142(d)(2)(B))' for 'area median gross income' in subparagraphs (A) and (B) of section 42(g)(1).

''(5) DEFINITIONS.—Any term used in this subsection which is also used in section 42 shall have the same meaning as when used in such section.

''(d) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER AUGUST 28, 2005.—

''(1) ADDITIONAL ALLOWANCE.—In the case of any qualified Gulf Opportunity Zone property—

''(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 50 percent of the adjusted basis of such property, and

''(B) the adjusted basis of the qualified Gulf Opportunity Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

''(2) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified Gulf Opportunity Zone property' means property—

''(i)(I) which is described in section 168(k)(2)(A)(i), or

''(II) which is nonresidential real property or residential rental property,

''(ii) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

''(iii) the original use of which in the Gulf Opportunity Zone commences with the taxpayer on or after August 28, 2005,

''(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005, and

''(v) which is placed in service by the taxpayer on or before December 31, 2007 (December 31, 2008, in the case of nonresidential real property and residential rental property).

''(B) EXCEPTIONS.—

''(i) ALTERNATIVE DEPRECIATION PROPERTY.—Such term shall not include any property described in section 168(k)(2)(D)(i).

''(ii) TAX-EXEMPT BOND-FINANCED PROPERTY.—Such term shall not include any property any portion of which is financed with the proceeds of any obligation the interest on which is exempt from tax under section 103.

''(iii) QUALIFIED REVITALIZATION BUILDINGS.—Such term shall not include any qualified revitalization building with respect to which the taxpayer has elected the application of paragraph (1) or (2) of section 1400I(a).

''(iv) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

''(3) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of subparagraph (E) of section 168(k)(2) shall apply, except that such subparagraph shall be applied—

''(A) by substituting 'August 27, 2005' for 'September 10, 2001' each place it appears therein,

''(B) by substituting 'January 1, 2008' for 'January 1, 2005' in clause (i) thereof, and

''(C) by substituting 'qualified Gulf Opportunity Zone property' for 'qualified property' in clause (iv) thereof.

''(4) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(G) shall apply.

''(5) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified Gulf Opportunity Zone property which ceases to be qualified Gulf Opportunity Zone property.

''(e) INCREASE IN EXPENSING UNDER SECTION 179.—

''(1) IN GENERAL.—For purposes of section 179—

''(A) the dollar amount in effect under section 179(b)(1) for the taxable year shall be increased by the lesser of—

''(i) $100,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year, and

''(B) the dollar amount in effect under section 179(b)(2) for the taxable year shall be increased by the lesser of—

''(i) $600,000, or

''(ii) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year.

''(2) QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified section 179 Gulf Opportunity Zone property' means section 179 property (as defined in section 179(d)) which is qualified Gulf Opportunity Zone property (as defined in subsection (d)(2)).

''(3) COORDINATION WITH EMPOWERMENT ZONES AND RENEWAL COMMUNITIES.—For purposes of sections 1397A and 1400J, qualified section 179 Gulf Opportunity Zone property shall not be treated as qualified zone property or qualified renewal property, unless the taxpayer elects not to take such qualified section 179 Gulf Opportunity Zone property into account for purposes of this subsection.

''(4) RECAPTURE.—For purposes of this subsection, rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified section 179 Gulf Opportunity Zone property which ceases to be qualified section 179 Gulf Opportunity Zone property.

''(f) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—

''(1) IN GENERAL.—A taxpayer may elect to treat 50 percent of any qualified Gulf Opportunity Zone clean-up cost as an expense which is not chargeable to capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which such cost is paid or incurred.

''(2) QUALIFIED GULF OPPORTUNITY ZONE CLEAN-UP COST.—For purposes of this subsection, the term 'qualified Gulf Opportunity Zone clean-up cost' means any amount paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007, for the removal of debris from, or the demolition of structures on, real property which is located in the Gulf Opportunity Zone and which is—

''(A) held by the taxpayer for use in a trade or business or for the production of income, or

''(B) property described in section 1221(a)(1) in the hands of the taxpayer.

For purposes of the preceding sentence, amounts paid or incurred shall be taken into account only to the extent that such amount would (but for paragraph (1)) be chargeable to capital account.

''(g) EXTENSION OF EXPENSING FOR ENVIRONMENTAL REMEDIATION COSTS.—With respect to any qualified environmental remediation expenditure (as defined in section 198(b)) paid or incurred on or after August 28, 2005, in connection with a qualified contaminated site located in the Gulf Opportunity Zone, section 198 (relating to expensing of environmental remediation costs) shall be applied—

''(1) in the case of expenditures paid or incurred on or after August 28, 2005, and before January 1, 2008, by substituting 'December 31, 2007' for the date contained in section 198(h), and

''(2) except as provided in section 198(d)(2), by treating petroleum products (as defined in section 4612(a)(3)) as a hazardous substance.

''(h) INCREASE IN REHABILITATION CREDIT.—In the case of qualified rehabilitation expenditures (as defined in section 47(c)) paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2008, with respect to any qualified rehabilitated building or certified historic structure (as defined in section 47(c)) located in the Gulf Opportunity Zone, subsection (a) of section 47 (relating to rehabilitation credit) shall be applied—

''(1) by substituting '13 percent' for '10 percent' in paragraph (1) thereof, and

''(2) by substituting '26 percent' for '20 percent' in paragraph (2) thereof.

''(i) SPECIAL RULES FOR SMALL TIMBER PRODUCERS.—

''(1) INCREASED EXPENSING FOR QUALIFIED TIMBER PROPERTY.—In the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone, the limitation under subparagraph (B) of section 194(b)(1) shall be increased by the lesser of—

''(A) the limitation which would (but for this subsection) apply under such subparagraph, or

''(B) the amount of reforestation expenditures (as defined in section 194(c)(3)) paid or incurred by the taxpayer with respect to such qualified timber property during the specified portion of the taxable year.

''(2) 5 YEAR NOL CARRYBACK OF CERTAIN TIMBER LOSSES.—For purposes of determining any farming loss under section 172(i), income and deductions which are allocable to the specified portion of the taxable year and which are attributable to qualified timber property any portion of which is located in the Gulf Opportunity Zone, in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or in the Wilma GO Zone shall be treated as attributable to farming businesses.

''(3) RULES NOT APPLICABLE TO CERTAIN ENTITIES.—Paragraphs (1) and (2) shall not apply to any taxpayer which—

''(A) is a corporation the stock of which is publicly traded on an established securities market, or

''(B) is a real estate investment trust.

''(4) RULES NOT APPLICABLE TO LARGE TIMBER PRODUCERS.—

''(A) EXPENSING.—Paragraph (1) shall not apply to any taxpayer if such taxpayer holds more than 500 acres of qualified timber property at any time during the taxable year.

''(B) NOL CARRYBACK.—Paragraph (2) shall not apply with respect to any qualified timber property unless—

''(i) such property was held by the taxpayer—

''(I) on August 28, 2005, in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone,

''(II) on September 23, 2005, in the case of qualified timber property (other than property described in subclause (I)) any portion of which is located in that portion of the Rita GO Zone which is not part of the Gulf Opportunity Zone, or

''(III) on October 23, 2005, in the case of qualified timber property (other than property described in subclause (I) or (II)) any portion of which is located in the Wilma GO Zone, and

''(ii) such taxpayer held not more than 500 acres of qualified timber property on such date.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) SPECIFIED PORTION.—

''(i) IN GENERAL.—The term 'specified portion' means—

''(I) in the case of qualified timber property any portion of which is located in the Gulf Opportunity Zone, that portion of the taxable year which is on or after August 28, 2005, and before the termination date,

''(II) in the case of qualified timber property (other than property described in clause (i)) any portion of which is located in the Rita GO Zone, that portion of the taxable year which is on or after September 23, 2005, and before the termination date, or

''(III) in the case of qualified timber property (other than property described in clause (i) or (ii)) any portion of which is located in the Wilma GO Zone, that portion of the taxable year which is on or after October 23, 2005, and before the termination date.

''(ii) TERMINATION DATE.—The term 'termination date' means—

''(I) for purposes of paragraph (1), January 1, 2008, and

''(II) for purposes of paragraph (2), January 1, 2007.

''(B) QUALIFIED TIMBER PROPERTY.—The term 'qualified timber property' has the meaning given such term in section 194(c)(1).

''(j) SPECIAL RULE FOR GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSSES.—

''(1) IN GENERAL.—The amount described in section 172(f)(1)(A) for any taxable year shall be increased by the Gulf Opportunity Zone public utility casualty loss for such taxable year.

''(2) GULF OPPORTUNITY ZONE PUBLIC UTILITY CASUALTY LOSS.—For purposes of this subsection, the term 'Gulf Opportunity Zone public utility casualty loss' means any casualty loss of public utility property (as defined in section 168(i)(10)) located in the Gulf Opportunity Zone if—

''(A) such loss is allowed as a deduction under section 165 for the taxable year,

''(B) such loss is by reason of Hurricane Katrina, and

''(C) the taxpayer elects the application of this subsection with respect to such loss.

''(3) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of any Gulf Opportunity Zone public utility casualty loss which would (but for this paragraph) be taken into account under paragraph (1) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of public utility property (as so defined) located in the Gulf Opportunity Zone.

''(4) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Subsection (k) and section 165(i) shall not apply to any Gulf Opportunity Zone public utility casualty loss to the extent such loss is taken into account under paragraph (1).

''(5) ELECTION.—Any election under paragraph (2)(C) shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.

''(k) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO GULF OPPORTUNITY ZONE LOSSES.—

''(1) IN GENERAL.—If a portion of any net operating loss of the taxpayer for any taxable year is a qualified Gulf Opportunity Zone loss, the following rules shall apply:

''(A) EXTENSION OF CARRYBACK PERIOD.—Section 172(b)(1) shall be applied with respect to such portion—

''(i) by substituting '5 taxable years' for '2 taxable years' in subparagraph (A)(i), and

''(ii) by not taking such portion into account in determining any eligible loss of the taxpayer under subparagraph (F) thereof for the taxable year.

''(B) SUSPENSION OF 90 PERCENT AMT LIMITATION.—Section 56(d)(1) shall be applied by increasing the amount determined under subparagraph (A)(ii)(I) thereof by the sum of the carrybacks and carryovers of any net operating loss attributable to such portion.

''(2) QUALIFIED GULF OPPORTUNITY ZONE LOSS.—For purposes of paragraph (1), the term 'qualified Gulf Opportunity Zone loss' means the lesser of—

''(A) the excess of—

''(i) the net operating loss for such taxable year, over

''(ii) the specified liability loss for such taxable year to which a 10-year carryback applies under section 172(b)(1)(C), or

''(B) the aggregate amount of the following deductions to the extent taken into account in computing the net operating loss for such taxable year:

''(i) Any deduction for any qualified Gulf Opportunity Zone casualty loss.

''(ii) Any deduction for moving expenses paid or incurred after August 27, 2005, and before January 1, 2008, and allowable under this chapter to any taxpayer in connection with the employment of any individual—

''(I) whose principal place of abode was located in the Gulf Opportunity Zone before August 28, 2005,

''(II) who was unable to remain in such abode as the result of Hurricane Katrina, and

''(III) whose principal place of employment with the taxpayer after such expense is located in the Gulf Opportunity Zone.

For purposes of this clause, the term 'moving expenses' has the meaning given such term by section 217(b), except that the taxpayer's former residence and new residence may be the same residence if the initial vacating of the residence was as the result of Hurricane Katrina.

''(iii) Any deduction allowable under this chapter for expenses paid or incurred after August 27, 2005, and before January 1, 2008, to temporarily house any employee of the taxpayer whose principal place of employment is in the Gulf Opportunity Zone.

''(iv) Any deduction for depreciation (or amortization in lieu of depreciation) allowable under this chapter with respect to any qualified Gulf Opportunity Zone property (as defined in subsection (d)(2), but without regard to subparagraph (B)(iv) thereof)) for the taxable year such property is placed in service.

''(v) Any deduction allowable under this chapter for repair expenses (including expenses for removal of debris) paid or incurred after August 27, 2005, and before January 1, 2008, with respect to any damage attributable to Hurricane Katrina and in connection with property which is located in the Gulf Opportunity Zone.

''(3) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSS.—

''(A) IN GENERAL.—For purposes of paragraph (2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' means any uncompensated section 1231 loss (as defined in section 1231(a)(3)(B)) of property located in the Gulf Opportunity Zone if—

''(i) such loss is allowed as a deduction under section 165 for the taxable year, and

''(ii) such loss is by reason of Hurricane Katrina.

''(B) REDUCTION FOR GAINS FROM INVOLUNTARY CONVERSION.—The amount of qualified Gulf Opportunity Zone casualty loss which would (but for this subparagraph) be taken into account under subparagraph (A) for any taxable year shall be reduced by the amount of any gain recognized by the taxpayer for such year from the involuntary conversion by reason of Hurricane Katrina of property located in the Gulf Opportunity Zone.

''(C) COORDINATION WITH GENERAL DISASTER LOSS RULES.—Section 165(i) shall not apply to any qualified Gulf Opportunity Zone casualty loss to the extent such loss is taken into account under this subsection.

''(4) SPECIAL RULES.—For purposes of paragraph (1), rules similar to the rules of paragraphs (2) and (3) of section 172(i) shall apply with respect to such portion.

''(l) CREDIT TO HOLDERS OF GULF TAX CREDIT BONDS.—

''(1) ALLOWANCE OF CREDIT.—If a taxpayer holds a Gulf tax credit bond on one or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under paragraph (2) with respect to such dates.

''(2) AMOUNT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under this paragraph with respect to any credit allowance date for a Gulf tax credit bond is 25 percent of the annual credit determined with respect to such bond.

''(B) ANNUAL CREDIT.—The annual credit determined with respect to any Gulf tax credit bond is the product of—

''(i) the credit rate determined by the Secretary under subparagraph (C) for the day on which such bond was sold, multiplied by

''(ii) the outstanding face amount of the bond.

''(C) DETERMINATION.—For purposes of subparagraph (B), with respect to any Gulf tax credit bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of Gulf tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the issuer.

''(D) CREDIT ALLOWANCE DATE.—For purposes of this subsection, the term 'credit allowance date' means March 15, June 15, September 15, and December 15. Such term also includes the last day on which the bond is outstanding.

''(E) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this paragraph with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(3) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under paragraph (1) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C and this subsection).

''(4) GULF TAX CREDIT BONDor purposes of this subsection—

''(A) IN GENERAL.—The term 'Gulf tax credit bond' means any bond issued as part of an issue if—

''(i) the bond is issued by the State of Alabama, Louisiana, or Mississippi,

''(ii) 95 percent or more of the proceeds of such issue are to be used to—

''(I) pay principal, interest, or premiums on qualified bonds issued by such State or any political subdivision of such State, or

''(II) make a loan to any political subdivision of such State to pay principal, interest, or premiums on qualified bonds issued by such political subdivision,

''(iii) the Governor of such State designates such bond for purposes of this subsection,

''(iv) the bond is a general obligation of such State and is in registered form (within the meaning of section 149(a)),

''(v) the maturity of such bond does not exceed 2 years, and

''(vi) the bond is issued after December 31, 2005, and before January 1, 2007.

''(B) STATE MATCHING REQUIREMENT.—A bond shall not be treated as a Gulf tax credit bond unless—

''(i) the issuer of such bond pledges as of the date of the issuance of the issue an amount equal to the face amount of such bond to be used for payments described in subclause (I) of subparagraph (A)(ii), or loans described in subclause (II) of such subparagraph, as the case may be, with respect to the issue of which such bond is a part, and

''(ii) any such payment or loan is made in equal amounts from the proceeds of such issue and from the amount pledged under clause (i).

The requirement of clause (ii) shall be treated as met with respect to any such payment or loan made during the 1-year period beginning on the date of the issuance (or any successor 1-year period) if such requirement is met when applied with respect to the aggregate amount of such payments and loans made during such period.

''(C) AGGREGATE LIMIT ON BOND DESIGNATIONS.—The maximum aggregate face amount of bonds which may be designated under this subsection by the Governor of a State shall not exceed—

''(i) $200,000,000 in the case of the State of Louisiana,

''(ii) $100,000,000 in the case of the State of Mississippi, and

''(iii) $50,000,000 in the case of the State of Alabama.

''(D) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a Gulf tax credit bond unless, with respect to the issue of which the bond is a part, the issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue and any loans made with such proceeds.

''(5) QUALIFIED BOND.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified bond' means any obligation of a State or political subdivision thereof which was outstanding on August 28, 2005.

''(B) EXCEPTION FOR PRIVATE ACTIVITY BONDS.—Such term shall not include any private activity bond.

''(C) EXCEPTION FOR ADVANCE REFUNDINGS.—Such term shall not include any bond with respect to which there is any outstanding refunded or refunding bond during the period in which a Gulf tax credit bond is outstanding with respect to such bond.

''(D) USE OF PROCEEDS REQUIREMENT.—Such term shall not include any bond issued as part of an issue if any portion of the proceeds of such issue was (or is to be) used to provide any property described in section 144(c)(6)(B).

''(6) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this subsection (determined without regard to paragraph (3))

and the amount so included shall be treated as interest income.

''(7) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

''(A) BOND.—The term 'bond' includes any obligation.

''(B) PARTNERSHIP; S CORPORATION; AND OTHER PASS-THRU ENTITIES.—

''(i) IN GENERAL.—Under regulations prescribed by the Secretary, in the case of a partnership, trust, S corporation, or other pass-thru entity, rules similar to the rules of section 41(g) shall apply with respect to the credit allowable under paragraph (1).

''(ii) NO BASIS ADJUSTMENT.—In the case of a bond held by a partnership or an S corporation, rules similar to the rules under section 1397E(i) shall apply.

''(C) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any Gulf tax credit bond is held by a regulated investment company, the credit determined under paragraph (1) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(D) REPORTING.—Issuers of Gulf tax credit bonds shall submit reports similar to the reports required under section 149(e).

''(E) CREDIT TREATED AS NONREFUNDABLE BONDHOLDER CREDIT.—For purposes of this title, the credit allowed by this subsection shall be treated as a credit allowable under subpart H of part IV of subchapter A of this chapter.

''(m) APPLICATION OF NEW MARKETS TAX CREDIT TO INVESTMENTS IN COMMUNITY DEVELOPMENT ENTITIES SERVING GULF OPPORTUNITY ZONE.—For purposes of section 45D—

''(1) a qualified community development entity shall be eligible for an allocation under subsection (f)(2) thereof of the increase in the new markets tax credit limitation described in paragraph (2) only if a significant mission of such entity is the recovery and redevelopment of the Gulf Opportunity Zone,

''(2) the new markets tax credit limitation otherwise determined under subsection (f)(1) thereof shall be increased by an amount equal to—

''(A) $300,000,000 for 2005 and 2006, to be allocated among qualified community development entities to make qualified low-income community investments within the Gulf Opportunity Zone, and

''(B) $400,000,000 for 2007, to be so allocated, and

''(3) subsection (f)(3) thereof shall be applied separately with respect to the amount of the increase under paragraph (2).

''(n) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RESIDENTIAL RENTAL PROJECT REQUIREMENTS.—For purposes of determining if any residential rental project meets the requirements of section 142(d)(1) and if any certification with respect to such project meets the requirements under section 142(d)(7), the operator of the project may rely on the representations of any individual applying for tenancy in such project that such individual's income will not exceed the applicable income limits of section 142(d)(1) upon commencement of the individual's tenancy if such tenancy begins during the 6-month period beginning on and after the date such individual was displaced by reason of Hurricane Katrina.

''(o) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—

''(1) IN GENERAL.—Upon the election of the taxpayer, in the case of any eligible public utility property loss—

''(A) section 165(i) shall be applied by substituting 'the fifth taxable year immediately preceding' for 'the taxable year immediately preceding',

''(B) an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the application of subparagraph (A) may be made under section 6411, and

''(C) section 6611 shall not apply to any overpayment attributable to such loss.

''(2) ELIGIBLE PUBLIC UTILITY PROPERTY LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'eligible public utility property loss' means any loss with respect to public utility property located in the Gulf Opportunity Zone and attributable to Hurricane Katrina.

''(B) PUBLIC UTILITY PROPERTY.—The term 'public utility property' has the meaning given such term by section 168(i)(10) without regard to the matter following subparagraph (D) thereof.

''(3) WAIVER OF LIMITATIONS.—If refund or credit of any overpayment of tax resulting from the application of paragraph (1) is prevented at any time before the close of the 1-year period beginning on the date of the enactment of this section by the operation of any law or rule of law (including res judicata), such refund or credit may nevertheless be made or allowed if claim therefor is filed before the close of such period.

''(p) TAX BENEFITS NOT AVAILABLE WITH RESPECT TO CERTAIN PROPERTY.—

''(1) QUALIFIED GULF OPPORTUNITY ZONE PROPERTY.—For purposes of subsections (d), (e), and (k)(2)(B)(iv), the term 'qualified Gulf Opportunity Zone property' shall not include any property described in paragraph (3).

''(2) QUALIFIED GULF OPPORTUNITY ZONE CASUALTY LOSSES.—For purposes of subsection (k)(2)(B)(i), the term 'qualified Gulf Opportunity Zone casualty loss' shall not include any loss with respect to any property described in paragraph (3).

''(3) PROPERTY DESCRIBED.—

''(A) IN GENERAL.—For purposes of this subsection, property is described in this paragraph if such property is—

''(i) any property used in connection with any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises, or

''(ii) any gambling or animal racing property.

''(B) GAMBLING OR ANIMAL RACING PROPERTY.—For purposes of subparagraph (A)(ii)—

''(i) IN GENERAL.—The term 'gambling or animal racing property' means—

''(I) any equipment, furniture, software, or other property used directly in connection with gambling, the racing of animals, or the on-site viewing of such racing, and

''(II) the portion of any real property (determined by square footage) which is dedicated to gambling, the racing of animals, or the on-site viewing of such racing.

''(ii) DE MINIMIS PORTION.—Clause (i)(II) shall not apply to any real property if the portion so dedicated is less than 100 square feet.''.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 54(c) is amended by inserting '', section 1400N(l),'' after ''subpart C''.

(2) Subparagraph (A) of section 6049(d)(8) is amended—

(A) by inserting ''or 1400N(l)(6)'' after ''section 54(g)'', and

(B) by inserting ''or 1400N(l)(2)(D), as the case may be'' after ''section 54(b)(4)''.

(3) So much of subchapter Y of chapter 1 as precedes section 1400L is amended to read as follows:

''Subchapter Y—Short-Term Regional Benefits

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''PART II—TAX BENEFITS FOR GO ZONES

''PART I—TAX BENEFITS FOR NEW YORK LIBERTY ZONE

''Sec. 1400L. Tax benefits for New York Liberty Zone.''.

(4) The item relating to subchapter Y in the table of subchapters for chapter 1 is amended to read as follows:

''SUBCHAPTER Y—SHORT-TERM REGIONAL BENEFITS''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending on or after August 28, 2005.

(2) CARRYBACKS.—Subsections (i)(2), (j), and (k) of section 1400N of the Internal Revenue Code of 1986 (as added by this section) shall apply to losses arising in such taxable years.

SEC. 102. EXPANSION OF HOPE SCHOLARSHIP AND LIFETIME LEARNING CREDIT FOR STUDENTS IN THE GULF OPPORTUNITY ZONE.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400O. EDUCATION TAX BENEFITS.

''In the case of an individual who attends an eligible educational institution (as defined in section 25A(f)(2)) located in the Gulf Opportunity Zone for any taxable year beginning during 2005 or 2006—

''(1) in applying section 25A, the term 'qualified tuition and related expenses' shall include any costs which are qualified higher education expenses (as defined in section 529(e)(3)),

''(2) each of the dollar amounts in effect under of subparagraphs (A) and (B) of section 25A(b)(1) shall be twice the amount otherwise in effect before the application of this subsection, and

''(3) section 25A(c)(1) shall be applied by substituting '40 percent' for '20 percent'.''.

(b) CONFORMING AMENDMENT.—The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400O. Education tax benefits.''.

SEC. 103. HOUSING RELIEF FOR INDIVIDUALS AFFECTED BY HURRICANE KATRINA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new section:

''SEC. 1400P. HOUSING TAX BENEFITS .

''(a) EXCLUSION OF EMPLOYER PROVIDED HOUSING FOR INDIVIDUAL AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—Gross income of a qualified employee shall not include the value of any lodging furnished in-kind to such employee (and such employee's spouse or any of such employee's dependents) by or on behalf of a qualified employer for any month during the taxable year.

''(2) LIMITATION.—The amount which may be excluded under paragraph (1) for any month for which lodging is furnished during the taxable year shall not exceed $600.

''(3) TREATMENT OF EXCLUSION.—The exclusion under paragraph (1) shall be treated as an exclusion under section 119 (other than for purposes of sections 3121(a)(19) and 3306(b)(14)).

''(b) EMPLOYER CREDIT FOR HOUSING EMPLOYEES AFFECTED BY HURRICANE KATRINA.—For purposes of section 38, in the case of a qualified employer, the Hurricane Katrina housing credit for any month during the taxable year is an amount equal to 30 percent of any amount which is excludable from the gross income of a qualified employee of such employer under subsection (a) and not otherwise excludable under section 119.

''(c) QUALIFIED EMPLOYEE.—For purposes of this section, the term 'qualified employee' means, with respect to any month, an individual—

''(1) who had a principal residence (as defined in section 121) in the Gulf Opportunity Zone on August 28, 2005, and

''(2) who performs substantially all employment services—

''(A) in the Gulf Opportunity Zone, and

''(B) for the qualified employer which furnishes lodging to such individual.

''(d) QUALIFIED EMPLOYER.—For purposes of this section, the term 'qualified employer' means any employer with a trade or business located in the Gulf Opportunity Zone.

''(e) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(f) APPLICATION OF SECTION.—This section shall apply to lodging furnished during the period—

''(1) beginning on the first day of the first month beginning after the date of the enactment of this section, and

''(2) ending on the date which is 6 months after the first day described in paragraph (1).''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38 is amended by striking ''and'' at the end of paragraph (25), by striking the period at the end of paragraph (26) and inserting '', and'', and by adding at the end the following new paragraphs:

''(27) the Hurricane Katrina housing credit determined under section 1400P(b).''.

(2) Section 280C(a) is amended by striking ''and 1396(a)'' and inserting ''1396(a), and 1400P(b)''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

''Sec. 1400P. Housing tax benefits.''.

SEC. 104. EXTENSION OF SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

Section 404(d) of the Katrina Emergency Tax Relief Act of 2005 is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

SEC. 105. SPECIAL EXTENSION OF BONUS DEPRECIATION PLACED IN SERVICE DATE FOR TAXPAYERS AFFECTED BY HURRICANES KATRINA, RITA, AND WILMA.

In applying the rule under section 168(k)(2)(A)(iv) of the Internal Revenue Code of 1986 to any property described in subparagraph (B) or (C) of section 168(k)(2) of such Code—

(1) the placement in service of which—

(A) is to be located in the GO Zone (as defined in section 1400M(1) of such Code), the Rita GO Zone (as defined in section 1400M(3) of such Code), or the Wilma GO Zone (as defined in section 1400M(5) of such Code), and

(B) is to be made by any taxpayer affected by Hurricane Katrina, Rita, or Wilma, or

(2) which is manufactured in such Zone by any person affected by Hurricane Katrina, Rita, or Wilma,

the Secretary of the Treasury may, on a taxpayer by taxpayer basis, extend the required date of the placement in service of such property under such section by such period of time as is determined necessary by the Secretary but not to exceed 1 year. For purposes of the preceding sentence, the determination shall be made by only taking into account the effect of one or more hurricanes on the date of such placement by the taxpayer.

TITLE II—TAX BENEFITS RELATED TO HURRICANES RITA AND WILMA

SEC. 201. EXTENSION OF CERTAIN EMERGENCY TAX RELIEF FOR HURRICANE KATRINA TO HURRICANES RITA AND WILMA.

(a) IN GENERAL.—Part II of subchapter Y of chapter 1 (as added by this Act) is amended by adding at the end the following new sections:

''SEC. 1400Q. SPECIAL RULES FOR USE OF RETIREMENT FUNDS.

''(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

''(1) IN GENERAL.—Section 72(t) shall not apply to any qualified hurricane distribution.

''(2) AGGREGATE DOLLAR LIMITATION.—

''(A) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified hurricane distributions for any taxable year shall not exceed the excess (if any) of—

''(i) $100,000, over

''(ii) the aggregate amounts treated as qualified hurricane distributions received by such individual for all prior taxable years.

''(B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to subparagraph (A)) be a qualified hurricane distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified hurricane distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

''(C) CONTROLLED GROUP.—For purposes of subparagraph (B), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(3) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(A) IN GENERAL.—Any individual who receives a qualified hurricane distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(B) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified hurricane distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(C) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to subparagraph (A) with respect to a qualified hurricane distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified hurricane distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(4) DEFINITIONS.—For purposes of this subsection—

''(A) QUALIFIED HURRICANE DISTRIBUTION.—Except as provided in paragraph (2), the term 'qualified hurricane distribution' means—

''(i) any distribution from an eligible retirement plan made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina,

''(ii) any distribution (which is not described in clause (i)) from an eligible retirement plan made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita, and

''(iii) any distribution (which is not described in clause (i) or (ii)) from an eligible retirement plan made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(B) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

''(5) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

''(A) IN GENERAL.—In the case of any qualified hurricane distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

''(B) SPECIAL RULE.—For purposes of subparagraph (A), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

''(6) SPECIAL RULES.—

''(A) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified hurricane distributions shall not be treated as eligible rollover distributions.

''(B) QUALIFIED HURRICANE DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified hurricane distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).

''(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

''(1) RECONTRIBUTIONS.—

''(A) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(B) TREATMENT OF REPAYMENTS.—Rules similar to the rules of subparagraphs (B) and (C) of subsection (a)(3) shall apply for purposes of this subsection.

''(2) QUALIFIED DISTRIBUTION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified distribution' means any qualified Katrina distribution, any qualified Rita distribution, and any qualified Wilma distribution.

''(B) QUALIFIED KATRINA DISTRIBUTION.—The term 'qualified Katrina distribution' means any distribution—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before August 29, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but which was not so purchased or constructed on account of Hurricane Katrina.

''(C) QUALIFIED RITA DISTRIBUTION.—The term 'qualified Rita distribution' means any distribution (other than a qualified Katrina distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before September 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but which was not so purchased or constructed on account of Hurricane Rita.

''(D) QUALIFIED WILMA DISTRIBUTION.—The term 'qualified Wilma distribution' means any distribution (other than a qualified Katrina distribution or a qualified Rita distribution)—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), 403(b)(11)(B), or 72(t)(2)(F),

''(ii) received after February 28, 2005, and before October 24, 2005, and

''(iii) which was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but which was not so purchased or constructed on account of Hurricane Wilma.

''(3) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means—

''(A) with respect to any qualified Katrina distribution, the period beginning on August 25, 2005, and ending on February 28, 2006,

''(B) with respect to any qualified Rita distribution, the period beginning on September 23, 2005, and ending on February 28, 2006, and

''(C) with respect to any qualified Wilma distribution, the period beginning on October 23, 2005, and ending on February 28, 2006.

''(c) LOANS FROM QUALIFIED PLANS.—

''(1) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—In the case of any loan from a qualified employer plan (as defined under section 72(p)(4)) to a qualified individual made during the applicable period—

''(A) clause (i) of section 72(p)(2)(A) shall be applied by substituting '$100,000' for '$50,000', and

''(B) clause (ii) of such section shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

''(2) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan (as defined in section 72(p)(4))—

''(A) if the due date pursuant to subparagraph (B) or (C) of section 72(p)(2) for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date and ending on December 31, 2006, such due date shall be delayed for 1 year,

''(B) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under paragraph (1) and any interest accruing during such delay, and

''(C) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of section 72(p)(2), the period described in subparagraph (A) shall be disregarded.

''(3) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means an individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means an individual (other than a qualified Hurricane Katrina individual or a qualified Hurricane Rita individual) whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

''(4) APPLICABLE PERIOD; QUALIFIED BEGINNING DATE.—For purposes of this subsection—

''(A) HURRICANE KATRINA.—In the case of any qualified Hurricane Katrina individual—

''(i) the applicable period is the period beginning on September 24, 2005, and ending on December 31, 2006, and

''(ii) the qualified beginning date is August 25, 2005.

''(B) HURRICANE RITA.—In the case of any qualified Hurricane Rita individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subsection and ending on December 31, 2006, and

''(ii) the qualified beginning date is September 23, 2005.

''(C) HURRICANE WILMA.—In the case of any qualified Hurricane Wilma individual—

''(i) the applicable period is the period beginning on the date of the enactment of this subparagraph and ending on December 31, 2006, and

''(ii) the qualified beginning date is October 23, 2005.

''(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

''(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

''(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

''(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

''(i) pursuant to any provision of this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of this section, and

''(ii) on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as the Secretary may prescribe. In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

''(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

''(i) during the period—

''(I) beginning on the date that this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by this section or such regulation, the effective date specified by the plan), and

''(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

''(ii) such plan or contract amendment applies retroactively for such period.

''SEC. 1400R. EMPLOYMENT RELIEF.

''(a) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE KATRINA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Katrina employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on August 28, 2005, in the GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under section 51 with respect to such employee for such period.

''(b) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE RITA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Rita employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on September 23, 2005, in the Rita GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after September 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Rita.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on September 23, 2005, with such eligible employer was in the Rita GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after September 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Rita, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be

treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or section 51 with respect to such employee for such period.

''(c) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY HURRICANE WILMA.—

''(1) IN GENERAL.—For purposes of section 38, in the case of an eligible employer, the Hurricane Wilma employee retention credit for any taxable year is an amount equal to 40 percent of the qualified wages with respect to each eligible employee of such employer for such taxable year. For purposes of the preceding sentence, the amount of qualified wages which may be taken into account with respect to any individual shall not exceed $6,000.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) ELIGIBLE EMPLOYER.—The term 'eligible employer' means any employer—

''(i) which conducted an active trade or business on October 23, 2005, in the Wilma GO Zone, and

''(ii) with respect to whom the trade or business described in clause (i) is inoperable on any day after October 23, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Wilma.

''(B) ELIGIBLE EMPLOYEE.—The term 'eligible employee' means with respect to an eligible employer an employee whose principal place of employment on October 23, 2005, with such eligible employer was in the Wilma GO Zone.

''(C) QUALIFIED WAGES.—The term 'qualified wages' means wages (as defined in section 51(c)(1), but without regard to section 3306(b)(2)(B)) paid or incurred by an eligible employer with respect to an eligible employee on any day after October 23, 2005, and before January 1, 2006, which occurs during the period—

''(i) beginning on the date on which the trade or business described in subparagraph (A) first became inoperable at the principal place of employment of the employee immediately before Hurricane Wilma, and

''(ii) ending on the date on which such trade or business has resumed significant operations at such principal place of employment.

Such term shall include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

''(3) CERTAIN RULES TO APPLY.—For purposes of this subsection, rules similar to the rules of sections 51(i)(1) and 52 shall apply.

''(4) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employee shall not be treated as an eligible employee for purposes of this subsection for any period with respect to any employer if such employer is allowed a credit under subsection (a) or (b) or section 51 with respect to such employee for such period.

"SEC. 1400S. ADDITIONAL TAX RELIEF PROVISIONS.

''(a) TEMPORARY SUSPENSION OF LIMITATIONS ON CHARITABLE CONTRIBUTIONS.—

''(1) IN GENERAL.—Except as otherwise provided in paragraph (2), section 170(b) shall not apply to qualified contributions and such contributions shall not be taken into account for purposes of applying subsections (b) and (d) of section 170 to other contributions.

''(2) TREATMENT OF EXCESS CONTRIBUTIONS.—For purposes of section 170—

''(A) INDIVIDUALS.—In the case of an individual—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's contribution base (as defined in subparagraph (F) of section 170(b)(1)) over the amount of all other charitable contributions allowed under section 170(b)(1).

''(ii) CARRYOVER.—If the aggregate amount of qualified contributions made in the contribution year (within the meaning of section 170(d)(1)) exceeds the limitation of clause (i), such excess shall be added to the excess described in the portion of subparagraph (A) of such section which precedes clause (i) thereof for purposes of applying such section.

''(B) CORPORATIONS.—In the case of a corporation—

''(i) LIMITATION.—Any qualified contribution shall be allowed only to the extent that the aggregate of such contributions does not exceed the excess of the taxpayer's taxable income (as determined under paragraph (2) of section 170(b)) over the amount of all other charitable contributions allowed under such paragraph.

''(ii) CARRYOVER.—Rules similar to the rules of subparagraph (A)(ii) shall apply for purposes of this subparagraph.

''(3) EXCEPTION TO OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—So much of any deduction allowed under section 170 as does not exceed the qualified contributions paid during the taxable year shall not be treated as an itemized deduction for purposes of section 68.

''(4) QUALIFIED CONTRIBUTIONS.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'qualified contribution' means any charitable contribution (as defined in section 170(c)) if—

''(i) such contribution is paid during the period beginning on August 28, 2005, and ending on December 31, 2005, in cash to an organization described in section 170(b)(1)(A) (other than an organization described in section 509(a)(3)),

''(ii) in the case of a contribution paid by a corporation, such contribution is for relief efforts related to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, and

''(iii) the taxpayer has elected the application of this subsection with respect to such contribution.

''(B) EXCEPTION.—Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, segregated fund or account with respect to which the donor (or any person appointed or designated by such donor) has, or reasonably expects to have, advisory privileges with respect to distributions or investments by reason of the donor's status as a donor.

''(C) APPLICATION OF ELECTION TO PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation, the election under subparagraph (A)(iii) shall be made separately by each partner or shareholder.

''(b) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Paragraphs (1) and (2)(A) of section 165(h) shall not apply to losses described in section 165(c)(3)—

''(1) which arise in the Hurricane Katrina disaster area on or after August 25, 2005, and which are attributable to Hurricane Katrina,

''(2) which arise in the Hurricane Rita disaster area on or after September 23, 2005, and which are attributable to Hurricane Rita, or

''(3) which arise in the Hurricane Wilma disaster area on or after October 23, 2005, and which are attributable to Hurricane Wilma.

In the case of any other losses, section 165(h)(2)(A) shall be applied without regard to the losses referred to in the preceding sentence.

''(c) REQUIRED EXERCISE OF AUTHORITY UNDER SECTION 7508A.—In the case of any taxpayer determined by the Secretary to be affected by the Presidentially declared disaster relating to Hurricane Katrina, Hurricane Rita, or Hurricane Wilma, any relief provided by the Secretary under section 7508A shall be for a period ending not earlier than February 28, 2006.

''(d) SPECIAL RULE FOR DETERMINING EARNED INCOME.—

''(1) IN GENERAL.—In the case of a qualified individual, if the earned income of the taxpayer for the taxable year which includes the applicable date is less than the earned income of the taxpayer for the preceding taxable year, the credits allowed under sections 24(d) and 32 may, at the election of the taxpayer, be determined by substituting—

''(A) such earned income for the preceding taxable year, for

''(B) such earned income for the taxable year which includes the applicable date.

''(2) QUALIFIED INDIVIDUAL.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified individual' means any qualified Hurricane Katrina individual, any qualified Hurricane Rita individual, and any qualified Hurricane Wilma individual.

''(B) QUALIFIED HURRICANE KATRINA INDIVIDUAL.—The term 'qualified Hurricane Katrina individual' means any individual whose principal place of abode on August 25, 2005, was located—

''(i) in the GO Zone, or

''(ii) in the Hurricane Katrina disaster area (but outside the GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Katrina.

''(C) QUALIFIED HURRICANE RITA INDIVIDUAL.—The term 'qualified Hurricane Rita individual' means any individual (other than a qualified Hurricane Katrina individual) whose principal place of abode on September 23, 2005, was located—

''(i) in the Rita GO Zone, or

''(ii) in the Hurricane Rita disaster area (but outside the Rita GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Rita.

''(D) QUALIFIED HURRICANE WILMA INDIVIDUAL.—The term 'qualified Hurricane Wilma individual' means any individual whose principal place of abode on October 23, 2005, was located—

''(i) in the Wilma GO Zone, or

''(ii) in the Hurricane Wilma disaster area (but outside the Wilma GO Zone) and such individual was displaced from such principal place of abode by reason of Hurricane Wilma.

''(3) APPLICABLE DATE.—For purposes of this subsection, the term 'applicable date' means—

''(A) in the case of a qualified Hurricane Katrina individual, August 25, 2005,

''(B) in the case of a qualified Hurricane Rita individual, September 23, 2005, and

''(C) in the case of a qualified Hurricane Wilma individual, October 23, 2005.

''(4) EARNED INCOME.—For purposes of this subsection, the term 'earned income' has the meaning given such term under section 32(c).

''(5) SPECIAL RULES.—

''(A) APPLICATION TO JOINT RETURNS.—For purposes of paragraph (1), in the case of a joint return for a taxable year which includes the applicable date—

''(i) such paragraph shall apply if either spouse is a qualified individual, and

''(ii) the earned income of the taxpayer for the preceding taxable year shall be the sum of the earned income of each spouse for such preceding taxable year.

''(B) UNIFORM APPLICATION OF ELECTION.—Any election made under paragraph (1) shall apply with respect to both section 24(d) and section 32.

''(C) ERRORS TREATED AS MATHEMATICAL ERROR.—For purposes of section 6213, an incorrect use on a return of earned income pursuant to paragraph (1) shall be treated as a mathematical or clerical error.

''(D) NO EFFECT ON DETERMINATION OF GROSS INCOME, ETC.—Except as otherwise provided in this subsection, this title shall be applied without regard to any substitution under paragraph (1).

''(e) SECRETARIAL AUTHORITY TO MAKE ADJUSTMENTS REGARDING TAXPAYER AND DEPENDENCY STATUS.—With respect to taxable years beginning in 2005 or 2006, the Secretary may make such adjustments in the application of the internal revenue laws as may be necessary to ensure that taxpayers do not lose any deduction or

credit or experience a change of filing status by reason of temporary relocations by reason of Hurricane Katrina, Hurricane Rita, or Hurricane Wilma. Any adjustments made under the preceding sentence shall ensure that an individual is not taken into account by more than one taxpayer with respect to the same tax benefit.

"SEC. 1400T. SPECIAL RULES FOR MORTGAGE REVENUE BONDS.

''(a) IN GENERAL.—In the case of financing provided with respect to owner-occupied residences in the GO Zone, the Rita GO Zone, or the Wilma GO Zone, section 143 shall be applied—

''(1) by treating any such residence in the Rita GO Zone or the Wilma GO Zone as a targeted area residence,

''(2) by applying subsection (f)(3) thereof without regard to subparagraph (A) thereof, and

''(3) by substituting '$150,000' for '$15,000' in subsection (k)(4) thereof.

''(b) APPLICATION.—Subsection (a) shall not apply to financing provided after December 31, 2010.''.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (b) of section 38, as amended by this Act, is amended by striking ''and'' at the end of paragraph (26), by striking the period at the end of paragraph (27) and inserting a comma, and by adding at the end the following new paragraphs:

''(28) the Hurricane Katrina employee retention credit determined under section 1400R(a),

''(29) the Hurricane Rita employee retention credit determined under section 1400R(b), and

''(30) the Hurricane Wilma employee retention credit determined under section 1400R(c).''.

(2) Section 280C(a), as amended by this Act, is amended by striking ''and 1400P(b)'' and inserting ''1400P(b), and 1400R''.

(3) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new items:

''Sec. 1400Q. Special rules for use of retirement funds.

''Sec. 1400R. Employment relief.

''Sec. 1400S. Additional tax relief provisions.''.

(4) The following provisions of the Katrina Emergency Tax Relief Act of 2005 are hereby repealed:

(A) Title I.

(B) Sections 202, 301, 402, 403(b), 406, and 407.

TITLE III—OTHER PROVISIONS

SEC. 301. GULF COAST RECOVERY BONDS.

It is the sense of the Congress that the Secretary of the Treasury, or the Secretary's delegate, should designate one or more series of bonds or certificates (or any portion thereof) issued under section 3105 of title 31, United States Code, as ''Gulf Coast Recovery Bonds'' in response to Hurricanes Katrina, Rita, and Wilma.

SEC. 302. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME CREDIT.

(a) IN GENERAL.—Subclause (II) of section 32(c)(2)(B)(vi) is amended by striking ''January 1, 2006'' and inserting ''January 1, 2007''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2005.

SEC. 303. MODIFICATION OF EFFECTIVE DATE OF EXCEPTION FROM SUSPENSION RULES FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.

(a) EFFECTIVE DATE MODIFICATION.—

(1) IN GENERAL.—Paragraph (2) of section 903(d) of the American Jobs Creation Act of 2004 is amended to read as follows:

''(2) EXCEPTION FOR REPORTABLE OR LISTED TRANSACTIONS.—

''(A) IN GENERAL.—The amendments made by subsection (c) shall apply with respect to interest accruing after October 3, 2004.

''(B) SPECIAL RULE FOR CERTAIN LISTED AND REPORTABLE TRANSACTIONS.—

''(i) IN GENERAL.—Except as provided in clauses (ii), (iii), and (iv), the amendments made by subsection (c) shall also apply with respect to interest accruing on or before October 3, 2004.

''(ii) PARTICIPANTS IN SETTLEMENT INITIATIVES.—Clause (i) shall not apply to any transaction if, as of January 23, 2006—

''(I) the taxpayer is participating in a settlement initiative described in Internal Revenue Service Announcement 2005–80 with respect to such transaction, or

''(II) the taxpayer has entered into a settlement agreement pursuant to such an initiative. Subclause (I) shall not apply to any taxpayer if, after January 23, 2006, the taxpayer withdraws from, or terminates, participation in the initiative or the Secretary of the Treasury or the Secretary's delegate determines that a settlement agreement will not be reached pursuant to the initiative within a reasonable period of time.

''(iii) TAXPAYERS ACTING IN GOOD FAITH.—The Secretary of the Treasury may except from the application of clause (i) any transaction in which the taxpayer has acted reasonably and in good faith.

''(iv) CLOSED TRANSACTIONS.—Clause (i) shall not apply to a transaction if, as of December 14, 2005—

''(I) the assessment of all Federal income taxes for the taxable year in which the tax liability to which the interest relates arose is prevented by the operation of any law or rule of law, or

''(II) a closing agreement under section 7121 has been entered into with respect to the tax liability arising in connection with the transaction.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which it relates.

(b) TREATMENT OF AMENDED RETURNS AND OTHER SIMILAR NOTICES OF ADDITIONAL TAX OWED.—

(1) IN GENERAL.—Section 6404(g)(1) (relating to suspension) is amended by adding at the end the following new sentence: ''If, after the return for a taxable year is filed, the taxpayer provides to the Secretary 1 or more signed written documents showing that the taxpayer owes an additional amount of tax for the taxable year, clause (i) shall be applied by substituting the date the last of the documents was provided for the date on which the return is filed.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to documents provided on or after the date of the enactment of this Act.

SEC. 304. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking ''January 1, 2006'' both places is appears and inserting ''January 1, 2007''.

SEC. 305. DISCLOSURES OF CERTAIN TAX RETURN INFORMATION.

(a) DISCLOSURES TO FACILITATE COMBINED EMPLOYMENT TAX REPORTING.—

(1) IN GENERAL.—Subparagraph (B) of section 6103(d)(5) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to disclosures after December 31, 2005.

(b) DISCLOSURES RELATING TO TERRORIST ACTIVITIES.—

(1) IN GENERAL.—Clause (iv) of section 6103(i)(3)(C) and subparagraph (E) of section 6103(i)(7) are each amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to disclosures after December 31, 2005.

(c) DISCLOSURES RELATING TO STUDENT LOANS.—

(1) IN GENERAL.—Subparagraph (D) of section 6103(l)(13) (relating to termination) is amended by striking ''December 31, 2005'' and inserting ''December 31, 2006''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to requests made after December 31, 2005.

TITLE IV—TECHNICALS

Subtitle A—Tax Technicals

SEC. 401. SHORT TITLE.

This subtitle may be cited as the ''Tax Technical Corrections Act of 2005''.

SEC. 402. AMENDMENTS RELATED TO ENERGY POLICY ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 1263.—

(1) Part VI of subchapter O of chapter 1 is repealed.

(2) Section 1223 is amended by striking paragraph (3) and by redesignating paragraphs (4) through (16) as paragraphs (3) through (15), respectively.

(3) Section 121(g) is amended by striking ''1223(7)'' and inserting ''1223(6)''.

(4) Section 246(c)(3)(B) is amended by striking ''paragraph (4) of section 1223'' and inserting ''paragraph (3) of section 1223''.

(5) Section 247(b)(2)(D) is amended by inserting ''as in effect before its repeal'' after ''part VI of subchapter O''.

(6)(A) Section 1245(b) is amended by striking paragraph (5) and redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

(B) Section 1245(b)(3) is amended by striking ''paragraph (7)'' and inserting ''paragraph (6)''.

(7)(A) Section 1250(d) is amended by striking paragraph (5) and redesignating paragraphs (6) through (8) as paragraphs (5) through (7), respectively.

(B) Section 1250(e)(2) is amended by striking ''(3), or (5)'' and inserting ''or (3)''.

(b) AMENDMENT RELATED TO SECTION 1301.—Clause (ii) of section 45(c)(3)(A) is amended by striking ''nonhazardous lignin waste material'' and inserting ''lignin material''.

(c) AMENDMENTS RELATED TO SECTION 1303.—

(1) Subsection (l) of section 54 is amended by striking paragraph (5), and by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) Subsection (e) of section 1303 of the Energy Policy Act of 2005 is amended to read as follows:

''(e) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to bonds issued after December 31, 2005.

''(2) SUBSECTION (C).—The amendments made by subsection (c) shall apply to taxable years beginning after December 31, 2005.''.

(d) AMENDMENTS RELATED TO SECTION 1306.—

(1) Paragraph (2) of section 45J(c) is amended to read as follows:

''(2) PHASEOUT OF CREDIT.—

''(A) IN GENERAL.—The amount of the credit determined under subsection (a) shall be reduced by an amount which bears the same ratio to the amount of the credit (determined without regard to this paragraph) as—

''(i) the amount by which the reference price (as defined in section 45(e)(2)(C)) for the calendar year in which the sale occurs exceeds 8 cents, bears to

''(ii) 3 cents.

''(B) PHASEOUT ADJUSTMENT BASED ON INFLATION.—The 8 cent amount in subparagraph (A) shall be adjusted by multiplying such amount by the inflation adjustment factor (as defined in section 45(e)(2)(B)) for the calendar year in which the sale occurs. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.''.

(2) Subsection (e) of section 45J is amended by striking ''(2),''.

(e) AMENDMENT RELATED TO SECTION 1309.—Subparagraph (B) of section 169(d)(5) is amended by adding at beginning thereof ''in the case

of facility placed in service in connection with a plant or other property placed in operation after December 31, 1975,''.

(f) AMENDMENTS RELATED TO SECTION 1311.—

(1) Clause (i) of section 172(b)(1)(I) is amended to read as follows:

''(i) IN GENERAL.—At the election of the taxpayer for any taxable year ending after December 31, 2005, and before January 1, 2009, in the case of a net operating loss for a taxable year ending after December 31, 2002, and before January 1, 2006, there shall be a net operating loss carryback to each of the 5 taxable years preceding the taxable year of such loss to the extent that such loss does not exceed 20 percent of the sum of the electric transmission property capital expenditures and the pollution control facility capital expenditures of the taxpayer for the taxable year preceding the taxable year for which such election is made.''.

(2) Clause (ii) of section 172(b)(1)(I) is amended by striking ''in a taxable year'' and inserting ''for a taxable year''.

(3) Subparagraph (I) of section 172(b)(1) is amended by striking clause (iv) and (v), by redesignating clause (vi) as clause (v), and by inserting after clause (iii) the following:

''(iv) SPECIAL RULES RELATING TO CREDIT OR REFUND.—In the case of the portion of the loss which is carried back 5 years by reason of clause (i)—

''(I) an application under section 6411(a) with respect to such portion shall not fail to be treated as timely filed if filed within 24 months after the due date specified under such section, and

''(II) references in sections 6501(h), 6511(d)(2)(A), and 6611(f)(1) to the taxable year in which such net operating loss arises or results in a net operating loss carryback shall be treated as references to the taxable year for which such election is made.''.

(g) AMENDMENT RELATED TO SECTION 1322.—Subsection (a) of section 45K is amended by striking ''if the taxpayer elects to have this section apply,''.

(h) AMENDMENT RELATED TO SECTION 1331.—Paragraph (3) of section 1250(b) is amended by striking ''or by section 179D''.

(i) AMENDMENTS RELATED TO SECTION 1335.—

(1) Paragraph (1) of section 25D(b) is amended by inserting ''(determined without regard to subsection (c))'' after ''subsection (a)''.

(2) Subparagraphs (A) and (B) of section 25D(e)(4) are amended to read as follows:

''(A) MAXIMUM EXPENDITURES.—The maximum amount of expenditures which may be taken into account under subsection (a) by all such individuals with respect to such dwelling unit during such calendar year shall be—

''(i) $6,667 in the case of any qualified photovoltaic property expenditures,

''(ii) $6,667 in the case of any qualified solar water heating property expenditures, and

''(iii) $1,667 in the case of each half kilowatt of capacity of qualified fuel cell property (as defined in section 48(c)(1)) for which qualified fuel cell property expenditures are made.

''(B) ALLOCATION OF EXPENDITURES.—The expenditures allocated to any individual for the taxable year in which such calendar year ends shall be an amount equal to the lesser of—

''(i) the amount of expenditures made by such individual with respect to such dwelling during such calendar year, or

''(ii) the maximum amount of such expenditures set forth in subparagraph (A) multiplied by a fraction—

''(I) the numerator of which is the amount of such expenditures with respect to such dwelling made by such individual during such calendar year, and

''(II) the denominator of which is the total expenditures made by all such individuals with respect to such dwelling during such calendar year.''.

(3)(A)(i) The matter preceding subparagraph (A) of section 23(b)(4) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Subsection (c) of section 23 is amended to read as follows:

''(c) CARRYFORWARDS OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by subsection (b)(4) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(3) LIMITATION.—No credit may be carried forward under this subsection to any taxable year following the fifth taxable year after the taxable year in which the credit arose. For purposes of the preceding sentence, credits shall be treated as used on a first-in first-out basis.''.

(B)(i) The matter preceding subparagraph (A) of section 24(b)(3) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(ii) Paragraph (1) of section 24(d) is amended to read as follows:

''(1) IN GENERAL.—The aggregate credits allowed to a taxpayer under subpart C shall be increased by the lesser of—

''(A) the credit which would be allowed under this section without regard to this subsection and the limitation under section 26(a)(2) or subsection (b)(3), as the case may be, or

''(B) the amount by which the aggregate amount of credits allowed by this subpart (determined without regard to this subsection) would increase if the limitation imposed by section 26(a)(2) or subsection (b)(3), as the case may be, were increased by the excess (if any) of—

''(i) 15 percent of so much of the taxpayer's earned income (within the meaning of section 32) which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

''(ii) in the case of a taxpayer with 3 or more qualifying children, the excess (if any) of—

''(I) the taxpayer's social security taxes for the taxable year, over

''(II) the credit allowed under section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under this subpart and shall reduce the amount of credit otherwise allowable under subsection (a) without regard to section 26(a)(2) or subsection (b)(3), as the case may be. For purposes of subparagraph (B), any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.''.

(C) Subparagraph (C) of section 25(e)(1) is amended to read as follows:

''(C) APPLICABLE TAX LIMIT.—For purposes of this paragraph, the term 'applicable tax limit' means—

''(i) in the case of a taxable year to which section 26(a)(2) applies, the limitation imposed by section 26(a)(2) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C), and

''(ii) in the case of a taxable year to which section 26(a)(2) does not apply, the limitation imposed by section 26(a)(1) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, 25B, 25D, and 1400C).''.

(D) The matter preceding paragraph (1) of section 25B(g) is amended by striking ''The credit'' and inserting ''In the case of a taxable year to which section 26(a)(2) does not apply, the credit''.

(E) Subsection (c) of section 25D is amended to read as follows:

''(c) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 24, and 25B), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.''.

(F) Subsection (d) of section 1400C is amended to read as follows:

''(d) CARRYFORWARD OF UNUSED CREDIT.—

''(1) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(2) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(1) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and sections 23, 24, 25B, and 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.''.

(G) Subsection (i) of section 904 is amended to read as follows:

''(i) COORDINATION WITH NONREFUNDABLE PERSONAL CREDITS.—In the case of any taxable year of an individual to which section 26(a)(2) does not apply, for purposes of subsection (a), the tax against which the credit is taken is such tax reduced by the sum of the credits allowable under subpart A of part IV of subchapter A of this chapter (other than sections 23, 24, and 25B).''.

(H) APPLICATION OF EGTRRA SUNSET.—The amendments made by this paragraph (and each part thereof) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment (or part thereof) relates.

(4) Subsection (b) of section 1335 of the Energy Policy Act of 2005 is amended by striking paragraphs (1), (2), and (3). The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made such paragraphs had never been enacted.

(j) AMENDMENT RELATED TO SECTION 1341.—Paragraph (6) of section 30B(h) is amended by adding at the end the following sentence: ''For purposes of subsection (g), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(k) AMENDMENT RELATED TO SECTION 1342.—Paragraph (2) of section 30C(e) is amended by adding at the end the following sentence: ''For purposes of subsection (d), property to which this paragraph applies shall be treated as of a character subject to an allowance for depreciation.''.

(l) AMENDMENTS RELATED TO SECTION 1351.—

(1) Paragraph (6) of section 41(f) (relating to special rules) is amended by adding at the end the following:

''(C) FOREIGN RESEARCH.—For purposes of subsection (a)(3), amounts paid or incurred for any energy research conducted outside the United States, the Commonwealth of Puerto Rico, or any possession of the United States shall not be taken into account.

''(D) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account under subsection (a)(3) shall not be taken into account under paragraph (1) or (2) of subsection (a).''.

(2) Clause (ii) of section 41(b)(3)(C) is amended by striking ''(other than an energy research consortium)''.

(m) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) REPEAL OF PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.—The amendments made by subsection (a) shall not apply with respect to any transaction ordered in compliance with the Public Utility Holding Company Act of 1935 before its repeal.

(3) COORDINATION OF PERSONAL CREDITS.—The amendments made by subsection (i)(3) shall apply to taxable years beginning after December 31, 2005.

SEC. 403. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 102 OF THE ACT.—

(1) Paragraph (1) of section 199(b) is amended by striking ''the employer'' and inserting ''the taxpayer''.

(2) Paragraph (2) of section 199(b) is amended to read as follows:

''(2) W–2 WAGES.—For purposes of this section, the term 'W–2 wages' means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year. Such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.''.

(3) Subparagraph (B) of section 199(c)(1) is amended by inserting ''and'' at the end of clause (i), by striking clauses (ii) and (iii), and by inserting after clause (i) the following:

''(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.''.

(4) Paragraph (2) of section 199(c) is amended to read as follows:

''(2) ALLOCATION METHOD.—The Secretary shall prescribe rules for the proper allocation of items described in paragraph (1) for purposes of determining qualified production activities income. Such rules shall provide for the proper allocation of items whether or not such items are directly allocable to domestic production gross receipts.''.

(5) Subparagraph (A) of section 199(c)(4) is amended by striking clauses (ii) and (iii) and inserting the following new clauses:

''(ii) in the case of a taxpayer engaged in the active conduct of a construction trade or business, construction of real property performed in the United States by the taxpayer in the ordinary course of such trade or business, or

''(iii) in the case of a taxpayer engaged in the active conduct of an engineering or architectural services trade or business, engineering or architectural services performed in the United States by the taxpayer in the ordinary course of such trade or business with respect to the construction of real property in the United States.''.

(6) Subparagraph (B) of section 199(c)(4) is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following:

''(iii) the lease, rental, license, sale, exchange, or other disposition of land.''.

(7) Paragraph (4) of section 199(c) is amended by adding at the end the following new subparagraphs:

''(C) SPECIAL RULE FOR CERTAIN GOVERNMENT CONTRACTS.—Gross receipts derived from the manufacture or production of any property described in subparagraph (A)(i)(I) shall be treated as meeting the requirements of subparagraph (A)(i) if—

''(i) such property is manufactured or produced by the taxpayer pursuant to a contract with the Federal Government, and

''(ii) the Federal Acquisition Regulation requires that title or risk of loss with respect to such property be transferred to the Federal Government before the manufacture or production of such property is complete.

''(D) PARTNERSHIPS OWNED BY EXPANDED AFFILIATED GROUPS.—For purposes of this paragraph, if all of the interests in the capital and profits of a partnership are owned by members of a single expanded affiliated group at all times during the taxable year of such partnership, the partnership and all members of such group shall be treated as a single taxpayer during such period.''.

(8) Paragraph (1) of section 199(d) is amended to read as follows:

''(1) APPLICATION OF SECTION TO PASS-THRU ENTITIES.—

''(A) PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(i) this section shall be applied at the partner or shareholder level,

''(ii) each partner or shareholder shall take into account such person's allocable share of each item described in subparagraph (A) or (B) of subsection (c)(1) (determined without regard to whether the items described in such subparagraph (A) exceed the items described in such subparagraph (B)), and

''(iii) each partner or shareholder shall be treated for purposes of subsection (b) as having W–2 wages for the taxable year in an amount equal to the lesser of—

''(I) such person's allocable share of the W–2 wages of the partnership or S corporation for the taxable year (as determined under regulations prescribed by the Secretary), or

''(II) 2 times 9 percent of so much of such person's qualified production activities income as is attributable to items allocated under clause (ii) for the taxable year.

''(B) TRUSTS AND ESTATES.—In the case of a trust or estate—

''(i) the items referred to in subparagraph (A)(ii) (as determined therein) and the W–2 wages of the trust or estate for the taxable year, shall be apportioned between the beneficiaries and the fiduciary (and among the beneficiaries) under regulations prescribed by the Secretary, and

''(ii) for purposes of paragraph (2), adjusted gross income of the trust or estate shall be determined as provided in section 67(e) with the adjustments described in such paragraph.

''(C) REGULATIONS.—The Secretary may prescribe rules requiring or restricting the allocation of items and wages under this paragraph and may prescribe such reporting requirements as the Secretary determines appropriate.''.

(9) Paragraph (3) of section 199(d) is amended to read as follows:

''(3) AGRICULTURAL AND HORTICULTURAL COOPERATIVES.—

''(A) DEDUCTION ALLOWED TO PATRONS.—Any person who receives a qualified payment from a specified agricultural or horticultural cooperative shall be allowed for the taxable year in which such payment is received a deduction under subsection (a) equal to the portion of the deduction allowed under subsection (a) to such cooperative which is—

''(i) allowed with respect to the portion of the qualified production activities income to which such payment is attributable, and

''(ii) identified by such cooperative in a written notice mailed to such person during the payment period described in section 1382(d).

''(B) COOPERATIVE DENIED DEDUCTION FOR PORTION OF QUALIFIED PAYMENTS.—The taxable income of a specified agricultural or horticultural cooperative shall not be reduced under section 1382 by reason of that portion of any qualified payment as does not exceed the deduction allowable under subparagraph (A) with respect to such payment.

''(C) TAXABLE INCOME OF COOPERATIVES DETERMINED WITHOUT REGARD TO CERTAIN DEDUCTIONS.—For purposes of this section, the taxable income of a specified agricultural or horticultural cooperative shall be computed without regard to any deduction allowable under subsection (b) or (c) of section 1382 (relating to patronage dividends, per-unit retain allocations, and nonpatronage distributions).

''(D) SPECIAL RULE FOR MARKETING COOPERATIVES.—For purposes of this section, a specified agricultural or horticultural cooperative described in subparagraph (F)(ii) shall be treated as having manufactured, produced, grown, or extracted in whole or significant part any qualifying production property marketed by the organization which its patrons have so manufactured, produced, grown, or extracted.

''(E) QUALIFIED PAYMENT.—For purposes of this paragraph, the term 'qualified payment' means, with respect to any person, any amount which—

''(i) is described in paragraph (1) or (3) of section 1385(a),

''(ii) is received by such person from a specified agricultural or horticultural cooperative, and

''(iii) is attributable to qualified production activities income with respect to which a deduction is allowed to such cooperative under subsection (a).

''(F) SPECIFIED AGRICULTURAL OR HORTICULTURAL COOPERATIVE.—For purposes of this paragraph, the term 'specified agricultural or horticultural cooperative' means an organization to which part I of subchapter T applies which is engaged—

''(i) in the manufacturing, production, growth, or extraction in whole or significant part of any agricultural or horticultural product, or

''(ii) in the marketing of agricultural or horticultural products.''.

(10) Clause (i) of section 199(d)(4)(B) is amended—

(A) by striking ''50 percent'' and inserting ''more than 50 percent'', and

(B) by striking ''80 percent'' and inserting ''at least 80 percent''.

(11)(A) Paragraph (6) of section 199(d) is amended to read as follows:

''(6) COORDINATION WITH MINIMUM TAX.—For purposes of determining alternative minimum taxable income under section 55—

''(A) qualified production activities income shall be determined without regard to any adjustments under sections 56 through 59, and

''(B) in the case of a corporation, subsection (a)(1)(B) shall be applied by substituting 'alternative minimum taxable income' for 'taxable income'.''.

(B) Paragraph (2) of section 199(a) is amended by striking ''subsections (d)(1) and (d)(6)'' and inserting ''subsection (d)(1)''.

(12) Subsection (d) of section 199 is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) UNRELATED BUSINESS TAXABLE INCOME.—For purposes of determining the tax imposed by section 511, subsection (a)(1)(B) shall be applied by substituting 'unrelated business taxable income' for 'taxable income'.''.

(13) Paragraph (8) of section 199(d), as redesignated by paragraph (12), is amended by inserting '', including regulations which prevent more than 1 taxpayer from being allowed a deduction under this section with respect to any activity described in subsection (c)(4)(A)(i)'' before the period at the end.

(14) Clauses (i)(II) and (ii)(II) of section 56(d)(1)(A) are each amended by striking ''such deduction'' and inserting ''such deduction and the deduction under section 199''.

(15) Clause (i) of section 163(j)(6)(A) is amended by striking ''and'' at the end of subclause (II), by redesignating subclause (III) as subclause (IV), and by inserting after subclause (II) the following new subclause:

''(III) any deduction allowable under section 199, and''.

(16) Paragraph (2) of section 170(b) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) section 199,''.

(17) Subsection (d) of section 172 is amended by adding at the end the following new paragraph:

''(7) MANUFACTURING DEDUCTION.—The deduction under section 199 shall not be allowed.''.

(18) Paragraph (1) of section 613A(d) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) any deduction allowable under section 199,''.

(19) Subsection (e) of section 102 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

''(2) APPLICATION TO PASS-THRU ENTITIES, ETC.—In determining the deduction under section 199 of the Internal Revenue Code of 1986 (as added by this section), items arising from a taxable year of a partnership, S corporation, estate, or trust beginning before January 1, 2005, shall not be taken into account for purposes of subsection (d)(1) of such section.''.

(b) AMENDMENT RELATED TO SECTION 231 OF THE ACT.—Paragraph (1) of section 1361(c) is amended to read as follows:

''(1) MEMBERS OF A FAMILY TREATED AS 1 SHAREHOLDER.—

''(A) IN GENERAL.—For purposes of subsection (b)(1)(A), there shall be treated as one shareholder—

''(i) a husband and wife (and their estates), and

''(ii) all members of a family (and their estates).

''(B) MEMBERS OF A FAMILY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'members of a family' means a common ancestor, any lineal descendant of such common ancestor, and any spouse or former spouse of such common ancestor or any such lineal descendant.

''(ii) COMMON ANCESTOR.—An individual shall not be considered to be a common ancestor if, on the applicable date, the individual is more than 6 generations removed from the youngest generation of shareholders who would (but for this subparagraph) be members of the family. For purposes of the preceding sentence, a spouse (or former spouse) shall be treated as being of the same generation as the individual to whom such spouse is (or was) married.

''(iii) APPLICABLE DATE.—The term 'applicable date' means the latest of—

''(I) the date the election under section 1362(a) is made,

''(II) the earliest date that an individual described in clause (i) holds stock in the S corporation, or

''(III) October 22, 2004.

''(C) EFFECT OF ADOPTION, ETC.—Any legally adopted child of an individual, any child who is lawfully placed with an individual for legal adoption by the individual, and any eligible foster child of an individual (within the meaning of section 152(f)(1)(C)), shall be treated as a child of such individual by blood.''.

(c) AMENDMENT RELATED TO SECTION 235 OF THE ACT.—Subsection (b) of section 235 of the American Jobs Creation Act of 2004 is amended by striking ''taxable years beginning'' and inserting ''transfers''.

(d) AMENDMENTS RELATED TO SECTION 243 OF THE ACT.—

(1) Paragraph (7) of section 856(c) is amended to read as follows:

''(7) RULES OF APPLICATION FOR FAILURE TO SATISFY PARAGRAPH (4).—

''(A) IN GENERAL.—A corporation, trust, or association that fails to meet the requirements of paragraph (4) (other than a failure to meet the requirements of paragraph (4)(B)(iii) which is described in subparagraph (B)(i) of this paragraph) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) following the corporation, trust, or association's identification of the failure to satisfy the requirements of such paragraph for a particular quarter, a description of each asset that causes the corporation, trust, or association to fail to satisfy the requirements of such paragraph at the close of such quarter of any taxable year is set forth in a schedule for such quarter filed in accordance with regulations prescribed by the Secretary,

''(ii) the failure to meet the requirements of such paragraph for a particular quarter is due to reasonable cause and not due to willful neglect, and

''(iii)(I) the corporation, trust, or association disposes of the assets set forth on the schedule specified in clause (i) within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(B) RULE FOR CERTAIN DE MINIMIS FAILURES.—A corporation, trust, or association that fails to meet the requirements of paragraph (4)(B)(iii) for a particular quarter shall nevertheless be considered to have satisfied the requirements of such paragraph for such quarter if—

''(i) such failure is due to the ownership of assets the total value of which does not exceed the lesser of—

''(I) 1 percent of the total value of the trust's assets at the end of the quarter for which such measurement is done, and

''(II) $10,000,000, and

''(ii)(I) the corporation, trust, or association, following the identification of such failure, disposes of assets in order to meet the requirements of such paragraph within 6 months after the last day of the quarter in which the corporation, trust or association's identification of the failure to satisfy the requirements of such paragraph occurred or such other time period prescribed by the Secretary and in the manner prescribed by the Secretary, or

''(II) the requirements of such paragraph are otherwise met within the time period specified in subclause (I).

''(C) TAX.—

''(i) TAX IMPOSED.—If subparagraph (A) applies to a corporation, trust, or association for any taxable year, there is hereby imposed on such corporation, trust, or association a tax in an amount equal to the greater of—

''(I) $50,000, or

''(II) the amount determined (pursuant to regulations promulgated by the Secretary) by multiplying the net income generated by the assets described in the schedule specified in subparagraph (A)(i) for the period specified in clause (ii) by the highest rate of tax specified in section 11.

''(ii) PERIOD.—For purposes of clause (i)(II), the period described in this clause is the period beginning on the first date that the failure to satisfy the requirements of such paragraph (4) occurs as a result of the ownership of such assets and ending on the earlier of the date on which the trust disposes of such assets or the end of the first quarter when there is no longer a failure to satisfy such paragraph (4).

''(iii) ADMINISTRATIVE PROVISIONS.—For purposes of subtitle F, the taxes imposed by this subparagraph shall be treated as excise taxes with respect to which the deficiency procedures of such subtitle apply.''.

(2) Subsection (m) of section 856 is amended by adding at the end the following new paragraph:

''(6) TRANSITION RULE.—

''(A) IN GENERAL.—Notwithstanding paragraph (2)(C), securities held by a trust shall not be considered securities held by the trust for purposes of subsection (c)(4)(B)(iii)(III) during any period beginning on or before October 22, 2004, if such securities—

''(i) are held by such trust continuously during such period, and

''(ii) would not be taken into account for purposes of such subsection by reason of paragraph (7)(C) of subsection (c) (as in effect on October 22, 2004) if the amendments made by section 243 of the American Jobs Creation Act of 2004 had never been enacted.

''(B) RULE NOT TO APPLY TO SECURITIES HELD AFTER MATURITY DATE.—Subparagraph (A) shall not apply with respect to any security after the later of October 22, 2004, or the latest maturity date under the contract (as in effect on October 22, 2004) taking into account any renewal or extension permitted under the contract if such renewal or extension does not significantly modify any other terms of the contract.

''(C) SUCCESSORS.—If the successor of a trust to which this paragraph applies acquires securities in a transaction to which section 381 applies, such trusts shall be treated as a single entity for purposes of determining the holding period of such securities under subparagraph (A).''.

(3) Subparagraph (E) of section 857(b)(2) is amended by striking ''section 856(c)(7)(B)(iii), and section 856(g)(1).'' and inserting ''section 856(c)(7)(C), and section 856(g)(5)''.

(4) Subsection (g) of section 243 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(g) EFFECTIVE DATES.—

''(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to taxable years beginning after December 31, 2000.

''(2) SUBSECTIONS (c) AND (e).—The amendments made by subsections (c) and (e) shall apply to taxable years beginning after the date of the enactment of this Act.

''(3) SUBSECTION (d).—The amendment made by subsection (d) shall apply to transactions entered into after December 31, 2004.

''(4) SUBSECTION (f).—

''(A) The amendment made by paragraph (1) of subsection (f) shall apply to failures with respect to which the requirements of subparagraph (A) or (B) of section 856(c)(7) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(B) The amendment made by paragraph (2) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (6) of section 856(c) of the Internal Revenue Code of 1986 (as amended by such paragraph) are satisfied after the date of the enactment of this Act.

''(C) The amendments made by paragraph (3) of subsection (f) shall apply to failures with respect to which the requirements of paragraph (5) of section 856(g) of the Internal Revenue Code of 1986 (as added by such paragraph) are satisfied after the date of the enactment of this Act.

''(D) The amendment made by paragraph (4) of subsection (f) shall apply to taxable years ending after the date of the enactment of this Act.

''(E) The amendments made by paragraph (5) of subsection (f) shall apply to statements filed after the date of the enactment of this Act.''.

(e) AMENDMENTS RELATED TO SECTION 244 OF THE ACT.—

(1) Paragraph (2) of section 181(d) is amended by striking the last sentence in subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

''(B) SPECIAL RULES FOR TELEVISION SERIES.—In the case of a television series—

''(i) each episode of such series shall be treated as a separate production, and

''(ii) only the first 44 episodes of such series shall be taken into account.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by inserting ''181,'' after ''179B,''.

(f) AMENDMENTS RELATED TO SECTION 245 OF THE ACT.—

(1) Subsection (b) of section 45G is amended to read as follows:

''(b) LIMITATION.—

''(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the product of—

''(A) $3,500, multiplied by

''(B) the sum of—

''(i) the number of miles of railroad track owned or leased by the eligible taxpayer as of the close of the taxable year, and

''(ii) the number of miles of railroad track assigned for purposes of this subsection to the eligible taxpayer by a Class II or Class III railroad which owns or leases such railroad track as of the close of the taxable year.

''(2) ASSIGNMENTS.—With respect to any assignment of a mile of railroad track under paragraph (1)(B)(ii)—

''(A) such assignment may be made only once per taxable year of the Class II or Class III railroad and shall be treated as made as of the close of such taxable year,

''(B) such mile may not be taken into account under this section by such railroad for such taxable year, and

''(C) such assignment shall be taken into account for the taxable year of the assignee which includes the date that such assignment is treated as effective.''.

(2) Paragraph (2) of section 45G(c) is amended to read as follows:

''(2) any person who transports property using the rail facilities of a Class II or Class III railroad or who furnishes railroad-related property or services to a Class II or Class III railroad, but only with respect to miles of railroad track assigned to such person by such Class II or Class III railroad for purposes of subsection (b).''.

(g) AMENDMENTS RELATED TO SECTION 248 OF THE ACT.—

(1)(A) Subsection (d) of section 1353 is amended by striking ''ownership and charter interests'' and inserting ''ownership, charter, and operating agreement interests''.

(B) Subsection (a) of section 1355 is amended by striking paragraph (8).

(C) Paragraph (1) of section 1355(b) is amended to read as follows:

''(1) IN GENERAL.—Except as provided in paragraph (2), a person is treated as operating any vessel during any period if—

''(A)(i) such vessel is owned by, or chartered (including a time charter) to, the person, or

''(ii) the person provides services for such vessel pursuant to an operating agreement, and

''(B) such vessel is in use as a qualifying vessel during such period.''.

(D) Paragraph (3) of section 1355(d) is amended to read as follows:

''(3) the extent of a partner's ownership, charter, or operating agreement interest in any vessel operated by the partnership shall be determined on the basis of the partner's interest in the partnership.''.

(2) Paragraph (3) of section 1355(c) is amended by striking ''determined—'' and all that follows and inserting ''determined by treating all members of such group as 1 person.''

(3) Subsection (c) of section 1356 is amended—

(A) by striking paragraph (3), and

(B) by adding at the end of paragraph (2) the following new flush sentence:

''Such term shall not include any core qualifying activities.''.

(4) The last sentence of section 1354(b) is amended by inserting ''on or'' after ''only if made''.

(h) AMENDMENT RELATED TO SECTION 314 OF THE ACT.—Paragraph (2) of section 55(c) is amended by striking ''regular tax'' and inserting ''regular tax liability''.

(i) AMENDMENTS RELATED TO SECTION 322 OF THE ACT.—

(1)(A) Subparagraph (B) of section 194(b)(1) is amended to read as follows:

''(B) DOLLAR LIMITATION.—The aggregate amount of reforestation expenditures which may be taken into account under subparagraph (A) with respect to each qualified timber property for any taxable year shall not exceed—

''(i) except as provided in clause (ii) or (iii), $10,000,

''(ii) in the case of a separate return by a married individual (as defined in section 7703), $5,000, and

''(iii) in the case of a trust, zero.''.

(B) Paragraph (4) of section 194(c) is amended to read as follows:

''(4) TREATMENT OF TRUSTS AND ESTATES.—The aggregate amount of reforestation expenditures incurred by any trust or estate shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary. Any amount so apportioned to a beneficiary shall be taken into account as expenditures incurred by such beneficiary in applying this section to such beneficiary.''.

(2) Subparagraph (C) of section 1245(a)(2) is amended by striking ''or 193'' and inserting ''193, or 194''.

(j) AMENDMENTS RELATED TO SECTION 336 OF THE ACT.—

(1) Clause (iv) of section 168(k)(2)(A) is amended by striking ''subparagraphs (B) and (C)'' and inserting ''subparagraph (B) or (C)''.

(2) Clause (iii) of section 168(k)(4)(B) is amended by striking ''and paragraph (2)(C)'' and inserting ''or paragraph (2)(C) (as so modified)''.

(k) AMENDMENT RELATED TO SECTION 402 OF THE ACT.—Paragraph (2) of section 904(g) is amended to read as follows:

''(2) OVERALL DOMESTIC LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'overall domestic loss' means—

''(i) with respect to any qualified taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for the taxable year or for any preceding qualified taxable year by reason of a carryback, and

''(ii) with respect to any other taxable year, the domestic loss for such taxable year to the extent such loss offsets taxable income from sources without the United States for any preceding qualified taxable year by reason of a carryback.

''(B) DOMESTIC LOSS.—For purposes of subparagraph (A), the term 'domestic loss' means the amount by which the gross income for the taxable year from sources within the United States is exceeded by the sum of the deductions properly apportioned or allocated thereto (determined without regard to any carryback from a subsequent taxable year).

''(C) QUALIFIED TAXABLE YEAR.—For purposes of subparagraph (A), the term 'qualified taxable year' means any taxable year for which the taxpayer chose the benefits of this subpart.''.

(l) AMENDMENT RELATED TO SECTION 403 OF THE ACT.—Section 403 of the American Jobs Creation Act of 2004 is amended by adding at the end the following new subsection:

''(d) TRANSITION RULE.—If the taxpayer elects (at such time and in such form and manner as the Secretary of the Treasury may prescribe) to have the rules of this subsection apply—

''(1) the amendments made by this section shall not apply to taxable years beginning after December 31, 2002, and before January 1, 2005, and

''(2) in the case of taxable years beginning after December 31, 2004, clause (iv) of section 904(d)(4)(C) of the Internal Revenue Code of 1986 (as amended by this section) shall be applied by substituting 'January 1, 2005' for 'January 1, 2003' both places it appears.''.

(m) AMENDMENT RELATED TO SECTION 412 OF THE ACT.—Subparagraph (B) of section 954(c)(4) is amended by adding at the end the following: ''If a controlled foreign corporation is treated as owning a capital or profits interest in a partnership under constructive ownership rules similar to the rules of section 958(b), the controlled foreign corporation shall be treated as owning such interest directly for purposes of this subparagraph.''.

(n) AMENDMENTS RELATED TO SECTION 413 OF THE ACT.—

(1) Subsection (b) of section 532 is amended by striking paragraph (2) and redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subsection (b) of section 535 is amended by adding at the end the following new paragraph:

''(10) CONTROLLED FOREIGN CORPORATIONS.—There shall be allowed as a deduction the amount of the corporation's income for the taxable year which is included in the gross income of a United States shareholder under section 951(a). In the case of any corporation the accumulated taxable income of which would (but for this sentence) be determined without allowance of any deductions, the deduction under this paragraph shall be allowed and shall be appropriately adjusted to take into account any deductions which reduced such inclusion.''.

(3)(A) Section 6683 is repealed.

(B) The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6683.

(o) AMENDMENT RELATED TO SECTION 415 OF THE ACT.—Subparagraph (D) of section 904(d)(2) is amended by inserting ''as in effect before its repeal'' after ''section 954(f)''.

(p) AMENDMENTS RELATED TO SECTION 418 OF THE ACT.—

(1) The second sentence of section 897(h)(1) is amended—

(A) by striking ''any distribution'' and all that follows through ''any class of stock'' and inserting ''any distribution by a real estate investment trust with respect to any class of stock'', and

(B) by striking ''the taxable year'' and inserting ''the 1-year period ending on the date of the distribution''.

(2) Subsection (c) of section 418 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(c) EFFECTIVE DATE.—The amendments made by this section shall apply to—

''(1) any distribution by a real estate investment trust which is treated as a deduction for a taxable year of such trust beginning after the date of the enactment of this Act, and

''(2) any distribution by a real estate investment trust made after such date which is treated as a deduction under section 860 for a taxable year of such trust beginning on or before such date.''.

(q) AMENDMENTS RELATED TO SECTION 422 OF THE ACT.—

(1) Subparagraph (B) of section 965(a)(2) is amended by inserting ''from another controlled foreign corporation in such chain of ownership'' before '', but only to the extent''.

(2) Subparagraph (A) of section 965(b)(2) is amended by inserting ''cash'' before ''dividends''.

(3) Paragraph (3) of section 965(b) is amended by adding at the end the following: ''The Secretary may prescribe such regulations as may be necessary or appropriate to prevent the avoidance of the purposes of this paragraph, including regulations which provide that cash dividends shall not be taken into account under subsection (a) to the extent such dividends are attributable to the direct or indirect transfer (including through the use of intervening entities or capital contributions) of cash or other property from a related person (as so defined) to a controlled foreign corporation.''.

(4) Paragraph (1) of section 965(c) is amended to read as follows:

''(1) APPLICABLE FINANCIAL STATEMENT.—The term 'applicable financial statement' means—

''(A) with respect to a United States shareholder which is required to file a financial statement with the Securities and Exchange Commission (or which is included in such a statement so filed by another person), the most recent audited annual financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was so filed on or before June 30, 2003, and

''(ii) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(B) with respect to any other United States shareholder, the most recent audited financial statement (including the notes which form an integral part of such statement) of such shareholder (or which includes such shareholder)—

''(i) which was certified on or before June 30, 2003, as being prepared in accordance with generally accepted accounting principles, and

''(ii) which is used for the purposes of a statement or report—

''(I) to creditors,

''(II) to shareholders, or

''(III) for any other substantial nontax purpose.''.

(5) Paragraph (2) of section 965(d) is amended by striking ''properly allocated and apportioned'' and inserting ''directly allocable''.

(6) Subsection (d) of section 965 is amended by adding at the end the following new paragraph:

''(4) COORDINATION WITH SECTION 78.—Section 78 shall not apply to any tax which is not allowable as a credit under section 901 by reason of this subsection.''.

(7) The last sentence of section 965(e)(1) is amended by inserting ''which are imposed by foreign countries and possessions of the United States and are'' after ''taxes''.

(8) Subsection (f) of section 965 is amended by inserting ''on or'' before ''before the due date''.

(r) AMENDMENTS RELATED TO SECTION 501 OF THE ACT.—

(1) Subparagraph (A) of section 164(b)(5) is amended to read as follows:

''(A) ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES IN LIEU OF STATE AND LOCAL INCOME TAXES.—At the election of the taxpayer for the taxable year, subsection (a) shall be applied—

''(i) without regard to the reference to State and local income taxes, and

''(ii) as if State and local general sales taxes were referred to in a paragraph thereof.''.

(2) Clause (ii) of section 56(b)(1)(A) is amended by inserting ''or clause (ii) of section 164(b)(5)(A)'' before the period at the end.

(s) AMENDMENTS RELATED TO SECTION 708 OF THE ACT.—Section 708 of the American Jobs Creation Act of 2004 is amended—

(1) in subsection (a), by striking ''contract commencement date'' and inserting ''construction commencement date'', and

(2) by redesignating subsection (d) as subsection (e) and inserting after subsection (c) the following new subsection:

''(d) CERTAIN ADJUSTMENTS NOT TO APPLY.—Section 481 of the Internal Revenue Code of 1986 shall not apply with respect to any change in the method of accounting which is required by this section.''.

(t) AMENDMENT RELATED TO SECTION 710 OF THE ACT.—Clause (i) of section 45(c)(7)(A) is amended by striking ''synthetic''.

(u) AMENDMENT RELATED TO SECTION 801 OF THE ACT.—Paragraph (3) of section 7874(a) is amended to read as follows:

''(3) COORDINATION WITH SUBSECTION (b).—A corporation which is treated as a domestic corporation under subsection (b) shall not be treated as a surrogate foreign corporation for purposes of paragraph (2)(A).''.

(v) AMENDMENTS RELATED TO SECTION 804 OF THE ACT.—

(1) Subparagraph (C) of section 877(g)(2) is amended by striking ''section 7701(b)(3)(D)(ii)'' and inserting ''section 7701(b)(3)(D)''.

(2) Subsection (n) of section 7701 is amended to read as follows:

''(n) SPECIAL RULES FOR DETERMINING WHEN AN INDIVIDUAL IS NO LONGER A UNITED STATES CITIZEN OR LONG-TERM RESIDENT.—For purposes of this chapter—

''(1) UNITED STATES CITIZENS.—An individual who would (but for this paragraph) cease to be treated as a citizen of the United States shall continue to be treated as a citizen of the United States until such individual—

''(A) gives notice of an expatriating act (with the requisite intent to relinquish citizenship) to the Secretary of State, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).

''(2) LONG-TERM RESIDENTS.—A long-term resident (as defined in section 877(e)(2)) who would (but for this paragraph) be described in section 877(e)(1) shall be treated as a lawful permanent resident of the United States and as not described in section 877(e)(1) until such individual—

''(A) gives notice of termination of residency (with the requisite intent to terminate residency) to the Secretary of Homeland Security, and

''(B) provides a statement in accordance with section 6039G (if such a statement is otherwise required).''.

(w) AMENDMENT RELATED TO SECTION 811 OF THE ACT.—Subsection (c) of section 811 of the American Jobs Creation Act of 2004 is amended by inserting ''and which were not filed before such date'' before the period at the end.

(x) AMENDMENTS RELATED TO SECTION 812 OF THE ACT.—

(1) Subsection (b) of section 6662 is amended by adding at the end the following new sentence: ''Except as provided in paragraph (1) or (2)(B) of section 6662A(e), this section shall not apply to the portion of any underpayment which is attributable to a reportable transaction understatement on which a penalty is imposed under section 6662A.''

(2) Paragraph (2) of section 6662A(e) is amended to read as follows:

''(2) COORDINATION WITH OTHER PENALTIES.—

''(A) COORDINATION WITH FRAUD PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6663.

''(B) COORDINATION WITH GROSS VALUATION MISSTATEMENT PENALTY.—This section shall not apply to any portion of an understatement on which a penalty is imposed under section 6662 if the rate of the penalty is determined under section 6662(h).''.

(3) Subsection (f) of section 812 of the American Jobs Creation Act of 2004 is amended to read as follows:

''(f) EFFECTIVE DATES.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

''(2) DISQUALIFIED OPINIONS.—Section 6664(d)(3)(B) of the Internal Revenue Code of 1986 (as added by subsection (c)) shall not apply to the opinion of a tax advisor if—

''(A) the opinion was provided to the taxpayer before the date of the enactment of this Act,

''(B) the opinion relates to one or more transactions all of which were entered into before such date, and

''(C) the tax treatment of items relating to each such transaction was included on a return or statement filed by the taxpayer before such date.''.

(y) AMENDMENT RELATED TO SECTION 814 OF THE ACT.—Subparagraph (B) of section 6501(c)(10) is amended by striking ''(as defined in section 6111)''.

(z) AMENDMENT RELATED TO SECTION 815 OF THE ACT.—Paragraph (1) of section 6112(b) is amended by inserting ''(or was required to maintain a list under subsection (a) as in effect before the enactment of the American Jobs Creation Act of 2004)'' after ''a list under subsection (a)''.

(aa) AMENDMENTS RELATED TO SECTION 832 OF THE ACT.—

(1) Subsection (e) of section 853 is amended to read as follows:

''(e) TREATMENT OF CERTAIN TAXES NOT ALLOWED AS A CREDIT UNDER SECTION 901.—This section shall not apply to any tax with respect to which the regulated investment company is not allowed a credit under section 901 by reason of subsection (k) or (l) of such section.''.

(2) Clause (i) of section 901(l)(2)(C) is amended by striking ''if such security were stock''.

(bb) AMENDMENTS RELATED TO SECTION 833 OF THE ACT.—

(1) Subsection (a) of section 734 is amended by inserting ''with respect to such distribution'' before the period at the end.

(2) So much of subsection (b) of section 734 as precedes paragraph (1) is amended to read as follows:

''(b) METHOD OF ADJUSTMENT.—In the case of a distribution of property to a partner by a partnership with respect to which the election provided in section 754 is in effect or with respect to which there is a substantial basis reduction, the partnership shall—''.

(cc) AMENDMENT RELATED TO SECTION 835 OF THE ACT.—Paragraph (3) of section 860G(a) is amended—

(1) in subparagraph (A)(iii)(I), by striking ''the obligation'' and inserting ''a reverse mortgage loan or other obligation'', and

(2) by striking all that follows subparagraph (C) and inserting the following:

''For purposes of subparagraph (A), any obligation secured by stock held by a person as a tenant-stockholder (as defined in section 216) in a cooperative housing corporation (as so defined) shall be treated as secured by an interest in real property. For purposes of subparagraph (A), any obligation originated by the United States or any State (or any political subdivision, agency, or instrumentality of the United States or any State) shall be treated as principally secured by an interest in real property if more than 50 percent of such obligations which are

transferred to, or purchased by, the REMIC are principally secured by an interest in real property (determined without regard to this sentence).''.

(dd) AMENDMENTS RELATED TO SECTION 836 OF THE ACT.—

(1) Paragraph (1) of section 334(b) is amended by striking ''except that'' and all that follows and inserting ''except that, in the hands of such distributee—

''(A) the basis of such property shall be the fair market value of the property at the time of the distribution in any case in which gain or loss is recognized by the liquidating corporation with respect to such property, and

''(B) the basis of any property described in section 362(e)(1)(B) shall be the fair market value of the property at the time of the distribution in any case in which such distributee's aggregate adjusted basis of such property would (but for this subparagraph) exceed the fair market value of such property immediately after such liquidation.''.

(2) Clause (ii) of section 362(e)(2)(C) is amended to read as follows:

''(ii) ELECTION.—Any election under clause (i) shall be made at such time and in such form and manner as the Secretary may prescribe, and, once made, shall be irrevocable.''.

(ee) AMENDMENT RELATED TO SECTION 840 OF THE ACT.—Subsection (d) of section 121 is amended—

(1) by redesignating the paragraph (10) relating to property acquired from a decedent as paragraph (11) and by moving such paragraph to the end of such subsection, and

(2) by amending the paragraph (10) relating to property acquired in like-kind exchange to read as follows:

''(10) PROPERTY ACQUIRED IN LIKE-KIND EXCHANGE.—If a taxpayer acquires property in an exchange with respect to which gain is not recognized (in whole or in part) to the taxpayer under subsection (a) or (b) of section 1031, subsection (a) shall not apply to the sale or exchange of such property by such taxpayer (or by any person whose basis in such property is determined, in whole or in part, by reference to the basis in the hands of such taxpayer) during the 5-year period beginning with the date of such acquisition.''.

(ff) AMENDMENT RELATED TO SECTION 849 OF THE ACT.—Subsection (a) of section 849 of the American Jobs Creation Act of 2004 is amended by inserting '', and in the case of property treated as tax-exempt use property other than by reason of a lease, to property acquired after March 12, 2004'' before the period at the end.

(gg) AMENDMENT RELATED TO SECTION 884 OF THE ACT.—Subparagraph (B) of section 170(f)(12) is amended by adding at the end the following new clauses:

''(v) Whether the donee organization provided any goods or services in consideration, in whole or in part, for the qualified vehicle.

''(vi) A description and good faith estimate of the value of any goods or services referred to in clause (v) or, if such goods or services consist solely of intangible religious benefits (as defined in paragraph (8)(B)), a statement to that effect.''.

(hh) AMENDMENTS RELATED TO SECTION 885 OF THE ACT.—

(1) Paragraph (2) of section 26(b) is amended by striking ''and'' at the end of subparagraph (R), by striking the period at the end of subparagraph (S) and inserting '', and'', and by adding at the end the following new subparagraph:

''(T) subsections (a)(1)(B)(i) and (b)(4)(A) of section 409A (relating to interest and additional tax with respect to certain deferred compensation).''.

(2) Clause (ii) of section 409A(a)(4)(C) is amended by striking ''first''.

(3)(A) Notwithstanding section 885(d)(1) of the American Jobs Creation Act of 2004, subsection (b) of section 409A of the Internal Revenue Code of 1986 shall take effect on January 1, 2005.

(B) Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance under which a nonqualified deferred compensation plan which is in violation of the requirements of section 409A(b) of such Code shall be treated as not having violated such requirements if such plan comes into conformance with such requirements during such limited period as the Secretary may specify in such guidance.

(4) Subsection (f) of section 885 of the American Jobs Creation Act of 2004 is amended by striking ''December 31, 2004'' the first place it appears and inserting ''January 1, 2005''.

(ii) AMENDMENT RELATED TO SECTION 888 OF THE ACT.—Paragraph (2) of section 1092(a) is amended by striking the last sentence and adding at the end the following new subparagraph:

''(C) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph. Such regulations or other guidance may specify the proper methods for clearly identifying a straddle as an identified straddle (and for identifying the positions comprising such straddle), the rules for the application of this section to a taxpayer which fails to comply with those identification requirements, and the ordering rules in cases where a taxpayer disposes (or otherwise ceases to be the holder) of any part of any position which is part of an identified straddle.''.

(jj) AMENDMENTS RELATED TO SECTION 898 OF THE ACT.—

(1) Paragraph (3) of section 361(b) is amended by inserting ''(reduced by the amount of the liabilities assumed (within the meaning of section 357(c)))'' before the period at the end.

(2) Paragraph (1) of section 357(d) is amended by inserting ''section 361(b)(3),'' after ''section 358(h),''.

(kk) AMENDMENT RELATED TO SECTION 899 OF THE ACT.—Subparagraph (A) of section 351(g)(3) is amended by adding at the end the following: ''If there is not a real and meaningful likelihood that dividends beyond any limitation or preference will actually be paid, the possibility of such payments will be disregarded in determining whether stock is limited and preferred as to dividends.''.

(ll) AMENDMENT RELATED TO SECTION 902 OF THE ACT.—Paragraph (1) of section 709(b) is amended by striking ''taxpayer'' both places it appears and inserting ''partnership''.

(mm) AMENDMENTS RELATED TO SECTION 907 OF THE ACT.—Clause (ii) of section 274(e)(2)(B) is amended—

(1) in subclause (I), by inserting ''or a related party to the taxpayer'' after ''the taxpayer'',

(2) in subclause (II), by inserting ''(or such related party)'' after ''the taxpayer'', and

(3) by adding at the end the following new flush sentence:

''For purposes of this clause, a person is a related party with respect to another person if such person bears a relationship to such other person described in section 267(b) or 707(b).''.

(nn) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE WORKING FAMILIES TAX RELIEF ACT OF 2004.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subsection (e) of section 152 is amended to read as follows:

''(e) SPECIAL RULE FOR DIVORCED PARENTS, ETC.—

''(1) IN GENERAL.—Notwithstanding subsection (c)(1)(B), (c)(4), or (d)(1)(C), if—

''(A) a child receives over one-half of the child's support during the calendar year from the child's parents—

''(i) who are divorced or legally separated under a decree of divorce or separate maintenance,

''(ii) who are separated under a written separation agreement, or

''(iii) who live apart at all times during the last 6 months of the calendar year, and—

''(B) such child is in the custody of 1 or both of the child's parents for more than one-half of the calendar year, such child shall be treated as being the qualifying child or qualifying relative of the noncustodial parent for a calendar year if the requirements described in paragraph (2) or (3) are met.

''(2) EXCEPTION WHERE CUSTODIAL PARENT RELEASES CLAIM TO EXEMPTION FOR THE YEAR.—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(A) the custodial parent signs a written declaration (in such manner and form as the Secretary may by regulations prescribe) that such custodial parent will not claim such child as a dependent for any taxable year beginning in such calendar year, and

''(B) the noncustodial parent attaches such written declaration to the noncustodial parent's return for the taxable year beginning during such calendar year.

''(3) EXCEPTION FOR CERTAIN PRE-1985 INSTRUMENTS.—

''(A) IN GENERAL .—For purposes of paragraph (1), the requirements described in this paragraph are met with respect to any calendar year if—

''(i) a qualified pre-1985 instrument between the parents applicable to the taxable year beginning in such calendar year provides that the noncustodial parent shall be entitled to any deduction allowable under section 151 for such child, and

''(ii) the noncustodial parent provides at least $600 for the support of such child during such calendar year.

For purposes of this subparagraph, amounts expended for the support of a child or children shall be treated as received from the noncustodial parent to the extent that such parent provided amounts for such support.

''(B) QUALIFIED PRE-1985 INSTRUMENT.—For purposes of this paragraph, the term 'qualified pre-1985 instrument' means any decree of divorce or separate maintenance or written agreement—

''(i) which is executed before January 1, 1985,

''(ii) which on such date contains the provision described in subparagraph (A)(i), and

''(iii) which is not modified on or after such date in a modification which expressly provides that this paragraph shall not apply to such decree or agreement.

''(4) CUSTODIAL PARENT AND NONCUSTODIAL PARENT.—For purposes of this subsection—

''(A) CUSTODIAL PARENT.—The term 'custodial parent' means the parent having custody for the greater portion of the calendar year.

''(B) NONCUSTODIAL PARENT.—The term 'noncustodial parent' means the parent who is not the custodial parent.

''(5) EXCEPTION FOR MULTIPLE-SUPPORT AGREEMENT.—This subsection shall not apply in any case where over one-half of the support of the child is treated as having been received from a taxpayer under the provision of subsection (d)(3).

''(6) SPECIAL RULE FOR SUPPORT RECEIVED FROM NEW SPOUSE OF PARENT.—For purposes of this subsection, in the case of the remarriage of a parent, support of a child received from the parent's spouse shall be treated as received from the parent.''.

(b) AMENDMENT RELATED TO SECTION 203 OF THE ACT.—Subparagraph (B) of section 21(b)(1) is amended by inserting ''(as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B))'' after ''dependent of the taxpayer''.

(c) AMENDMENT RELATED TO SECTION 207 OF THE ACT.—Subparagraph (A) of section 223(d)(2) is amended by inserting '', determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof'' after ''section 152''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Working Families Tax Relief Act of 2004 to which they relate.

SEC. 405. AMENDMENTS RELATED TO THE JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003.

(a) AMENDMENTS RELATED TO SECTION 201 OF THE ACT.—

(1) Clause (ii) of section 168(k)(4)(B) is amended to read as follows:

''(ii) which is—

''(I) acquired by the taxpayer after May 5, 2003, and before January 1, 2005, but only if no written binding contract for the acquisition was in effect before May 6, 2003, or

''(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after May 5, 2003, and before January 1, 2005, and''.

(2) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''September 11, 2004'' and inserting ''January 1, 2005''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 201 of the Jobs and Growth Tax Relief and Reconciliation Act of 2003.

SEC. 406. AMENDMENT RELATED TO THE VICTIMS OF TERRORISM TAX RELIEF ACT OF 2001.

(a) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Paragraph (17) of section 6103(l) is amended by striking ''subsection (f), (i)(7), or (p)'' and inserting ''subsection (f), (i)(8), or (p)''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 201 of the Victims of Terrorism Tax Relief Act of 2001.

SEC. 407. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Clause (ii) of section 402(g)(7)(A) is amended to read as follows:

''(ii) $15,000 reduced by the sum of—

''(I) the amounts not included in gross income for prior taxable years by reason of this paragraph, plus

''(II) the aggregate amount of designated Roth contributions (as defined in section 402A(c)) for prior taxable years, or''.

(2) Subparagraph (A) of section 402(g)(1) is amended by inserting ''to'' after ''shall not apply''.

(b) AMENDMENT RELATED TO SECTION 632 OF THE ACT.—Subparagraph (C) of section 415(c)(7) is amended by striking ''the greater of $3,000'' and all that follows and inserting ''$3,000. This subparagraph shall not apply with respect to any taxable year to any individual whose adjusted gross income for such taxable year (determined separately and without regard to community property laws) exceeds $17,000.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 408. AMENDMENTS RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENTS RELATED TO SECTION 3415 OF THE ACT.—

(1) Paragraph (2) of section 7609(c) is amended by inserting ''or'' at the end of subparagraph (D), by striking ''; or'' at the end of subparagraph (E) and inserting a period, and by striking subparagraph (F).

(2) Subsection (c) of section 7609 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) JOHN DOE AND CERTAIN OTHER SUMMONSES.—Subsection (a) shall not apply to any summons described in subsection (f) or (g).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 3415 of the Internal Revenue Service Restructuring and Reform Act of 1998.

SEC. 409. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 1055 OF THE ACT.—

(1) The last sentence of section 6411(a) is amended by striking ''6611(f)(3)(B)'' and inserting ''6611(f)(4)(B)''.

(2) Paragraph (4) of section 6601(d) is amended by striking ''6611(f)(3)(A)'' and inserting ''6611(f)(4)(A)''.

(b) AMENDMENT RELATED TO SECTION 1112 OF THE ACT.—Subsection (c) of section 961 is amended to read as follows:

''(c) BASIS ADJUSTMENTS IN STOCK HELD BY FOREIGN CORPORATIONS.—Under regulations prescribed by the Secretary, if a United States shareholder is treated under section 958(a)(2) as owning stock in a controlled foreign corporation which is owned by another controlled foreign corporation, then adjustments similar to the adjustments provided by subsections (a) and (b) shall be made to—

''(1) the basis of such stock, and

''(2) the basis of stock in any other controlled foreign corporation by reason of which the United States shareholder is considered under section 958(a)(2) as owning the stock described in paragraph (1),

but only for the purposes of determining the amount included under section 951 in the gross income of such United States shareholder (or any other United States shareholder who acquires from any person any portion of the interest of such United States shareholder by reason of which such shareholder was treated as owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock to which a basis adjustment applies under subsection (a) or (b).''.

(c) AMENDMENT RELATED TO SECTION 1144 OF THE ACT.—Subparagraph (B) of section 6038B(a)(1) is amended by inserting ''or'' at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Taxpayer Relief Act of 1997 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

(a) AMENDMENT RELATED TO SECTION 11813 OF THE ACT.—Subclause (I) of section 168(e)(3)(B)(vi) is amended by striking ''if 'solar and wind' were substituted for 'solar' in clause (i) thereof'' and inserting ''if 'solar or wind energy' were substituted for 'solar energy' in clause (i) thereof''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 11813 of the Omnibus Budget Reconciliation Act of 1990.

SEC. 411. AMENDMENT RELATED TO THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) AMENDMENT RELATED TO SECTION 10227 OF THE ACT.—Section 1363(d) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE.—Sections 1367(a)(2)(D) and 1371(c)(1) shall not apply with respect to any increase in the tax imposed by reason of this subsection.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 10227 of the Omnibus Budget Reconciliation Act of 1987.

SEC. 412. CLERICAL CORRECTIONS.

(a) Subparagraph (C) of section 2(b)(2) is amended by striking ''subparagraph (C)'' and inserting ''subparagraph (B)''.

(b) Paragraph (2) of section 25C(b) is amended by striking ''subsection (c)(3)(B)'' and inserting ''subsection (c)(2)(B)''.

(c) Subparagraph (E) of section 26(b)(2) is amended by striking ''section 530(d)(3)'' and inserting ''section 530(d)(4)''.

(d) Subparagraph (A) of section 30B(g)(2) and subparagraph (A) of section 30C(d)(2) are each amended by striking ''regular tax'' and inserting ''regular tax liability (as defined in section 26(b))''.

(e) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 30C and inserting the following new item:

''Sec. 30C. Alternative fuel vehicle refueling property credit.''.

(f)(1) Subclause (II) of section 38(c)(2)(A)(ii) is amended by striking ''or the New York Liberty Zone business employee credit or the specified credits'' and inserting '', the New York Liberty Zone business employee credit, and the specified credits''.

(2) Subclause (II) of section 38(c)(3)(A)(ii) is amended by striking ''or the specified credits'' and inserting ''and the specified credits''.

(3) Subparagraph (B) of section 38(c)(4) is amended—

(A) by striking ''includes'' and inserting ''means'', and

(B) by inserting ''and'' at the end of clause (i).

(g)(1) Subparagraph (A) of section 39(a)(1) is amended by striking ''each of the 1 taxable years'' and inserting ''the taxable year''.

(2) Subparagraph (B) of section 39(a)(3) is amended to read as follows:

''(B) paragraph (1) shall be applied by substituting 'each of the 5 taxable years' for 'the taxable year' in subparagraph (A) thereof, and''.

(h) Subparagraph (B) of section 40A(b)(5) is amended by striking ''(determined without regard to the last sentence of subsection (d)(2))''.

(i) Paragraph (5) of section 43(c) is amended to read as follows:

''(5) ALASKA NATURAL GAS.—For purposes of paragraph (1)(D)—

''(A) IN GENERAL.—The term 'Alaska natural gas' means natural gas entering the Alaska natural gas pipeline (as defined in section 168(i)(16) (determined without regard to subparagraph (B) thereof)) which is produced from a well—

''(i) located in the area of the State of Alaska lying north of 64 degrees North latitude, determined by excluding the area of the Alaska National Wildlife Refuge (including the continental shelf thereof within the meaning of section 638(1)), and

''(ii) pursuant to the applicable State and Federal pollution prevention, control, and permit requirements from such area (including the continental shelf thereof within the meaning of section 638(1)).

''(B) NATURAL GAS.—The term 'natural gas' has the meaning given such term by section 613A(e)(2).''.

(j) Subsection (d) of section 45 is amended—

(1) in paragraph (8) by striking ''The term'' and inserting ''In the case of a facility that produces refined coal, the term'', and

(2) in paragraph (10) by striking ''The term'' and inserting ''In the case of a facility that produces Indian coal, the term''.

(k) Paragraph (2) of section 45I(a) is amended by striking ''qualified credit oil production'' and inserting ''qualified crude oil production''.

(l) Subsection (g) of section 45K, as redesignated by section 1322 of the Energy Policy Act of 2005, is amended—

(1) in the matter preceding paragraph (1), by striking ''subsection (f)'' and inserting ''subsection (e)'', and

(2) in paragraph (2)(C), by striking ''subsection (g)'' and inserting ''subsection (f)''.

(m) Paragraph (1) of section 48(a), as amended by section 1336 of the Energy Policy Act of 2005, is amended by striking ''paragraph (1)(B) or (2)(B) of subsection (d)'' and inserting ''paragraphs (1)(B) and (2)(B) of subsection (c)''.

(n) Subparagraph (A) of section 48(a)(3) is amended—

(1) by redesignating clause (iii) (relating to qualified fuel cell property or qualified microturbine property), as added by section 1336 of

the Energy Policy Act of 2005, as clause (iv) and by moving such clause to the end of such subparagraph, and

(2) by striking ''or'' at the end of clause (ii).

(o) Subparagraph (E) of section 50(a)(2) is amended by striking ''section 48(a)(5)'' and inserting ''section 48(b)''.

(p)(1) Paragraph (3) of section 55(c) is amended by inserting ''30B(g)(2), 30C(d)(2),'' after ''30(b)(3),''.

(2) Section 1341(b)(3) of the Energy Policy Act of 2005 is repealed.

(3) Section 1342(b)(3) of the Energy Policy Act of 2005 is repealed.

(q)(1) Subsection (a) of section 62 is amended—

(A) by redesignating paragraph (19) (relating to costs involving discrimination suits, etc.), as added by section 703 of the American Jobs Creation Act of 2004, as paragraph (20), and

(B) by moving such paragraph after paragraph (19) (relating to health savings accounts).

(2) Subsection (e) of section 62 is amended by striking ''subsection (a)(19)'' and inserting ''subsection (a)(20)''.

(r) Paragraph (3) of section 167(f) is amended by striking ''section 197(e)(7)'' and inserting ''section 197(e)(6)''.

(s) Subparagraph (D) of section 168(i)(15) is amended by striking ''This paragraph shall not apply to'' and inserting ''Such term shall not include''.

(t) Paragraph (2) of section 221(d) is amended by striking ''this Act'' and inserting ''the Taxpayer Relief Act of 1997''.

(u) Paragraph (8) of section 318(b) is amended by striking ''section 6038(d)(2)'' and inserting ''section 6038(e)(2)''.

(v) Subparagraph (B) of section 332(d)(1) is amended by striking ''distribution to which section 301 applies'' and inserting ''distribution of property to which section 301 applies''.

(w) Subparagraph (B) of section 403(b)(9) is amended by inserting ''or'' before ''a convention''.

(x)(1) Clause (i) of section 412(m)(4)(B) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(2) Clause (i) of section 302(e)(4)(B) of the Employee Retirement Income Security Act of 1974 is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(y) Paragraph (1) of section 415(l) is amended by striking ''individual medical account'' and inserting ''individual medical benefit account''.

(z) The matter following clause (iv) of section 415(n)(3)(C) is amended by striking ''clauses'' and inserting ''clause''.

(aa) Subparagraph (C) of section 461(i)(3) is amended by striking ''section 6662(d)(2)(C)(iii)'' and inserting ''section 6662(d)(2)(C)(ii)''.

(bb) Paragraph (12) of section 501(c) is amended—

(1) by striking ''subparagraph (C)(iii)'' in subparagraph (F) and inserting ''subparagraph (C)(iv)'', and

(2) by striking ''subparagraph (C)(iv)'' in subparagraph (G) and inserting ''subparagraph (C)(v)''.

(cc) Clause (ii) of section 501(c)(22)(B) is amended by striking ''clause (ii) of paragraph (21)(B)'' and inserting ''clause (ii) of paragraph (21)(D)''.

(dd) Paragraph (1) of section 512(b) is amended by striking ''section 512(a)(5)'' and inserting ''subsection (a)(5)''.

(ee)(1) Subsection (b) of section 512 is amended—

(A) by redesignating paragraph (18) (relating to the treatment of gain or loss on sale or exchange of certain brownfield sites), as added by section 702 of the American Jobs Creation Act of 2004, as paragraph (19), and

(B) by moving such paragraph to the end of such subsection.

(2) Subparagraph (E) of section 514(b)(1) is amended by striking ''section 512(b)(18)'' and inserting ''section 512(b)(19)''.

(3) Paragraph (6) of section 529(c) is amended by striking ''education individual retirement account'' and inserting ''Coverdell education savings account''.

(ff)(1) Subsection (b) of section 530 is amended by striking paragraph (3) and by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) Clause (ii) of section 530(b)(2)(A) is amended by striking ''paragraph (4)'' and inserting ''paragraph (3)''.

(gg) Subparagraph (H) of section 613(c)(4) is amended by inserting ''(including in situ retorting)'' after ''and retorting''.

(hh) Subparagraph (A) of section 856(g)(5) is amended by striking ''subsection (c)(6) or (c)(7) of section 856'' and inserting ''paragraph (2), (3), or (4) of subsection (c)''.

(ii) Paragraph (6) of section 857(b) is amended—

(1) in subparagraph (E), by striking ''subparagraph (C)'' and inserting ''subparagraphs (C) and (D)'', and

(2) in subparagraph (F)—

(A) by striking ''subparagraph (C) of this paragraph'' and inserting ''subparagraph (C) or (D)'', and

(B) by striking ''subparagraphs (C) and (D)'' and inserting ''subparagraphs (C), (D), and (E)''.

(jj) Subparagraph (C) of section 881(e)(1) is amended by inserting ''interest-related dividend received by a controlled foreign corporation'' after ''shall apply to any''.

(kk) Clause (ii) of section 952(c)(1)(B) is amended—

(1) by striking ''clause (iii)(III) or (IV)'' and inserting ''subclause (II) or (III) of clause (iii)'', and

(2) by striking ''clause (iii)(II)'' and inserting ''clause (iii)(I)''.

(ll) Clause (i) of section 954(c)(1)(C) is amended by striking ''paragraph (4)(A)'' and inserting ''paragraph (5)(A)''.

(mm) Subparagraph (F) of section 954(c)(1) is amended by striking ''Net income from notional principal contracts.'' after ''Income from notional principal contracts.—''.

(nn) Paragraph (23) of section 1016(a) is amended by striking ''1045(b)(4)'' and inserting ''1045(b)(3)''.

(oo) Paragraph (1) of section 1256(f) is amended by striking ''subsection (e)(2)(C)'' and inserting ''subsection (e)(2)''.

(pp) The matter preceding clause (i) of section 1031(h)(2)(B) is amended by striking ''subparagraph'' and inserting ''subparagraphs''.

(qq) Paragraphs (1) and (2) of section 1375(d) are each amended by striking ''subchapter C'' and inserting ''accumulated''.

(rr) Each of the following provisions are amended by striking ''General Accounting Office'' each place it appears therein and inserting ''Government Accountability Office'':

(1) Clause (ii) of section 1400E(c)(4)(A).

(2) Paragraph (1) of section 6050M(b).

(3) Subparagraphs (A), (B)(i), and (B)(ii) of section 6103(i)(8).

(4) Paragraphs (3)(C)(i), (4), (5), and (6)(B) of section 6103(p).

(5) Subsection (e) of section 8021.

(ss)(1) Clause (ii) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(i)'' and inserting ''section 168(k)(2)(D)(i)''.

(2) Clause (iv) of section 1400L(b)(2)(C) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(3) Subparagraph (D) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(D)'' and inserting ''section 168(k)(2)(E)''.

(4) Subparagraph (E) of section 1400L(b)(2) is amended by striking ''section 168(k)(2)(F)'' and inserting ''section 168(k)(2)(G)''.

(5) Paragraph (5) of section 1400L(c) is amended by striking ''section 168(k)(2)(C)(iii)'' and inserting ''section 168(k)(2)(D)(iii)''.

(tt) Section 3401 is amended by redesignating subsection (h) as subsection (g).

(uu) Paragraph (2) of section 4161(a) is amended to read as follows:

''(2) 3 PERCENT RATE OF TAX FOR ELECTRIC OUTBOARD MOTORS.—In the case of an electric outboard motor, paragraph (1) shall be applied by substituting '3 percent' for '10 percent'.''.

(vv) Subparagraph (C) of section 4261(e)(4) is amended by striking ''imposed subsection (b)'' and inserting ''imposed by subsection (b)''.

(ww) Subsection (a) of section 4980D is amended by striking ''plans'' and inserting ''plan''.

(xx) The matter following clause (iii) of section 6045(e)(5)(A) is amended by striking ''for '$250,000'.'' and all that follows through ''to the Treasury.'' and inserting ''for '$250,000'. The Secretary may by regulation increase the dollar amounts under this subparagraph if the Secretary determines that such an increase will not materially reduce revenues to the Treasury.''.

(yy) Subsection (p) of section 6103 is amended—

(1) by striking so much of paragraph (4) as precedes subparagraph (A) and inserting the following:

''(4) SAFEGUARDS.—Any Federal agency described in subsection (h)(2), (h)(5), (i)(1), (2), (3), (5), or (7), (j)(1), (2), or (5), (k)(8), (l)(1), (2), (3), (5), (10), (11), (13), (14), or (17) or (o)(1), the Government Accountability Office, the Congressional Budget Office, or any agency, body, or commission described in subsection (d), (i)(3)(B)(i) or 7(A)(ii), or (l)(6), (7), (8), (9), (12), (15), or (16) or any other person described in subsection (l)(16), (18), (19), or (20) shall, as a condition for receiving returns or return information—'',

(2) by amending paragraph (4)(F)(i) to read as follows:

''(i) in the case of an agency, body, or commission described in subsection (d), (i)(3)(B)(i), or (l)(6), (7), (8), (9), or (16), or any other person described in subsection (l)(16), (18), (19), or (20) return to the Secretary such returns or return information (along with any copies made therefrom) or make such returns or return information undisclosable in any manner and furnish a written report to the Secretary describing such manner,'', and

(3) by striking the first full sentence in the matter following subparagraph (F) of paragraph (4) and inserting the following: ''If the Secretary determines that any such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, has failed to, or does not, meet the requirements of this paragraph, he may, after any proceedings for review established under paragraph (7), take such actions as are necessary to ensure such requirements are met, including refusing to disclose returns or return information to such agency, body, or commission, including an agency or any other person described in subsection (l)(16), (18), (19), or (20), or the Government Accountability Office or the Congressional Budget Office, until he determines that such requirements have been or will be met.''.

(zz) Clause (ii) of section 6111(b)(1)(A) is amended by striking ''advice or assistance'' and inserting ''aid, assistance, or advice''.

(aaa) Paragraph (3) of section 6662(d) is amended by striking ''the'' before ''1 or more''.

SEC. 413. OTHER CORRECTIONS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 233 OF THE ACT.—

(1) Clause (vi) of section 1361(c)(2)(A) is amended—

(A) by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) by inserting ''or company'' after ''such bank''.

(2) Paragraph (16) of section 4975(d) is amended—

(A) in subparagraph (A), by inserting ''or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))'' after ''a bank (as defined in section 581)'', and

(B) in subparagraph (C), by inserting ''or company'' after ''such bank''.

(b) AMENDMENT RELATED TO SECTION 237 OF THE ACT.—Subparagraph (F) of section 1362(d)(3) is amended by striking ''a bank holding company'' and all that follows through ''section 2(p) of such Act)'' and inserting ''a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1))''.

(c) AMENDMENTS RELATED TO SECTION 239 OF THE ACT.—Paragraph (3) of section 1361(b) is amended—

(1) in subparagraph (A), by striking ''and in the case of information returns required under part III of subchapter A of chapter 61'', and

(2) by adding at the end the following new subparagraph:

''(E) INFORMATION RETURNS.—Except to the extent provided by the Secretary, this paragraph shall not apply to part III of subchapter A of chapter 61 (relating to information returns).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

Subtitle B—Trade Technicals

SEC. 421. TECHNICAL CORRECTIONS TO REGIONAL VALUE-CONTENT METHODS FOR RULES OF ORIGIN UNDER PUBLIC LAW 109–53.

Section 203(c) of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Public Law 109–53; 19 U.S.C. 4033(c)) is amended as follows:

(1) In paragraph (2)(A), by striking all that follows ''the following build-down method:'' and inserting the following:

$$\text{''}RVC = \frac{AV - VNM}{AV} 100\text{''}.$$

(2) In paragraph (3)(A), by striking all that follows ''the following build-up method:'' and inserting the following:

$$\text{''}RVC = \frac{VOM}{AV} 100\text{''}.$$

(3) In paragraph (4)(A), by striking all that follows ''the following net cost method:'' and inserting the following:

$$\text{''}RVC = \frac{NC - VNM}{NC} 100\text{''}.$$

TITLE V—EMERGENCY REQUIREMENT

SEC. 501. EMERGENCY REQUIREMENT.

Any provision of this Act causing an effect on receipts, budget authority, or outlays is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

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

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

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

Mr. JEFFERSON. Madam Speaker, I do not object, but I reserve the right to object.

Madam Speaker, I want to say to the Speaker and this entire House, to my colleague from Louisiana, Mr. MCCRERY, to the ranking member, CHARLES RANGEL, to our chairman, BILL THOMAS, of the Ways and Means Committee, to all our Members who worked so hard to arrive at this piece of legislation at this time, we are, in our part of the world, extraordinarily grateful to the House and Senate for what it has done here. It will help to get our local government back on our feet and get our businesses incentivized to come back into our area. We believe that it will make a huge contribution to restoring and rebuilding our city.

Madam Speaker, I appreciate the good work that my colleague has done, and I thank the House.

Mr. MCCRERY. Madam Speaker, will the gentleman yield?

Mr. JEFFERSON. I yield to the gentleman from Louisiana.

Mr. MCCRERY. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I, too, want to thank the gentleman from Louisiana, my colleague on the Ways and Means Committee, the chairman of the Ways and Means Committee, the ranking member and the staff who have worked so hard to help us provide incentives for businesses to come back and reinvest in the devastated areas along our gulf coast.

The gentleman from Louisiana and Members of the House should know that members of the other body have placed a document prepared by the Joint Committee on Taxation in the CONGRESSIONAL RECORD that explains the legislative intent with respect to H.R. 4440, as amended. The Joint Committee will also make this explanation public. This document expresses our understanding of the bill now before us, and it will be a useful reference in understanding the legislation.

Mr. JEFFERSON. Madam Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCRERY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 4440.

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

There was no objection.

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 material on H.R. 4437 to be considered shortly.

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

There was no objection.

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

The SPEAKER pro tempore (Mr. UPTON). Pursuant to House Resolution 621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1512

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mrs. EMERSON (Acting Chairman) in the Chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Thursday December 15, 2005, amendment No. 12 printed in part B of House Report 109–347 by the gentleman from Oregon (Mr. DEFAZIO) had been disposed of.

Pursuant to House Resolution 621, no further general debate is in order and remaining proceedings pursuant to House Resolution 610 are subsumed by House Resolution 621.

Pursuant to House Resolution 621, no further amendment is in order except those printed in House Report 109–350. Each further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 printed in House Report 109–350 offered by Mr. GOODLATTE:

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

TITLE IX—SECURITY AND FAIRNESS ENHANCEMENT

SEC. 901. SHORT TITLE.

This title may be cited as—

(1) the ''Security and Fairness Enhancement for America Act of 2005''; or

(2) the ''SAFE for America Act''.

SEC. 902. ELIMINATION OF DIVERSITY IMMIGRANT PROGRAM.

(a) WORLDWIDE LEVEL OF DIVERSITY IMMIGRANTS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended—

(1) in subsection (a)—

(A) by inserting ''and'' at the end of paragraph (1);

(B) by striking ''; and'' at the end of paragraph (2) and inserting a period; and

(C) by striking paragraph (3); and

(2) by striking subsection (e).

(b) ALLOCATION OF DIVERSITY IMMIGRANT VISAS.—Section 203 of such Act (8 U.S.C. 1153) is amended—

(1) by striking subsection (c);

(2) in subsection (d), by striking ''(a), (b), or (c),'' and inserting ''(a) or (b),'';

(3) in subsection (e), by striking paragraph (2) and redesignating paragraph (3) as paragraph (2);

(4) in subsection (f), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''; and

(5) in subsection (g), by striking ''(a), (b), and (c)'' and inserting ''(a) and (b)''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204 of such Act (8 U.S.C. 1154) is amended—

(1) by striking subsection (a)(1)(I); and

(2) in subsection (e), by striking ''(a), (b), or (c)'' and inserting ''(a) or (b)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. GOODLATTE. Madam Chairman, I yield myself 1½ minutes.

Madam Chairman, each year, the United States Government chooses the names of 50,000 people who will be given the status of legal permanent resident, not based on family or employer sponsorship nor based on any rationale reason, but based only pure luck through a random lottery. My amendment would eliminate the controversial visa lottery program. The visa lottery program presents a serious national security threat.

A perfect example of the system gone awry is the case of Hesham Mohamed Hadayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for legal permanent resident status in 1997 because of his wife's status as a visa lottery winner.

□ 1515

The State Department's Inspector General has even testified before Congress this year that the Office of Inspector General continues to believe that the Diversity Visa Program contains significant risks to national security from hostile intelligence officers, criminals and terrorists attempting to use the program for entry into the United States as permanent residents.

Do not gamble with national security. Join me in eliminating the visa lottery program.

Madam Chairman, I reserve the balance of my time.

Mr. CONYERS. Madam Chairman, I yield myself 2 minutes. I ask that the House carefully consider this amendment because it may in one respect represent a not-so-subtle attempt to dismantle the only program that guarantees that at least 4 percent of the new immigrants have a chance to come to this country from under-represented nations.

The Diversity Visa Program is the chance for many people of color around the world to immigrate to the United States and pursue the same American dream that many of the ancestors of the Members here were able to pursue.

There is no time in our Nation's history when race and ethnicity were not primary factors. So what we are asking here is that just as many great Americans have come to this country as refugees, I have no doubt that many great Americans have and are coming through the diversity program. You need only to look at the promise of young Freddie Adu, the teenage boy who is the newest star on the National Soccer League and the youngest professional player in the United States. He has got great promise, and but for his entry to the United States on the Diversity Visa Program, that promise might not have been realized.

I urge my colleagues to consider this amendment carefully. I hope that it will be turned back. Let us not dismantle an important and valuable program.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary.

Mr. SENSENBRENNER. Madam Chairman, I rise in support of this amendment. I wanted to make a couple of points.

First of all, the visa lottery system has been susceptible to fraud. Doing away with it would do away with fraud. Secondly, the visa lottery system does not give visas to people from ''over-represented countries,'' and that includes Mexico. So no Mexican is eligible to get a visa on the visa lottery system. I think that is discriminatory.

Also, the visa lottery system is unfair because the winners go ahead of spouses and children of lawful permanent residents, including Mexicans, and married sons and daughters of citizens who have waited for visas, in some instances for years. It also is used as a potential for aliens who pose a danger to Americans.

I think that with all these problems in the visa lottery system, the best thing to do is pass this amendment and get rid of it.

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

Madam Chairman, the problem about fraud in this program is that people apply multiple times when the rules only allow one application a year per person. In some cases, multiple applications are the result of people trying to cheat the system; but in other cases, people may apply not understanding that, unlike many other lotteries, multiple applications are not allowed and do not really improve your chances.

The State Department has already addressed this in several ways. This program, I want to emphasize to the membership, is extremely valuable for those countries that have so very few people coming in under the regular system, and I would not want us to take this out of the present law. It is working well. We have had many success stories, and we think that there is not a serious history of fraud in the program.

Ms. ZOE LOFGREN of California. Madam Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. ZOE LOFGREN of California. Madam Chairman, I would just note, according to the State Department Visa Bulletin for next month, really this is primarily numerically the greatest number of individuals who benefit are from the continent of Africa. And because of immigration patterns, this is an important element of an opportunity for the American dream for would-be Americans who are coming from the continent of Africa. I thank the gentleman for yielding.

Mr. CONYERS. Reclaiming my time, I appreciate the gentlewoman's remarks.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from South Dakota (Ms. HERSETH). This bipartisan amendment is based upon legislation introduced by myself and the gentlewoman.

Ms. HERSETH. Madam Chairman, I rise today in strong support of this important amendment to eliminate the Diversity Visa Program, otherwise known as the visa lottery. I thank my good friend, the gentleman from Virginia, for the time.

Chairman GOODLATTE and Chairman SENSENBRENNER have effectively outlined the serious security risk posed by the visa lottery program and the flaws in the administration of the program, so I will not repeat them at this time. But I would like to address a question raised by some of my colleagues: whether it would be possible to reallocate the visas currently utilized by the visa lottery program and add them to the family-sponsored and employer-based categories.

Although the amendment we are offering today does not reallocate the diversity visas, I am committed to working with Chairman GOODLATTE and our colleagues in the Senate to do just that.

I believe strongly that the elimination of the visa lottery program will strengthen our national security, that our amendment is an appropriate and necessary step towards resolution of this issue. I believe strongly that if our

amendment passes today, we can negotiate a compromise that will ensure reallocation of some or all of the immigrant visas available under this outdated and problematic program which has deviated from its original purpose.

I encourage my colleagues to join me in voting in favor of this amendment.

Mr. CONYERS. Madam Chairman, how much time remains on both sides?

The Acting CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) has 1 minute remaining. The gentleman from Virginia (Mr. GOODLATTE) has 2 minutes remaining.

Mr. CONYERS. Madam Chairman, as we have the right to close, I will reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Madam Chairman, I want to thank Chairman GOODLATTE and Ms. HERSETH for offering this amendment to eliminate the Diversity Visa Program. This program discriminates against people from Mexico and six other countries. It is susceptible to rampant fraud. It allows 50,000 people to enter the country whether or not they have family ties or needed skills and is unfair to immigrants who play by the rules.

Immigrant visas are usually issued to foreign nationals who have connections to U.S. employers or family members lawfully residing in the United States. Under the visa lottery program, though, visas are awarded to immigrants at random without meeting any of these criteria.

Most family-sponsored immigrants currently face a wait of years to obtain visas. Yet the lottery program pushes 50,000 randomly picked immigrants ahead of those who are sponsored by family and employers.

Madam Chairman, we should not have an immigration program that violates the principles of common sense, fairness and non-discrimination.

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

Ms. JACKSON-LEE of Texas. Let me make a simple statement. This is legal immigration; that is what we are trying to promote here in this Congress. The State Department has already testified that this program is a program that is improved, and it works internationally to bring in our developing nations as friends of the United States.

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

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. BOUCHER), another of the bipartisan supporters of this legislation.

Mr. BOUCHER. Madam Chairman, I thank the gentleman for yielding me time. I rise in support of his amendment.

The visa lottery is an affront both to logic and to the effective functioning of the visa system. Based upon nothing other than pure luck, 50,000 permanent resident visas are annually awarded. Lottery winners are admitted ahead of deserving family members who have played by the rules and endured long waits. It is a flawed system. The time to end it has come. I support the Goodlatte amendment which would end this system. I urge its adoption by the House.

Mr. GOODLATTE. Madam Chairman, I yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO) to close the debate.

Mr. DEFAZIO. Madam Chairman, certainly there is a better way to engender diversity. We could perhaps reallocate these visas to the families of those who have won the lottery previously who have become good citizens.

But the point is, does America want to have a lottery to get the best, the most skilled people from around the world or the most diverse people from around the world? And I think not.

It has been subject to fraud. My office every day deals with people whose families have been waiting 5, 6, 7, 8 years patiently in line around the world to come here from the Philippines, from Mexico, from India and other countries. Should they get bumped to the back while some random person comes first? I think not.

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

This amendment, I think, has been mischaracterized seriously. To allow 4 percent of new immigrants to have a chance to come to the country from under-represented nations is a way of addressing the imbalance that I do not think anybody would disagree with that exists in the immigration patterns, whether they are accidental or purposeful.

There has been no time when race and ethnicity were not primary factors in immigration policy. Please, I think this is a very important provision. The Diversity Visa Program should be sustained, and I hope that the amendment will be turned away.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE).

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

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia (Mr. GOODLATTE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MR. FILNER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 printed in House Report 109–350 offered by Mr. FILNER:

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting ''distributes (or intends to distribute),'' before ''or falsely'' the first place it appears.

Section 1546(a) of title 18, United States Code, is amended in the first paragraph by inserting ''distributed,'' before ''or falsely'' the second place it appears.

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

The Chair recognizes the gentleman from California.

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

Madam Chairman, I appreciate the majority's acceptance of this amendment for discussion. I did have other amendments which I thought were more important and more helpful to this bill. For example, in this bill, in section 607, we compensate various local law enforcement agencies of border counties, of which I represent two, for detaining, housing and transporting undocumented persons. The biggest problem for the counties on the border is the emergency health care providers who are not reimbursed for treatment of undocumenteds.

□ 1530

My amendment, introduced in the House as H.R. 2934, is called ''PayUp,'' Pay for All Your Undocumented Procedures. It authorizes the Federal Government to make payment to emergency ambulance and medical services for the cost of uncompensated care of undocumented persons that come to their facility aided by the Border Patrol or any other Federal immigration agency. Unfortunately, that amendment was not accepted for discussion.

Another amendment would have allowed children in Mexico who have serious medical problems, for example birth defects, to come across the border as they did before 9/11 with 1-day visas for emergency treatment. For the 40 years before 9/11, we were able to give lives back to about 125,000 young children, poor children who were treated in my city of Calexico at the Valley Orthopedic Center. After 9/11, these 1-day visas were prohibited. That would have helped not only our relationship between our two countries but allowed our medical technology to help poor and young people who are living in Mexico. That amendment was not accepted.

What was accepted is a technical correction that I will briefly explain, because the bill in most respects takes a wrong approach toward our illegal immigration problem.

In this case, instead of making it a criminal act to sell and distribute fraudulent documents, the bill targets those who are trying to stay in the United States. My amendment fixes this fundamental problem by making the distribution or intent to distribute false, fake, or counterfeit immigration documents as much of a crime as creating or using them. Let us be clear.

We are talking about the sale and distribution of illegal documents. I represent the whole California-Mexico border. There is an industry dedicated to the counterfeiting and distribution of these documents. These are the people we ought to go after, and these are the people who, because of a loophole in the bill, are exempted. We have arrested people in San Diego for distributing false documents, but there is a loophole which allows them to escape that charge.

This is a crime that we ought to be going after. The current government statutes that deal with fraudulent documents completely ignore the distribution of passports, visas, and other permits, which, in my opinion, is the true crime. We should go after the real criminals who are profiting by the sale and distribution of these documents. It is a simple correction of the law that will strengthen penalties. While we might disagree about broader immigration policy, we all agree that the selling of fake and fraudulent and illegal documents should be stopped. I urge the adoption of this amendment.

Madam Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Chairman, I rise to claim the time in opposition, even though I am not against the amendment.

The Acting CHAIRMAN (Mrs. EMERSON). Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

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

Madam Chairman, I rise in support of this amendment which adds distribution of fraudulent immigration documents to the list of criminal offenses.

Document fraud is a serious offense that enables our immigration laws to be violated and creates a national security threat. Controlling the production and distribution of false immigration documents is a critical component to effective immigration reform. Currently, the criminal code provides stiff penalties for those who forge, counterfeit, or alter visas, border-crossing cards, or other similar types of documents.

However, the statute does not currently mention distribution of fraudulent documents among the enumerated offenses. This amendment would help prosecutors go after those who are not necessarily producing the fake documents, but those who are making them available on the black market. Those who distribute or sell false documents deserve the same harsh penalties as those who forge or counterfeit the documents. I urge my colleagues to support this amendment.

Madam Chairman, since I have the right to close, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman will not have the right to close since he is not opposed to the amendment.

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

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

Madam Chairman, I thank the chairman for accepting this amendment and for his common sense approach to this issue. I hope that you will look at the two other common sense amendments I mentioned when you get to conference. Not allowing children to cross for emergency medical procedures makes no sense at all. These are not terrorists; these are young children. We are giving them back their futures, and we ought to change the law to allow medical treatment.

In addition, you ought to put emergency medical providers on the list of people to be compensated when they deal with undocumented persons. I hope you will extend that common sense and courtesy that you have given me in this amendment and extend it to the others, too.

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 printed in House Report 109–350 offered by Mr. HAYWORTH:

At the end of the bill, insert the following:

TITLE IX—AMENDMENTS TO VISA NUMBERS

SEC. 901. ELIMINATION OF FAMILY 4TH PREFERENCE VISA CATEGORY FOR ADULT SIBLINGS OF CITIZENS.

(a) IN GENERAL.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended—

(1) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(2) by striking paragraph (4).

(b) CONFORMING AMENDMENTS.—The Immigration and Nationality Act is amended—

(1) in section 201(c)(1)(A)(i) (8 U.S.C. 1151(c)(1)(A)(i)), by striking ''480,000'' and inserting ''415,000'';

(2) in section 204(a)(1)(A)(i) (8 U.S.C. 1154(a)(1)(A)(i)), by striking ''(1), (3), or (4)'' and inserting ''(1) or (3)''; and

(3) in section 212(d)(11) (8 U.S.C. 1182(d)(11)), by striking ''(other than paragraph (4) thereof)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to visa numbers for fiscal years beginning with the first fiscal year beginning after the date of the enactment of this Act.

SEC. 902. INCREASE IN EMPLOYMENT BASED VISAS.

(a) IN GENERAL.—Section 201(d)(1)(A) of the Immigration and Nationality Act is amended by striking ''140,000'' and inserting ''205,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply beginning with the first fiscal year that begins after the date of the enactment of this Act.

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

The Chair recognizes the gentleman from Arizona.

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

Madam Chairman, the amendment I plan to offer today simply cannot be considered outside a comprehensive immigration reform effort, which, respectfully, this bill is not. Therefore, I would like to use my time to discuss the principle reflected in my amendment, one that thus far has been absent from this debate.

Madam Chairman, as we consider ways to meet our legitimate labor needs, the choice before us is not limited to doing nothing or jumping into a guest worker plan we all know will never work and I promise we will one day regret. There is another way.

Madam Chairman, we already have an immigration system in place that we can amend and change to reconcile economic demands with other important priorities, such as diversity of admissions. The worker scheme is based on the same defeatist notion that we cannot stop it, so we might as well legalize it, used by proponents of legalizing drugs and prostitution. Legalization has not worked for those vices and it will not work for illegal immigration.

Some have the audacity to claim a guest worker plan is not amnesty because it does not, in the President's words, place undocumented workers on an automatic path to citizenship. Madam Chairman, what does citizenship have to do with it? Most illegals do not come here with a copy of the Constitution in their back pockets yearning to become Americans. They come here mostly for one reason: a job. You can call it legalization or earned status adjustment or regularization, but a guest worker plan that lets illegals keep their jobs is amnesty.

Madam Chairman, do not take my word for it. Here is what the President of the National Council of La Raza said of the distinction between legalization and amnesty: ''The net effect is the same.''

Madam Chairman, under a guest worker plan, illegal aliens would be pardoned for all their document and employment-related crimes, get credit toward Social Security benefits for what they have earned illegally, and get to bring in their families and unfairly gain for their children born here one of the most coveted distinctions on Earth, that of American citizenship.

Madam Chairman, my colleagues, as we consider ways to stop illegal immigration, we should be guided by two principles: number one, do not reward law breakers, including illegal aliens or those who hire them; number two, do not create incentives for even more illegal immigration.

A guest worker scheme violates both. It also has something else going

against it, Madam Chairman: history. There has never been a successful guest worker program, not here, not in Europe, not anywhere. Those rioting in France are the children of temporary workers who never left. Saudi Arabia's 6 million guest workers live under conditions that have been called modern-day slavery. A guest worker plan would likewise create an American caste system that would insult our heritage. Our own bracero programs were ended because they lowered wages for American workers, exploited foreign workers and illegal immigration.

Guest worker proponents say our economy needs illegal alien workers; but under a guest worker plan, they would have to leave in 6 years.

Madam Chairman, are we supposed to believe we will stop needing them at that time? And what happens when guest workers do not leave as required? Will all those now promoting this discredited idea be out there leading the cause to round them up, or will they instead move to grant them citizenship?

Madam Chairman, if we are feeble enough to allow a guest worker plan to be added to this bill, it will be 1986 all over again: amnesty now, enforcement never, and an unending wave of illegal immigration.

Again, there is a better way: reform our legal immigration system to attract the kind of high-skilled workers that our economy really needs.

Madam Chairman, immigration must serve the national interests, not just the interests of businesses hooked on cheap labor or left wing political activists out to reshape American politics and culture.

Madam Chairman, I ask unanimous consent that my amendment be withdrawn.

Mr. BERMAN. Madam Chairman, reserving the right to object, and I do not intend to object, might I ask the author of the amendment, as he was speaking I was wondering what was going on. It sounded like he was giving a very articulate and reasoned, I disagree with some of the points, but reasoned position for an amendment that he was not allowed to offer under this rule.

I am wondering whether he thought it might have been appropriate that a coequal branch of the Congress, the House of Representatives, on an issue as fundamental as the one he has just spoken to might have been allowed to have had a couple of amendments in order for this issue to be discussed and voted on in this body. Would that have been a sensible way to approach this issue?

Mr. HAYWORTH. Madam Chairman, will the gentleman yield.

Mr. BERMAN. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Madam Chairman, I thank my friend from California.

Madam Chairman, I would say to my friend from California, my votes on procedural questions speak for themselves in this regard. I thank the gentleman for his time.

Mr. BERMAN. Madam Chairman, further reserving the right to object, in case anyone noticed, the gentleman from Arizona did not support rules which prevented us from discussing maybe the most important issue involved in the context of whether or not to pursue comprehensive immigration reform.

Madam Chairman, I withdraw my reservation.

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

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 printed in House Report 109–350 offered by Mr. SENSENBRENNER:

In section 102—

(1) in subsection (b), in the matter before paragraph (1), strike ''Committee on Homeland Security of the House of Representatives'' and insert ''appropriate congressional committees'';

(2) in subsection (b)(3), insert '', except for ports of entry and facilities subject to vulnerability assessments under section 70102 or 70103 of title 46, United States Code,'' after ''borders of the United States'';

(3) amend subsection (d) to read as follows:

(d) COORDINATION.— The National Strategy for Border Security described in subsection (b) shall be consistent with the National Strategy for Maritime Security developed pursuant to Homeland Security Presidential Directive 13.

(4) in subsection (f), strike ''Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House'' and insert ''appropriate congressional committees, such committees shall promptly report to their respective House'';

(5) in subsection (g), insert ''and section 301(b)'' after ''this title''; and

(6) add at the end the following new subsection:

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 111, strike ''Committee on Homeland Security of the House of Representatives'' and insert ''appropriate congressional committees''.

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

SEC. 118. VOLUNTARY RELOCATION PROGRAM EXTENSION.

Section 5739(e) of title 5, United States Code, is amended by striking ''7'' and inserting ''12''.

In section 203, amend paragraph (3) to read as follows:

(3) by amending subsection (c) to read as follows:

''(c)(1) Whoever—

''(A) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

''(B) knowingly misrepresents the existence or circumstances of a marriage—

''(i) in an application or document arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder, or

''(ii) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals);

shall be fined under title 18, United States Code, or imprisoned not more than 10 years, or both.

''(2) Whoever—

''(A) knowingly enters into two or more marriages for the purpose of evading any provision of the immigration laws; or

''(B) knowingly arranges, supports, or facilitates two or more marriages designed or intended to evade any provision of the immigration laws;

shall be fined under title 18, United States Code, imprisoned not less than 2 years nor more than 20 years, or both.

''(3) An offense under this subsection continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

''(4) For purposes of this section, the term 'proceeding' includes an adjudication, interview, hearing, or review.''

In section 275(e)(1) of the Immigration and Nationality Act, proposed to be inserted by section 203(5)—

(1) in subparagraph (A), strike ''(other than an aggravated felony)''; and

(2) strike subparagraph (B) and insert the following:

(B) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 30 months or more, shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both; or

(C) whose violation was subsequent to conviction for a felony for which the alien received a sentence of 60 months or more, shall be fined under title 18, United States Code, imprisoned not more than 20 years, or both.

In proposed section 275(e)(3) of the Immigration and Nationality Act, as inserted by section 203(5)—

(1) strike ''(A) or (B)'' and insert ''(A), (B), or (C)''; and

(2) strike ''an aggravated felony or other qualifying crime'' and insert ''a qualifying crime''.

Strike section 210, and insert the following:

SEC. 210. ESTABLISHMENT OF THE FORENSIC DOCUMENTS LABORATORY.

(a) IN GENERAL.—The Secretary of Homeland Security shall establish a Fraudulent Documents Center (to be known as the Forensic Document Laboratory) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and foreign governments on the production, sale, distribution, and use of fraudulent documents intended to be used to enter, travel, or remain within the United States unlawfully.

(2) Maintain the information described in paragraph (1) in a comprehensive database.

(3) Maintain a repository of genuine and fraudulent travel and identity document exemplars.

(4) Convert the information collected into reports that provide guidance to government officials in identifying fraudulent documents being used to enter into, travel within, or remain in the United States.

(5) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—The Forensic Document Laboratory shall distribute its reports to appropriate Federal, State, and

local law enforcement agencies on an ongoing basis.

At the end of title II, add the following new sections:

SEC. 211. MOTIONS TO REOPEN OR RECONSIDER.

(a) EXERCISE OF DISCRETION.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a(c)) is amended—

(1) by adding at the end of paragraph (5) the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reconsider is committed to the Attorney General's discretion.''; and

(2) by adding at the end of paragraph (6) the following new subparagraph:

''(D) DISCRETION.—The decision to grant or deny a motion to reopen is committed to the Attorney General's discretion.''.

(b) PRIMA FACIE ELIGIBILITY FOR PROTECTION FROM REMOVAL TO ALTERNATIVE COUNTRY OF REMOVAL NOT PREVIOUSLY CONSIDERED.—Section 240(c) of the Immigration and Nationality Act (8 U.S.C. 1229a) is further amended by adding at the end of paragraph (6) the following new subparagraph:

''(E) SPECIAL RULE FOR ALTERNATIVE COUNTRIES OF REMOVAL.—The time and numerical limitations specified in this paragraph shall not apply if—

''(i) the Secretary seeks to remove the alien to an alternative or additional country of removal under subparagraph (D) or (E) of section 241(b)(2) that had not been considered during the alien's prior removal proceedings;

''(ii) the alien's motion to reopen is filed within 30 days after the date the alien receives notice of the Secretary's intention to remove the alien to that country; and

''(iii) the alien establishes a prima facie case that the alien is entitled by law to withholding of removal under section 241(b)(3) or protection under the Convention Against Torture with respect to that particular country.''.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to motions to reopen and reconsider that are filed on or after the date of the enactment of this Act in removal, deportation, or exclusion proceedings, regardless of whether a final administrative order is entered before, on, or after such date.

SEC. 212. REFORM OF PASSPORT, VISA, AND IMMIGRATION FRAUD OFFENSES.

Chapter 75 of title 18, United States Code is amended to read as follows:

''CHAPTER 75—PASSPORT, VISA, AND IMMIGRATION FRAUD

''1541. Trafficking in passports.
''1542. False statement in an application for a passport.
''1543. Forgery and unlawful production of a passport.
''1544. Misuse of a passport.
''1545. Schemes to defraud aliens.
''1546. Immigration and visa fraud.
''1547. Attempts and conspiracies.
''1548. Increased penalties for certain offenses.
''1549. Seizure and forfeiture.
''1550. Additional jurisdiction.
''1551. Additional venue.
''1552. Definitions.
''1553. Authorized law enforcement activities.

''§ 1541. Trafficking in passports

''(a) Whoever, during any three-year period—

''(1) knowingly and without lawful authority produces, issues, or transfers 10 or more passports; or

''(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more passports; or

''(3) knowingly secures, possesses, uses, receives, buys, or sells 10 or more passports, knowing the passports to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued, or designed for the use of another, or produced or issued without lawful authority; or

''(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more applications for a United States passport (including any supporting documentation) knowing the applications to contain any false statement or representation;

shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

''(b) Whoever knowingly and without lawful authority produces, counterfeits, secures, possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make a passport shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

''§ 1542. False statement in an application for a passport

''Whoever knowingly—

''(1) makes any false statement or representation in an application for a United States passport (including any supporting documentation); or

''(2) completes, mails, prepares, presents, signs, or submits an application for a United States passport (including any supporting documentation) knowing it to contain any false statement or representation; or

''(3) causes or attempts to cause the production of a passport by means of any fraud or false application for a United States passport (including any supporting documentation), when such production occurs or would occur at a facility authorized by the Secretary of State for the production of passports;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1543. Forgery and unlawful production of a passport

''(a) Whoever—

''(1) knowingly forges, counterfeits, alters, or falsely makes any passport; or

''(2) knowingly transfers any passport knowing it to be forged, counterfeited, altered, falsely made, stolen, or to have been produced or issued without lawful authority;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly and without lawful authority—

''(1) produces, issues, authorizes, or verifies a passport in violation of the laws, regulations, or rules governing the issuance of the passport; or

''(2) produces, issues, authorizes, or verifies a United States passport for or to any person not owing allegiance to the United States; or

''(3) transfers or furnishes a passport to a person for use when such person is not the person for whom the passport was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1544. Misuse of a passport

''(a) Whoever—

''(1) knowingly uses any passport issued or designed for the use of another; or

''(2) knowingly uses any passport in violation of the conditions or restrictions therein contained, or in violation of the laws, regulations, or rules governing the issuance and use of the passport; or

''(3) knowingly secures, possesses, uses, receives, buys, or sells any passport knowing it to be forged, counterfeited, altered, falsely made, procured by fraud, or produced or issued without lawful authority; or

''(4) knowingly violates the terms and conditions of any safe conduct duly obtained and issued under the authority of the United States;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly uses any passport—

''(1) to enter or to attempt to enter the United States, or

''(2) to defraud an agency of the United States, a State, or a political subdivision of a State,

knowing the passport to be forged, counterfeited, altered, falsely made, procured by fraud, produced or issued without lawful authority, or issued or designed for the use of another, shall be fined under this title, imprisoned not less than 6 months nor more than 15 years, or both.

''§ 1545. Schemes to defraud aliens

''(a) Whoever knowingly defrauds any person in connection with—

''(1) any matter that is authorized by or arises under the immigration laws of the United States, or

''(2) any matter the offender claims or represents is authorized by or arises under the immigration laws of the United States,

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever knowingly and falsely represents himself to be an attorney in any matter authorized by or arising under the immigration laws of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

''§ 1546. Immigration and visa fraud

''(a) Whoever—

''(1) knowingly uses any immigration document issued or designed for the use of another; or

''(2) knowingly forges, counterfeits, alters, or falsely makes any immigration document; or

''(3) knowingly completes, mails, prepares, presents, signs, or submits any immigration document knowing it to contain any materially false statement or representation; or

''(4) knowingly secures, possesses, uses, transfers, receives, buys, or sells any immigration document knowing it to be forged, counterfeited, altered, falsely made, stolen, procured by fraud, issued or designed for another, or produced or issued without lawful authority; or

''(5) knowingly adopts or uses a false or fictitious name to evade or to attempt to evade the immigration laws; or

''(6) knowingly and without lawful authority transfers or furnishes an immigration document to a person for use when such person is not the person for whom the immigration document was issued or designed;

shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) Whoever, during any three-year period—

''(1) knowingly and without lawful authority produces, issues, or transfers 10 or more immigration documents; or

''(2) knowingly forges, counterfeits, alters, or falsely makes 10 or more immigration documents; or

''(3) knowingly secures, possesses, uses, buys, or sells 10 or more immigration documents, knowing the immigration documents to be forged, counterfeited, altered, stolen, falsely made, procured by fraud, or issued or designed for the use of another, or produced or issued without lawful authority; or

''(4) knowingly completes, mails, prepares, presents, signs, or submits 10 or more immigration documents knowing the documents to contain any materially false statement or representation;

shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

''(c) Whoever knowingly and without lawful authority produces, counterfeits, secures,

possesses, or uses any official paper, seal, hologram, image, text, symbol, stamp, engraving, plate, or other material used to make an immigration document shall be fined under this title, imprisoned not less than 2 years nor more than 20 years, or both.

"§ 1547. Attempts and conspiracies

''Whoever attempts or conspires to violate any section within this chapter shall be punished in the same manner as a completed violation of that section. An attempt offense under this chapter is a general intent crime.

"§ 1548. Increased penalties for certain offenses

''(a) Whoever violates any of the sections within this chapter with the intent to facilitate an act of international terrorism (as defined in section 2331 of this title) shall be fined under this title, imprisoned not less than 7 years nor more than 25 years, or both.

''(b) Whoever violates any section in this chapter with the intent to facilitate the commission of any offense against the United States (other than an offense in this chapter) or against any State, which offense is punishable by imprisonment for more than 1 year, shall be fined under this title, imprisoned not less than 3 years nor more than 20 years, or both.

"§ 1549. Seizure and forfeiture

''(a) Any property, real or personal, that has been used to commit or facilitate the commission of a violation of any section within this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

''(b) Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of this title, relating to civil forfeitures, including section 981(d) of such title, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in that section shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

"§ 1550. Additional jurisdiction

''(a) Whoever commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided by that offense.

''(b) Whoever commits an offense under this chapter outside the United States shall be punished as provided by that offense if—

''(1) the offense involves a United States immigration document (or any document purporting to be the same) or any matter, right, or benefit arising under or authorized by the immigration laws of the United States or the regulations prescribed thereunder; or

''(2) the offense is in or affects foreign commerce; or

''(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of the immigration laws of the United States, or the national security of the United States; or

''(4) the offense is committed to facilitate an act of international terrorism (as defined in section 2331 of this title) or a drug trafficking crime (as defined in section 929(a) of this title) that affects or would affect the national security of the United States; or

''(5) an offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(22)) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. § 1001(a)(20)); or

''(6) an offender is a stateless person whose habitual residence is in the United States.

"§ 1551. Additional venue

''An offense under section 1542 of this chapter may be prosecuted in—

''(1) any district in which the false statement or representation was made; or

''(2) any district in which the passport application was prepared, submitted, mailed, received, processed, or adjudicated; or

''(3) in the case of an application prepared and adjudicated outside the United States, in the district in which the resultant passport was produced.

Nothing in this section limits the venue otherwise available under sections 3237 and 3238 of this title.

"§ 1552. Definitions

''For purposes of this chapter:

''(1) The term 'falsely make' means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

''(A) contains a statement or representation that is false, fictitious, or fraudulent;

''(B) has no basis in fact or law; or

''(C) otherwise fails to state a fact that is material to the purpose for which the document was created, designed, or submitted.

''(2) The term a 'false statement or representation' includes a personation or an omission.

''(3) The term 'felony' means any criminal offense punishable by a term of imprisonment of more than 1 year under the laws of the United States, any State, or a foreign government.

''(4) The term 'immigration document' means—

''(A) any passport or visa; or

''(B) any application, petition, affidavit, declaration, attestation, form, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other evidentiary document, arising under or authorized by the immigration laws of the United States.

Such term includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

''(5) The term 'immigration laws' includes—

''(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

''(B) the laws relating to the issuance and use of passports; and

''(C) the regulations prescribed under the authority of any law described in paragraphs (1) and (2) of this subsection.

''(6) A person does not exercise 'lawful authority' if the person abuses or improperly exercises lawful authority the person otherwise holds.

''(7) The term 'passport' means a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or any instrument purporting to be the same.

''(8) The term 'produce' means to make, prepare, assemble, issue, print, authenticate, or alter.

''(9) The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"§ 1553. Authorized law enforcement activities

''The sections in this chapter do not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).''.

SEC. 213. CRIMINAL DETENTION OF ALIENS.

(a) Section 3142(e) of title 18, United States Code, is amended by inserting at the end the following:

''Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

''(1) has no lawful immigration status in the United States;

''(2) is the subject of a final order of removal; or

''(3) has committed a felony offense under section 911, 922(g)(5), 1015, 1028, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278, of the Immigration and Nationality Act.''.

(b) Section 3142(g)(3) of title 18, United States Code, is amended by striking ''and'' at the end of subparagraph (A) and by adding at the end the following new subparagraph:

''(C) the person's immigration status; and''.

SEC. 214. UNIFORM STATUTE OF LIMITATIONS FOR CERTAIN IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

Section 3291 of title 18, United States Code, is amended to read as follows:

"SEC. 3291. IMMIGRATION, NATURALIZATION, AND PEONAGE OFFENSES.

''No person shall be prosecuted, tried, or punished for a violation of any section of chapters 69 (relating to nationality and citizenship offenses), 75 (relating to passport, visa, and immigration offenses), or 77 (relating to peonage, slavery, and trafficking in persons) of this title (or for attempt or conspiracy to violate any such section), or for a violation of any criminal provision of sections 243, 266, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (or for attempt or conspiracy to violate any such section), unless the indictment is returned or the information filed within ten years after the commission of the offense.''.

SEC. 215. CONFORMING AMENDMENT.

Subparagraph (P) of section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(1) by striking ''(i) which either is falsely making, forging, counterfeiting, mutilating, or altering a passport or instrument in violation of section 1543 of Title 18 or is described in section 1546(a) of such title (relating to document fraud) and (ii)'' and inserting ''which is described in any section of chapter 75 of title 18, United States Code,''; and

(2) by inserting after ''first offense'' the following: ''(i) that is not described in section 1548 (relating to increased penalties), and (ii)''.

SEC. 216. INADMISSIBILITY FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Section 212(a)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) by striking ''or'' at the end of subclause (I);

(2) by inserting ''or'' at the end of subclause (II); and

(3) by inserting the following new subparagraph:

''(III) a violation of (or a conspiracy or attempt to violate) any section of chapter 75 of title 18, United States Code,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act.

SEC. 217. REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD.

(a) IN GENERAL.—Clause (iii) of section 237(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C.1227(a)(3)(B)) is amended to read as follows ''(iii) of a violation of, or an attempt or a conspiracy to violate, any section of chapter 75 of title 18, United States Code,''.

(b) EFFECTIVE DATE.—This amendment made by subsection (a) shall apply to proceedings pending on or after the date of the enactment of this Act

In section 301—

(1) in subsection (b), in the matter preceding paragraph (1), strike ''Congress'' and insert ''appropriate congressional committees (as defined in section 102(g))''; and

(2) in subsection (c), strike ''RULE OF CONSTRUCTION'' and insert ''RULES OF CONSTRUCTION'', insert ''(1)'' before ''Nothing'' and add at the end the following new paragraph:

(2) Nothing in this section shall be construed to alter, impact, diminish, or in any way undermine the authority of the Administrator of the Federal Aviation Administration to oversee, regulate, and control the safe and efficient use of the airspace of the United States.

In section 305(a), in the matter before paragraph (1), strike ''any activity'' and insert ''any terrorism prevention or deterrence activity''.

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

SEC. 308. RED ZONE DEFENSE BORDER INTELLIGENCE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Homeland Security and the Director of National Intelligence shall jointly establish a pilot program to improve the coordination and management of intelligence and homeland security information provided to or utilized by the Department of Homeland Security relating to the southwest international land and maritime border of the United States.

(b) PILOT AREA.—The Secretary of Homeland Security and the Director of National Intelligence shall designate a geographic area along the southwest international land and maritime border of the United States centered on Cochise County, Arizona, to be the pilot area for the pilot program established pursuant to subsection (a).

(c) PROGRAM.—The pilot program established pursuant to subsection (a) shall—

(1) coordinate and facilitate the sharing of intelligence and homeland security information related to border security within the pilot area designated pursuant to subsection (b) among Federal, State, local, and tribal governments, including relevant intelligence and homeland security information provided to the Department of Homeland Security by the intelligence community and relevant intelligence and homeland security information gathered by the Department of Homeland Security from other sources;

(2) to the maximum extent possible, provide for persistent surveillance of such pilot area;

(3) to the maximum extent possible, utilize airships, aerostats, and existing unmanned aerial vehicles to provide for surveillance of such pilot area;

(4) to the maximum extent possible, fully utilize the capabilities of underutilized assets currently available to conduct surveillance of such pilot area;

(5) where practicable, utilize the capabilities of existing operational and analytical centers that analyze intelligence and homeland security information relating to such pilot area from multiple sources and improve the interoperability of such centers;

(6) consistent with applicable security requirements, disseminate actionable intelligence and homeland security information relating to border security within such pilot area to the appropriate Federal, State, local, tribal, and foreign governments to support operational activities relating to border security within such pilot area;

(7) provide for direct transmission of such actionable intelligence and homeland security information to operational and analytical centers included in the pilot program;

(8) provide for a representative of the Department of Homeland Security to be assigned to each operational and analytical center to facilitate the immediate utilization, where practicable, of such actionable intelligence and homeland security information; and

(9) develop metrics to assess the capability of such pilot program to improve border security.

(d) STRATEGY COORDINATION.—In establishing the pilot program under subsection (a), the Director of National Intelligence shall coordinate the intelligence activities of the pilot program with the relevant activities and programs of other elements of the intelligence community.

(e) HEADQUARTERS.—The Secretary of Homeland Security and the Director of National Intelligence may establish a headquarters for the pilot program established pursuant to subsection (a) within the area designated as the pilot area pursuant to subsection (b).

(f) DURATION.—The pilot program established pursuant to subsection (a) shall last a minimum of two years.

(g) REPORT.—Not later than one year after the establishment of the pilot program pursuant to subsection (a), the Secretary of Homeland Security and the Director of National Intelligence shall submit to Congress a report containing—

(1) the lessons learned from such pilot program based on the metrics developed pursuant to subsection (c)(9);

(2) recommendations for enhancing the provision and sharing of intelligence and homeland security information relating to border security under the National Strategy for Border Security submitted pursuant to section 102(b) and with other programs of the intelligence community relating to border security; and

(3) an identification of any provisions of law that may impede effective coordination of intelligence and homeland security information relating to the southwest international land and maritime border of the United States.

(h) DEFINITIONS.—In this section:

(1) HOMELAND SECURITY INFORMATION.—The term ''homeland security information'' has the meaning given the term in section 892(f)(1) of the Homeland Security Act of 2002 (6 U.S.C. 482(f)(1)).

(2) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section .

In section 401(c), add at the end the following paragraph:

(3) DISCRETION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Homeland Security, in the Secretary's sole unreviewable discretion, to determine whether an alien described in clause (ii) of section 235(b)(1)(B) of the Immigration and Nationality Act shall be detained or released after a finding of a credible fear of persecution (as defined in clause (v) of such section).

In section 431(e) of the Homeland Security Act of 2002, as added by section 502(a), insert ''the Department of Transportation,'' after ''Justice,''.

Amend clause (vi) of section 601(a)(1)(B) to read as follows:

(vi) by striking the last sentence and inserting the following: ''The Secretary of Homeland Security shall waive the application of clause (v) in the case of removal of an alien who is a native or citizen of a country in the Western Hemisphere with whose government the United States does not have full diplomatic relations.

In section 602(a)—

(1) in section 241(a)(8) of the Immigration and Nationality Act, inserted by paragraph (8)

(A) strike ''procedures described'' and insert ''rules set forth''; and

(B) strike the dash and ''(A)'' and strike '', and'' and all that follows up to the period at the end; and

(2) in section 241(j) of such Act, inserted by paragraph (9)—

(A) in paragraph (1), strike ''procedures described'' and insert ''rules set forth'';

(B) in paragraph (3)(B)(i) strike ''subparagraph (A) if'' and all the follows through ''apply.'' and insert the following:

'' subparagraph (A)—

''(I) until the alien is removed if the conditions described in subparagraph (A) or (B) of paragraph (4) apply; or

''(II) pending a determination as provided in subparagraph (C) of paragraph (4).''

In section 241(j)(3)(B)(ii) of the Immigration and Nationality Act, inserted by section 602(a)(9), strike '' paragraph (4)(A)'' and insert ''paragraph (4)(B)''.

In section 611—

(1) strike ''section 103(d)(1)'' and insert ''sections 103(d)(1) and 105(a)(2)(A)''; and

(2) strike ''is amended'' and insert ''are each amended''.

Add at the end of title VI, the following new sections:

SEC. 615. REPORT ON CRIMINAL ALIEN PROSECUTION.

Not later than one year after the date of the enactment of this Act and annually thereafter, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report on the status of criminal alien prosecutions, including prosecutions of human smugglers.

SEC. 616. DETERMINATION OF IMMIGRATION STATUS OF INDIVIDUALS CHARGED WITH FEDERAL OFFENSES.

(a) RESPONSIBILITY OF UNITED STATES ATTORNEYS.—Beginning 2 years after the date of the enactment of this Act, the office of the United States attorney that is prosecuting a criminal case in a Federal court—

(1) shall determine, not later than 30 days after filing the initial pleadings in the case, whether each defendant in the case is lawfully present in the United States (subject to subsequent legal proceedings to determine otherwise);

(2)(A) if the defendant is determined to be an alien lawfully present in the United States, shall notify the court in writing of the determination and the current status of the alien under the Immigration and Nationality Act; and

(B) if the defendant is determined not to be lawfully present in the United States, shall notify the court in writing of the determination, the defendant's alien status, and, to the extent possible, the country of origin or legal residence of the defendant; and

(3) ensure that the information described in paragraph (2) is included in the case file and the criminal records system of the office of the United States attorney.

The determination under paragraph (1) shall be made in accordance with guidelines of the

Executive Office for Immigration Review of the Department of Justice.

(b) RESPONSIBILITIES OF FEDERAL COURTS.—

(1) MODIFICATIONS OF RECORDS AND CASE MANAGEMENTS SYSTEMS.—Not later than 2 years after the date of the enactment of this Act, all Federal courts that hear criminal cases, or appeals of criminal cases, shall modify their criminal records and case management systems, in accordance with guidelines which the Director of the Administrative Office of the United States Courts shall establish, so as to enable accurate reporting of information described in paragraph (2) of subsection (a).

(2) DATA ENTRIES.—Beginning 2 years after the date of the enactment of this Act, each Federal court described in paragraph (1) shall enter into its electronic records the information contained in each notification to the court under subsection (a)(2).

(c) ANNUAL REPORT TO CONGRESS.—The Director of the Administrative Office of the United States Courts shall include, in the annual report filed with the Congress under section 604 of title 28, United States Code—

(1) statistical information on criminal trials of aliens in the courts and criminal convictions of aliens in the lower courts and upheld on appeal, including the type of crime in each case and including information on the legal status of the aliens; and

(2) recommendations on whether additional court resources are needed to accommodate the volume of criminal cases brought against aliens in the Federal courts.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2007 through 2012, such sums as may be necessary to carry out this Act. Funds appropriated pursuant to this subsection in any fiscal year shall remain available until expended.

In section 274A(h)(4) of the Immigration and Nationality Act, as added by section 705—

(1) amend the heading to read: ''**RECRUITMENT AND REFERRAL**'';

(2) amend the third sentence to read as follows: ''However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.'' ; and

(3) amend the sixth sentence to read as follows: ''However, labor service agencies, whether public, private, for-profit, or nonprofit, that refer, dispatch, or otherwise facilitate the hiring of workers for any period of time by a third party are included in the definition whether or not they receive remuneration.''.

Redesignate section 708 as 709, and insert after section 707 the following new section:

SEC. 708. EXTENSION OF PREEMPTION TO REQUIRED CONSTRUCTION OF DAY LABORER SHELTERS.

Paragraph 274A(h)(2) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(2)) is amended—

(1) by striking ''imposing'', and inserting a dash and ''(A) imposing'';

(2) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(B) Requiring as a condition of conducting, continuing, or expanding a business that a business entity—

''(i) provide, build, fund, or maintain a shelter, structure, or designated area for use by day laborers at or near its place of business; or

''(ii) take other steps that facilitate the employment of day laborers by others.''.

At the end of title VIII add the following:

SEC. 807. CLARIFICATION OF JURISDICTION ON REVIEW.

(a) REVIEW OF DISCRETIONARY DETERMINATIONS.—Section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)) is amended—

(1) by inserting before ''no court'' the following: ''and regardless of whether the individual determination, decision, or action is made in removal proceedings,'';

(2) in clause (i), by striking ''any judgment'' and inserting ''any individual determination''; and

(3) in clause (ii)—

(A) by inserting ''discretionary'' after ''any other'';

(B) by striking ''the authority for which is specified under this title to be in the discretion of the Attorney General or the Secretary of Homeland Security,'' and inserting ''under this title or the regulations promulgated hereunder,''; and

(C) by striking the period at the end and inserting the following: '', irrespective of whether such decision or action is guided or informed by standards, regulatory or otherwise.''.

(b) REVIEW OF ORDERS AGAINST CRIMINAL ALIENS.—Section 242(a)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(C)) is amended by inserting after ''of removal'' the following: ''(irrespective of whether relief or protection was denied on the basis of the alien's having committed a criminal offense)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to petitions for review that are pending on or after the date of the enactment of this Act.

SEC. 808. FEES AND EXPENSES IN JUDICIAL PROCEEDINGS.

(a) IN GENERAL.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

''(i) Notwithstanding any other provision of law, a court shall not award fees or other expenses to an alien based upon the alien's status as a prevailing party in any proceedings relating to an order of removal issued under this Act, unless the court of appeals concludes that the Attorney General's determination that the alien was removable under section 212 or 237 was not substantially justified.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to fees or other expenses awarded on or after the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

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

Madam Chairman, for purposes of clarification, before I summarize the provisions within the manager's amendment, I will highlight what the amendment does not contain.

The amendment does not contain a sense of Congress on foreign workers; nor does it decrease the criminal penalties for illegal entry and illegal presence. The latter issue will be addressed in a separate amendment I will soon offer.

I will now summarize the provisions of the manager's amendment within the jurisdiction of the Judiciary Committee.

First, the amendment contains a provision drafted by the gentleman from Utah (Mr. CANNON) that will prohibit localities from requiring businesses to set up day labor sites as a condition for conducting or expanding a business. No business should be compelled to facilitate the hiring of illegal aliens by establishing labor sites on or near their premises, and this amendment will prohibit this practice.

The amendment also contains a provision drafted by the gentleman from California (Mr. ISSA) that requires the Attorney General to report on the status of criminal alien prosecutions, including prosecutions of smugglers. Mr. ISSA is rightly concerned about the lack of sufficient prosecutions of alien smugglers who prey upon the most vulnerable.

The amendment also includes a number of important provisions that will facilitate the ability of the Departments of Justice and Homeland Security to combat illegal immigration. Specifically, the amendment sets mandatory minimum sentences for repeated marriage fraud; improved sentencing enhancements for aliens who enter illegally after criminal convictions; clarifies that the Board of Immigration Appeals' decisions on motions to reopen removal proceedings are not subject to judicial review; increases penalties for passport and immigration fraud and penalizes fraud against aliens applying for immigration benefits; makes criminal defendants' immigration status an express consideration in determining whether they should be released on bond; extends the statute of limitations for all immigration-related fraud; makes passport fraud a ground of inadmissibility and deportability; and abolishes attorneys' fee awards to removable aliens under the Equal Access to Justice Act.

□ 1545

Madam Chairman, I urge my colleagues to support this amendment, and I reserve the balance of my time.

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

Madam Chairman, we come to the floor with a 39-page manager's amendment that has never been considered in the committee during the rather lengthy number of times that we have held hearings at the subcommittee and full committee level. And while there are fortunately some parts of it that I can agree to, I have counted approximately nine parts of it that present very serious problems.

One is that the punishment does not fit the crime. The manager's amendment would expand the definition of aggravated felony to include a wide range of passport and related document offenses, even if the person never spent a day in jail. As I have previously stated, the consequences of an aggravated felony conviction are severe. They include, among other things, mandatory detention, permanent deportation and

ineligibility for any type of relief. And so I think that is a very serious criticism. It criminalizes the most vulnerable of our populations.

This manager's amendment, with regard to passport fraud, would criminalize trafficking victims, victims of domestic violence or abuse, victims of animals, coyotes, and others who often do not have control over what documents are presented to immigration officials on their behalf.

Madam Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN), a member of the committee.

Mr. BERMAN. Madam Chairman, I thank the gentleman for yielding me this time, and I would ask the chairman to consider one specific thing about one very discrete narrow part of the manager's amendment.

In the fantasy world we are in, should this bill ever actually become a law, the issue on the passport violations that the gentleman from Michigan just spoke to, there are limited situations where someone that you and I and everyone around would agree truly was a refugee, with a well-founded fear of persecution, escaping from a politically repressive regime took advantage of some kind of falsified and altered passport in order to escape.

The only question I have, as we look at the manager's amendment now, there should be some discretion here in the context of either criminalizing or deportation to allow a situation where that was the purpose; the person met the full test of a refugee and that that not become a basis for deporting him or her back to the regime or incarcerating that person or charging them with a criminal offense.

Mr. CONYERS. Madam Chairman, I would be pleased to yield 30 seconds to the chairman of the committee.

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

First, on the hypothetical the gentleman from California raised, there is this thing called prosecutorial discretion. It seems to me we should have more faith in our prosecutors not to prosecute genuine refugees, but continue the law on the books as proposed in the manager's amendment that will get at the people who use passport fraud to cover the transportation of a lot of people who are not refugees and who should not enter the United States.

Mr. CONYERS. Madam Chairman, I yield 15 seconds to the gentleman from California.

Mr. BERMAN. Madam Chairman, I felt that answer was not totally satisfactory from my point of view.

Would somewhere in the context of the language of that provision or the report language indicate that it is not our intent in that situation, with your classic refugee purpose?

Mr. SENSENBRENNER. Madam Chairman, I yield myself 30 seconds to say that, should this matter survive conference, there will be a statement that it is not intended to include the situation in the statement on the part of the managers. And I can say, as the floor manager of this bill and the author of the manager's amendment, it does not either.

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

Mr. CONYERS. Madam Chairman, I yield myself the balance of my time.

The other point that we would like to make, and there are so many, but the manager's amendment punishes amazingly battered immigrant women who would suffer some very harsh consequences when they are frequently forced by their batterers to use fraudulent travel documents.

Under the Violence Against Women Act, battered immigrants are entitled to self-petition for immigration status, independent of their abusive U.S. citizen and lawful permanent residence spouse. So this would be a huge step backwards for those of us who have been working in this area.

So I urge and I hope that because there has been insufficient attention given in the committee and since we did not know these were going to come up, that the manager's amendment will be turned back and that we be given an opportunity to examine this more than a dozen objections that we raise.

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

The Acting CHAIRMAN (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 109–350 offered by Mr. PRICE of Georgia:

In section 101(a), in the matter preceding paragraph (1), strike ''The Secretary'' insert ''Not later than 18 months after the date of the enactment of this Act, the Secretary''.

In section 101(b), strike ''the entry into the United States of'' and insert ''all unlawful entries into the United States, including entries by''.

In section 101, add at the end the following new subsection:

(c) REPORT.—Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary shall submit to Congress a report on the progress made toward achieving and maintaining operational control over the entire international land and maritime borders of the United States in accordance with this section.

In section 102(b), insert after paragraph (3) the following new paragraph (and redesignate subsequent paragraphs accordingly):

(4) An assessment of all legal requirements that prevent achieving and maintaining operational control over the entire international land and maritime borders of the United States.

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

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the Speaker, Chairman KING, Chairman SENSENBRENNER, the Homeland Security Committee, the Judiciary and Rules Committee, and their staffs, for their wonderful help in the preparation of this amendment and, frankly, for this debate and bringing this issue forward.

Based on my experience in representing Georgians in both the State Senate and in Congress, this chamber is now dealing with the issue of immigration reform and border security because the American people are demanding it. Recent public opinion polling confirms what we all know, and that is that illegal immigration is as important as other major issues, including the war on terror and the economy.

Such overwhelming support for border security and immigration reform is due to a general sense and knowledge that our current policy is one of benign neglect. An estimated 12 to 20 million illegal aliens live here, and the presence of so many illegal aliens undermines our rule of law.

Today, the people's body is heeding the will of the American people. Many of the ideas introduced by Members of the House, in fact, reflect very specific concerns of their constituents, and I believe that my amendment is one of those that properly reflects the voice of the populace.

This amendment sets a hard deadline, a specific date of 18 months following adoption of the legislation to achieve complete operational control over our borders. In addition, it would clarify the working definition of operational control of our border to include the prevention of all unlawful entries into the United States.

My amendment is a critical component to the border security debate because it provides the accountability portion, and it signifies to the American people that there will be no more excuses. Illegal entries into the United States will not be tolerated because our Nation is not secure unless our borders are secure.

Instead of kicking the problem down the road just a little bit, the Federal Government is given the specific goal to get the current crisis under control. This is called accountability, something that we say we all want from government. A hard deadline holds the executive branch, Congress and the bureaucracy accountable.

The House leadership, the Judiciary Committee and the Homeland Security Committee should be praised for their efforts. Stopping the influx of illegal aliens begins with solid border security and interior enforcement, and we are finally addressing the crisis that so many of our constituents rightfully believe to be of paramount importance.

I respectfully ask my colleagues to support this amendment of accountability.

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

Mr. CONYERS. Mr. Chairman, I rise to claim the time on this side, although I am not opposed to the amendment of the gentleman from Georgia.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

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

Mr. Chairman, I think our colleague from Georgia has an excellent amendment, but I think his deadline may be too generous. The Department of Homeland Security should report to Congress on the progress it is making to secure our borders, but, unfortunately, they have an unenviable record of submitting their reports to the Congress. Our ranking member of the Homeland Security Committee has written Secretary Chertoff twice on the repeated failures of the Department of Homeland Security to meet congressionally mandated deadlines.

As you have stated, we have a duty to ensure that it is protecting the American people, and to do that we must receive information to ensure that the Department is up to the task. Every day that passes in which Congress does not receive this information is another day that the terrorists gain on us if they are planning the next attack.

So I support the amendment of the gentleman from Georgia (Mr. PRICE), which gives the Homeland Security Department a lot of time, but I think we want to ride a very careful herd over these fellows in terms of where they go from this amendment.

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

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

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment, and I think we ought to talk about what operational control means.

Under the amendment, it means the prevention of all unlawful entries into the United States, including by terrorists and illegal aliens, and including all narcotics shipments.

The amendment also provides that, within 90 days of enactment, the Department of Homeland Security provides the Congress a comprehensive plan for border surveillance and, within 180 days, DHS provides to Congress a national strategy for border security and a report on progress made.

□ 1600

Now these goals are obviously ambitious and the Department of Homeland Security has not been ambitious on anything, in my opinion; but it seems to me by setting deadlines, and then the two committees in their oversight functions can be on the back of the Department of Homeland Security, and we might shame them into doing the right thing.

Mr. CONYERS. Mr. Chairman, reclaiming my time, we have had a lot of time here with the current administration to have ridden herd and call for an accounting. I think the gentleman from Georgia is forced, and we are all collectively forced, into this position. They have had plenty of time to have been far more compliant.

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

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Michigan (Mr. CONYERS) for making his points, because I agree: our responsibility as a Congress is truly oversight. It concerns me greatly that we do not get many of the reports that we are due. I look forward to working with him and holding the Department of Homeland Security's feet to the fire.

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

Mr. CULBERSON. Mr. Chairman, I rise in strong support of this amendment as well as the underlying legislation because its focus is law enforcement, and this is a law enforcement and a national security issue. In controlling our borders, we will win the war on terror only when we control our borders, and it is important that the country recognize that northern Mexico has become like Colombia, owned lock, stock and barrel by the drug lords whose law is ''plata o plomo,'' silver or lead. You work in my plaza, you pay me silver or I will kill you now with lead, plomo; and we must have the rule of law and order on the border and not the rule of plata o plomo.

The chairman has rightly focused this legislation on reestablishing law and order on the border, and I applaud the gentleman from Georgia for his amendment so we can keep the Department of Homeland Security focused on giving us in Congress the information we need so we can determine whether or not the United States is properly protecting its border at a time when we are at war with terrorists who have told us repeatedly that they are going to sneak into the country using whatever means are necessary to hurt us. I urge all Members to support this amendment and the underlying bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding me this time, and I do not oppose the amendment. In fact, I think it should be labeled from ''our lips to God's ears.''

If we say that by a certain date we will stop and Homeland Security will stop, using the chairman's definition, will have operational control so that no terrorists, no illegal aliens, no drug smugglers ever come into our country; if we say that and we say it strong enough, then maybe it will happen.

And after we do that, I suggest a bill that says that by a certain date we eliminate poverty, and pass that, and a few other very important goals that I think we all share here.

Mr. PRICE of Georgia. Mr. Chairman, I yield myself such time as I may consume.

This is a simple amendment regarding accountability, and I am privileged to have the opportunity to offer it. We say that we want accountability in this and other areas. Those charged with securing our borders should be held accountable as well. I urge adoption of the amendment.

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

Mr. CONYERS. Mr. Chairman, we support the Price amendment, and I yield back the balance of my time.

The Acting Chairman (Mr. HAYES). The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 printed in House Report 109–350 offered by Mr. STEARNS:

At the end of title I, add the following:

SEC. 118. COMPLETION OF BACKGROUND AND SECURITY CHECKS.

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

''(i) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

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

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

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until an IBIS check on the alien has been initiated at a Treasury Enforcement Communications System (TECS) access level of no less than Level 3, results from the check have been returned, and any derogatory information has been obtained and assessed, and until any other such background and security checks have been completed as the Secretary may require.

''(j) Notwithstanding any other provision of law, the Secretary of Homeland Security, the Attorney General, and the courts may not—

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

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

''(3) issue any documentation evidencing or related to such grant by the Secretary, the Attorney General, or any court,

until any suspected or alleged fraud relating to the granting of any status (including the granting of adjustment of status), relief, protection from removal, or other benefit under this subsection has been fully investigated and found to be unsubstantiated.''.

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

The Chair recognizes the gentleman from Florida.

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

Mr. Chairman, obviously, I would like to thank the Rules Committee publicly for allowing my amendment because I know there were probably 130 amendments, and I know they had a tough job deciding which ones to allow to go forward.

In short, my amendment requires our government to ensure that the applicant is not a known criminal or terrorist before granting them immigration benefits. Pretty simple. But as the current law now stands, background checks of alien applicants are required, but the law does not specifically require these security checks to be completed before these immigration benefits are actually handed out.

This means that many unworthy people have been able to receive these crucial benefits which then enables them to move freely throughout our country before their background checks are completely finished. By the time we finally discover something questionable in their background, of course it is too late to track them down. We cannot find them.

My amendment helps to close this loophole. My amendment will prohibit the Department of Homeland Security, the Attorney General, and all courts from granting any kind of legal immigration status or benefits to an alien until, at a minimum, the alien's name is first completely checked against a database of criminal records and terrorist watch lists using the Treasury Enforcement Communication System database.

As it now stands, all three have been giving status to aliens before they get their final results back from security checks. The result is we are giving green cards, citizenship, work permits, and temporary status to terrorists, criminals, and other unsavory types under this arrangement, not always but sometimes.

For example, a new study by Janice Kephart, who was on the staff of the 9/11 Commission, looked at the immigration histories of 94 terrorists, including six of the 9/11 hijackers who had operated on U.S. soil between the 1990s and 2004. The results of this study are quite frightening. Two-thirds, that is 59, of the foreign-born terrorists studied committed immigration benefits fraud prior to or in conjunction with taking part in terrorist activity.

My amendment should go a long way towards preventing this irresponsible and dangerous loophole. I urge my colleagues to support my amendment and the underlying bill.

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

Mr. BERMAN. Mr. Chairman, I am not in opposition, but I would like to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman is recognized.

There was no objection.

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

Mr. Chairman, I congratulate and agree with the notion that no immigration benefit should be given to any alien until all relevant background and security checks have been completed and any suspected fraud related to the granting of such status or benefit has been fully investigated and found to be unsubstantiated.

The gentleman from Florida is right. He has said in the context of his comments for this amendment that he believes that is happening now, and he may be right. I do not know that it is not. But all I know is that for my congressional office and for my colleagues' congressional offices, every time our staffs call regarding the processing of an immigration application, we hear there is nothing we can do. We are waiting for the FBI to get an answer. Why the FBI is just choosing the cases our congressional offices do, to hold back on providing information and denying immigration benefits, I do not know. In other words, what you say and what you ask for is correct, but the problem is not so much with the immigrant. The problem is with the bureaucracy.

The resources, the leadership to get these terrorist lists, these watch lists, the criminal database up to date so we can get this information in a quick time is very important.

I would just like to tell a quick story about the NSEERS program in Los Angeles. They had a registration date for different countries. If you are here from Iran on a nonimmigrant visa, come in on such and such date and register. People did that. Huge numbers of people flocked into the Los Angeles office of INS to do that.

The FBI was totally unable to give any clearance to the people who were coming in. Huge numbers of people were held, detained and kept overnight over a weekend thinking they were just going to file a registration form because the FBI could not get the clearance. That is a scandalous way to treated a number of people who came here as refugees fleeing the tyranny of the ayatollah because our bureaucracy failed to provide the answers.

So to me the answer here in Homeland Security and the FBI and in the other critical agencies is to get these lists and this other critical information online and accurate and quick so that we can move ahead with legitimate requests for these benefits that should be conditioned on getting that information out.

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

Mr. STEARNS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the full Committee on the Judiciary.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment. This amendment has been triggered by a recent IG report of the Department of Homeland Security that not all applicants for immigration benefits undertake an IBIS check. The excuse that was given is that not all U.S. Citizenship and Immigration Service employees have a high enough security clearance to conduct the proper checks, and some of the problems stem from simple lax management. Neither of these excuses is valid.

I am amazed that this has not always been a requirement of the law. We should conduct a thorough background check of anybody who seeks immigration benefits. The necessity of these checks was demonstrated by the fact that at least six of the 9/11 hijackers, murderers, ended up slipping through the cracks. I think this amendment plugs an important loophole in the current law, and I urge my colleagues to support it.

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

Mr. STEARNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the distinguished chairman of the Judiciary Committee used the word ''amazed,'' and I am just amazed, too, that this amendment would even be needed at this point.

The gentleman on the other side of the aisle has talked about the resources, but we cannot even talk about the resources until we implement the procedures. And so to get this procedure in place will then determine if we have the resources and we can take the next step. But I appreciate his example and his support.

I think it can be done and should be done; and before we give these benefits, we should be sure these people are who they say they are. It is the right thing to do.

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

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 printed in House Report 109–350 offered by Mr. SENSENBRENNER:

In section 203(2), add ''and'' at the end of subparagraph (B), strike ''and'' at the end of subparagraph (C), and strike subparagraph (D).

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman

from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from California (Ms. ZOE LOFGREN) each will control 5 minutes.

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

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

Mr. Chairman, under current law, illegal entry into the United States makes an alien subject to a Federal criminal misdemeanor with a maximum penalty of 6 months in prison. However, unlawful presence itself, such as by overstaying a visa, is not a criminal offense, but only a civil ground of inadmissibility.

Forty percent of the current illegal alien population entered legally, but overstayed their visas. The other 60 percent of the illegal alien population came here by illegal means and are therefore already subject to criminal penalties for committing a Federal criminal offense.

At the administration's request, the base bill makes unlawful presence a crime, such as unlawful entry already is. This change makes sense. Aliens who have disregarded our laws by overstaying their visas to remain in the United States illegally should be just as culpable as aliens who have broken our laws to enter and remain here illegally.

In the base bill, the maximum penalty for illegal entry was increased to a year and a day, and the same penalty was set for unlawful presence, to make the enhancements for these offenses consistent with the other penalty enhancements of the bill.

□ 1615

The administration subsequently requested the penalty for these crimes be lowered to 6 months. Making the first offense a felony, as the base bill would do, would require a grand jury indictment, a trial before a district court judge and a jury trial.

Also because it is a felony, the defendant would be able to get a lawyer at public expense if the defendant could not afford the lawyer. These requirements would mean that the government would seldom if ever actually use the new penalties. By leaving these offenses as misdemeanors, more prosecutions are likely to be brought against those aliens whose cases merit criminal prosecution.

For this reason, the amendment returns the sentence for illegal entry to its current 6 months and sets the penalty for unlawful presence at the same level. Some have argued that this provision would require 11 million prosecutions. That is not true. Prosecutorial resources are limited, and authorities would rather quickly deport an alien whose only offense is to be here unlawfully rather than to prosecute and have to detain that alien pending trial.

Even if an alien were prosecuted under this provision, a conviction of unlawful presence would not prevent an alien from some day attaining legal status or even citizenship if the alien would otherwise qualify.

Making unlawful presence a crime, however, would serve as a greater deterrence to aliens overstaying their visas. For these reasons, I ask that the Members support this amendment.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield myself such time as I may consume. Currently, illegal presence in the United States is not a crime; it is a civil violation.

People who cross the border without inspection commit a crime for improper entry but not an ongoing violation. The government can prosecute you for crossing but not for existing after having done so.

This section, section 203, makes virtually any violation of the immigration laws an ongoing criminal act. In one stroke, it would subject the entire undocumented population, estimate by some to be 11 million people, to criminal liability.

Now the amendment before us changes the degree of punishment, but it does not alter the underlying issue of criminalizing being alive in the country without documents. I would like to note that, in addition to adults, this would criminalize children who had no decision about coming to the United States.

I understand, although, I was not present in the course of the discussion in the Rules Committee, but that one of the Members of the committee raised the issue of an individual, a young student who was 17, who actually thought that he was an American citizen and found out, much to his surprise, that he was not.

That young man, under the underlying bill, would be a felon. Under the amendment, he would be a misdemeanant, but in fact, he is not a criminal at all. He is a kid who was brought here by his parents and who is in a bind right now. Making him a criminal is not going to make us any safer. It is not a reasonable thing to do. I oppose the amendment.

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

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

Mr. Chairman, I regret to say, the gentlewoman from California, whom I greatly respect, is wrong. Under the Federal juvenile statute, children cannot be prosecuted for any Federal crime, felony or misdemeanor, if it is not a crime of violence or a drug trafficking crime.

So her entire argument about making children subjected to Federal criminal prosecution simply by being here is not valid. They can be subjected if it is a crime of violence or a drug trafficking crime. What this amendment does is reduce the penalties for this type of immigration violation from a felony in the base bill to a misdemeanor. That is all the amendment does.

And what it does do is criminalize the presence of the people here who have overstayed their visas. Now those who have entered the United States illegally, not through a port of entry and not submitting themselves to inspection by U.S. Immigration and Customs authorities commit a crime. That is a crime now. It is a Federal misdemeanor.

But if you do go through inspection and do not go home when you are supposed to, then it becomes a civil ground of inadmissibility. So we are treating illegal aliens differently. You are a potential misdemeanant if convicted if you entered the United States illegally. But if you overstayed your visa and did not go home, then you do not subject yourself to criminal prosecution.

The bill takes care of this anomaly. But it makes both offenses felonies. What this amendment does, it makes it misdemeanors. So if you are against the amendment, you want to keep it as felonies because that is in the base bill. You should be for the amendment to make it a misdemeanor for the reasons that I have stated.

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

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

In taking a look at section 203, the application of criminality is actually quite broad. If you are here in the United States holding a student visa, there are requirements, for example, that you take a certain number of units in order to maintain that status. If, for example, you fall below that, and I will say that there are many students who, for one reason or another, one quarter might fall below where they may need to be, you would be in violation of your student visa status. Under the amendment before us, you would not just be disappointing your parents who paid full tuition, you would be committing a misdemeanor.

If you are a businessman here and your return flight home is cancelled, causing your visitors visa, your B2 visa, to be expired, not only would you be in technical violation if you were 2 days late to the flight home, but you would also be committing a misdemeanor.

I do not think that is a reasonable approach. I also do not think that it has anything to do with keeping our country safer. You know, this debate started yesterday on the floor of the House. But it has been ongoing in the media for quite some time. The John and Ken show in California every day is taking about illegal immigration.

And we saw many Members, our friends on the other side of the aisle, touting that they were going to have this tough bill. And then, of course, today, we see that the Republicans are trying to back off on that a little bit.

So it is easy to say one thing to the red meat talk shows, but here, of course, we need to make some adjustments.

We think the adjustment is misguided, and it is not one that I can support.

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

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

Mr. Chairman, two of the 9/11 hijackers overstayed their visas. Under the current law, that is just a civil ground of inadmissibility. I think that that should be some type of a crime so that at least they can be detained.

The businessperson who inadvertently overstays their visa because the flight is canceled, no problem; no prosecutor is going to prosecute that person because of it. I see some games being played here. The people who are saying that this bill is too harsh want to keep these penalties as felonies. I do not know why that is. I think it will be much better to make them misdemeanors, because at least, that way, we do not have to have the taxpayers pay for a lawyer to defend them if they do not have any money. And we do not have to have the space to incarcerate them in Federal penitentiaries.

This amendment makes the bill workable. I believe it is a good amendment. I urge its adoption.

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

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ.)

Mr. GUTIERREZ. Mr. Chairman, I stand in opposition to this amendment. I think that we should move forward and make sure that we have the groundwork for a program that allows, as President Bush has stated, those who work hard, play by the rules, to come out of the darkness and come out of the shadows and come forward.

I do not think we should criminalize it at any level. We have administrative review now. We have civil penalties. We have a process. And I do not see why we should change that process, if indeed, as the chairman has said and so many people have said, that, next year, we are coming back to fix this thing.

Well, let us not cause any interruptions in fixing this thing. I said we should not criminalize this in the first place just on principle. We have civil statutes that deal with this.

So I stand, and the Hispanic Congressional Caucus has unanimously adopted a position to stand against this motion and this amendment in particular.

Ms. ZOE LOFGREN of California. Mr. Chairman, I yield the balance of the time to the gentleman from California (Mr. BERMAN) for the purpose of entering into a brief colloquy.

Mr. BERMAN. Mr. Chairman, I thank the gentlewoman for yielding.

I want to understand the state of play. If this amendment goes to a vote, a recorded vote, then am I to understand that the chairman and the Republican leadership has offered a tough bill and now they are asking their colleagues on the majority side to soften the criminal penalties for illegal immigration?

Ms. ZOE LOFGREN of California. We will soon discover.

The Acting CHAIRMAN (Mr. HAYES). The question is on the amendment offered by the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

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

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

AMENDMENT NO. 8 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 printed in House Report 109–350 offered by Ms. VELÁZQUEZ:

At the end of title II, insert the following:

SEC. 211. REDUCTION IN IMMIGRATION BACKLOG.

(a) IN GENERAL.—The Secretary of Homeland Security shall require that, not later than six months after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services (in this section referred to as ''USCIS'') undertake maximum efforts to reduce to the greatest extent practicable the backlog in the processing and adjudicative functions of USCIS.

(b) PILOT PROGRAM INITIATIVES.—

(1) IN GENERAL.—The Director is authorized to implement a pilot program for the purposes of, to the greatest extent practicable—

(A) reducing the backlog in the processing of immigration benefit applications; and

(B) preventing such backlog from recurring.

(2) INITIATIVES.—To carry out paragraph (1), initiatives may include measures such as increasing personnel, transferring personnel to focus on areas with the largest potential for backlog, streamlining paperwork processes, and increasing information technology and service centers.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

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

Mr. Chairman, I offer this amendment at a time when our immigration system continues to fail America's hardworking families, at a time when immigration laws continue to separate our Nation's families and at a time when our country is so desperately seeking fair and comprehensive immigration reform.

Millions of close family members continue to languish in a wearisome visa backlog process for years waiting to be reunited with their loved ones. The seemingly endless application process creates desperation and homelessness for hardworking immigrants in a Nation where we hear so much about family values being a priority. We must provide relief for these families struggling to be together.

Beginning in fiscal year 2002, President Bush proposed a $500 million initiative to eliminate the immigration processing backlog and attain a universal 6-month processing time standard for all immigration applicants within 5 years.

While this initiative has helped to reduce the backlog, the Goverment Accountability Office estimates that, as of June 30, 2005, USCIS still had 1.2 million cases in its backlog, and the agency was unlikely to meet the September 2006 deadline of a 6-month turnaround time for applications.

In my congressional district, we continue to have backlogged cases of over a year despite the President's proposed 6-month time standard.

Elsewhere in the country, there are people waiting up to 22 years for their applications to be processed. What is most alarming about the cases in my district is that the individuals have been mistakenly identified by the USCIS as naturalized when in fact they are not.

Not only does this create an unnecessary backlog, it poses a national security concern. My amendment, which has previously passed the House, will help address this issue. The amendment will enable the Department of Homeland Security to explore new ways of tackling this problem by authorizing the director of the USCIS to implement innovative pilot initiatives to eliminate the immigration application processing backlog and prevent further backlog from occurring.

□ 1630

It would encourage initiatives such as increasing or transferring personnel to areas with the greatest backlog, streamlining regulations and paperwork filing processes, upgrading information technology, and increasing immigration service centers throughout the country.

This amendment recognizes that there is not one specific approach toward eliminating the backlog, and therefore it encourages flexibility at the local level so pilot project sites can examine the problem in new ways. Children should not be left without the guidance of both of their parents as they face the joys and trials of school life, building friendships, and discovering their individual talents.

Mothers and fathers should not be denied the chance to watch their children grow up into young men and women, moving on to having children of their own. And couples should not be separated, leaving one parent struggling to make ends meet and serve the needs of

their children alone. We must help reunite families and ensure that immigrant families have the same opportunities as native-born families to live and work together as a complete family unit.

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

Mr. SENSENBRENNER. Mr. Chairman, I rise to claim the time in opposition, even though I support the amendment.

The Acting CHAIRMAN (Mr. HAYES). Without objection, the gentleman is recognized.

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I support this amendment, and I want to commend the gentlewoman from New York for offering it.

One can ask all 435 Members of the House of Representatives what is the principal area of constituent complaints that caseworkers in our local offices deal with, and they will all say immigration complaints, because the immigration service legacy, as well as the component parts that it has been split into, has not been dealing with these issues properly.

This is an issue that deals with immigration benefits that legal aliens are entitled to receive. And it seems to me that if we are the welcoming country to legal aliens that we claim to be, we ought to deal with their petitions promptly and professionally. That is not being done, and we owe it to our present constituents and future constituents, as many of these people are eligible for permanent resident status and will eventually become citizens of the United States, to solve the problems of the backlog in dealing with immigration benefits.

The Government Accountability Office is about to issue a report that will deal with the effects of the U.S. Citizenship and Immigration Services to reduce the immigration application backlog that has plagued the system for years. This report will confirm that this new agency, created under the Homeland Security Act and transformed from the old Immigration and Naturalization Service, has made significant strides in reducing application backlogs since its creation in 2003.

Nevertheless, more progress needs to be made. The current backlog stands at about 1 million applications for immigration benefits. Although this figure was reduced from over 3 million applications when the new agency was formed, much of this came from definitional changes which I have publicly questioned. We must do more to challenge the Department of Homeland Security to improve. This will mean a more professional and prompt resolution of dealing with the documents that legal immigrants need to integrate themselves into American society.

I urge my colleagues to support this amendment.

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

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN).

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BERMAN).

Mr. BERMAN. Mr. Chairman, I thank the gentleman for yielding to me an additional minute.

To follow up, I support very strongly the Velázquez amendment, and I am glad that the chairman and the majority support it as well. It is very important. But as I look at the bill, I find an issue that will take a higher precedence than the problem of the backlog in terms of our constituents and in terms of our congressional offices and I think will put that far in the background in terms of things that most bother them, because under the Alien Smuggling and Related Offenses provision of the bill that we will be asked to vote on, anyone who assists, encourages, directs, or induces a person to reside in or to attempt to reside in or remain in the United States, knowing or in reckless disregard of the fact that such person is an alien who lacks lawful authority to reside or remain in the United States, is subject to penalties of up to 5 years in jail if it is not for commercial purposes. If it is for commercial purposes, understandably, it would be tougher sentences.

So when a person calls my district office and talks to my congressional staff and says, I was here on a temporary visa, the date passed, I have an immigration petition pending, is there anything I can do? if my office assists that person or suggests that person go see a lawyer and perhaps if my assistant does not call the Department of Homeland Security and tell them to pick that person up, my staffer, potentially, is subject to criminal penalties. Congressional staff do not have congressional immunity. That means I am going to have to do all the casework in my district office. I think we need a little correction of the base bill in this particular area of alien smuggling. We are sweeping very widely here.

With that, I urge adoption of this amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

Amendment No. 9 Offered by Mr. NORWOOD

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 printed in House Report 109–350 offered by Mr. NORWOOD:

At the end of title II, add the following new sections:

SEC. 211. FEDERAL AFFIRMATION OF ASSISTANCE IN THE IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

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

(b) CONSTRUCTION.—Nothing in this section may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes; or

(2) arrest such victim or witness for a violation of the immigration laws of the United States.

SEC. 212. TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL RELATING TO THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) ESTABLISHMENT OF TRAINING MANUAL AND POCKET GUIDE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish—

(1) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(2) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(b) AVAILABILITY.—The training manual and pocket guide established in accordance with subsection (a) shall be made available to all State and local law enforcement personnel.

(c) APPLICABILITY.—Nothing in this section shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established under subsection (a)(2) with them while on duty.

(d) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under subsection (a).

(e) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness, onsite training held at State or local police agencies or facilities, online training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses. E-learning through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and can have a portal in place within 30 days, shall be made available by the Federal Law Enforcement Training Center Distributed Learning Program for State and local law enforcement personnel.

(2) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(3) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer to assist in the enforcement of Federal immigration laws in the normal course of carrying out their normal law enforcement duties.

(f) TRAINING LIMITATION.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'' each place it appears; and

(2) in paragraph (2), by adding at the end the following: ''Such training shall not exceed 14 days or 80 hours, whichever is longer.''.

SEC. 213. FINANCIAL ASSISTANCE TO STATE AND LOCAL POLICE AGENCIES THAT ASSIST IN THE ENFORCEMENT OF IMMIGRATION LAWS.

(a) GRANTS FOR SPECIAL EQUIPMENT FOR HOUSING AND PROCESSING ILLEGAL ALIENS.—From amounts made available to make grants under this section, the Secretary of Homeland Security shall make grants to States and political subdivisions of States for procurement of equipment, technology, facilities, and other products that facilitate and are directly related to investigating, apprehending, arresting, detaining, or transporting immigration law violators, including additional administrative costs incurred under this Act.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a State or political subdivision of a State must have the authority to, and have in effect the policy and practice to, assist in the enforcement of the immigration laws of the United States in the course of carrying out such agency's routine law enforcement duties.

(c) FUNDING.—There is authorized to be appropriated for grants under this section $250,000,000 for each fiscal year.

(d) GAO AUDIT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct an audit of funds distributed to States and political subdivisions of States under subsection (a).

SEC. 214. INSTITUTIONAL REMOVAL PROGRAM (IRP).

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Department of Homeland Security shall continue to operate and implement the program known as the Institutional Removal Program (IRP) which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The institutional removal program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with officials of the institutional removal program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to officials of such program as a condition for receiving such funds.

(b) AUTHORIZATION FOR DETENTION AFTER COMPLETION OF STATE OR LOCAL PRISON SENTENCE.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from United States Immigration and Customs Enforcement can take the alien into custody.

(c) TECHNOLOGY USAGE.—Technology such as video conferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program (IRP) available in remote locations. Mobile access to Federal databases of aliens, such as IDENT, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the institutional removal program—

(1) $100,000,000 for fiscal year 2007;

(2) $115,000,000 for fiscal year 2008;

(3) $130,000,000 for fiscal year 2009;

(4) $145,000,000 for fiscal year 2010; and

(5) $160,000,000 for fiscal year 2011.

SEC. 215. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP).

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by inserting before the period at the end the following: ''and $1,000,000,000 for each subsequent fiscal year''.

SEC. 216. STATE AUTHORIZATION FOR ASSISTANCE IN THE ENFORCEMENT OF IMMIGRATION LAWS ENCOURAGED.

(a) IN GENERAL.—Effective 2 years after the date of the enactment of this Act, a State (or political subdivision of a State) that has in effect a statute, policy, or practice that prohibits law enforcement officers of the State, or of a political subdivision within the State, from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the officers' routine law enforcement duties shall not receive any of the funds that would otherwise be allocated to the State under section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)).

(b) CONSTRUCTION.—Nothing in this section shall require law enforcement officials from States or political subdivisions of States to report or arrest victims or witnesses of a criminal offense.

(c) REALLOCATION OF FUNDS.—Any funds that are not allocated to a State or political subdivision of a State due to the failure of the State to comply with subsection (a) shall be reallocated to States that comply with such subsection.

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

SEC. 408. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Under Secretary may have on any and all aliens against whom a final order of removal has been issued, any and all aliens who have signed a voluntary departure agreement, any and all aliens who have overstayed their authorized period of stay, and any and all aliens whose visas have been revoked. Such information shall be provided to the National Crime Information Center, and the National Crime Information Center shall enter such information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available on the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation or whether sufficient identifying information is available on the alien and even if the alien has already been removed; and

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from Georgia (Mr. NORWOOD) and the gentleman from Michigan (Mr. CONYERS) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

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

Mr. Chairman, I want to thank Chairman SENSENBRENNER, Chairman KING, the Speaker, and the Rules Committee for allowing me to bring this amendment.

It is part of the CLEAR Act that we have been trying to pass for many years. We have passed many parts of it. In fact, the majority of the people in this body have voted for parts of it in the past, but we bring it today for the Members' consideration to do one thing: we are simply trying, as I have discussed this over and over with Chairman KING, we are trying in this amendment to direct local law enforcement to help us apprehend the 500,000 illegal immigrants in this country who are criminals who are under deportation orders from the American courts. And I point out to the Members, Mr. Chairman, that 100,000 of those are very violent criminals. That is the purpose of what we are trying to do. I look forward to a bipartisan support on this.

Many Democrats in here have complained the underlying bill does nothing to deal with criminal illegal aliens. This amendment does. Many Democrats have complained that there is nothing in here that helps local law enforcement. This amendment does. So I feel sure we will have a very good vote on this amendment.

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

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

Mr. Chairman, I rise in opposition to the amendment. This Norwood No. 65 amendment includes a number of provisions of the CLEAR Act; and in addition to giving State and local police the same authority to enforce immigration laws as a Federal agent, the provisions do not require, as a matter

of fact limit, the amount of training that they could receive in order to enforce these rather technical provisions.

Moreover, the provisions require the entry of millions of civil immigration law violators into the National Crime Information Center, an FBI database of those who are wanted; and these entries go on thousands of times each day.

I am just wondering if my colleague, the author of this amendment, is aware of the incredible complexity that he is suggesting now be included in this measure. If these categories were limited to wanted criminals, that would be one consideration. However, the list includes millions of people with technical status violations that are fluid and easily remedied, and we would be creating, I think, in my judgment, an administrative nightmare.

We have a lot of examples. But let me just close by saying that local police have more than enough work to do hunting down the people that are law violators. But entering the names of people with minor status problems into a criminal database would overwhelm it and mix those who may be legal and those who are not criminals with the rest who are. It exposes to liability for unlawful arrests. It discourages immigrants from working with local law enforcement. And those are the reasons I have serious reservations about this amendment.

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

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. SENSENBRENNER), our chairman.

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

This amendment clarifies the inherent authority of State and local law enforcement officers to enforce the immigration law and provides reimbursement to those States and localities for their assistance. Most importantly, it provides a means for Federal, State, and local law enforcement officers to work together to apprehend, detain, and remove illegal aliens.

The fact is that at the present time there are only 2,000 special agents to locate and arrest the entire illegal alien population nationwide. The Norwood amendment would allow State and local officers who are willing to do so to be a force multiplier for those 2,000 agents.

It is a good amendment and should be adopted.

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California (Mr. BERMAN).

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

There is an interesting juxtaposition going on between the gentleman's amendment and the base bill. The gentleman says something that I think is very important: we have got to prioritize. The priority in a country where there are 10, 11 million people who are here without status and under this bill and would, therefore, becoming guilty of a criminal offense, he says let us get the 500,000, whatever number it is, who have committed crimes of violence and economic crimes and murder and drug dealing and all these things. And he is right. No one can disagree. That should be the most urgent priority.

But in a universe where you have criminalized all 11 million, you have lost our ability to do that. So what is so funny about the argument for the gentleman's amendment is that in the context of this, all 11 million, it is the flip side of where some people have to wear a band designating it and the way of protesting that is everybody wear the band. You have lost your ability to prioritize.

Mr. NORWOOD. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New Hampshire (Mr. BASS).

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

I stand today in strong support of the Norwood Amendment, which will provide State and local law enforcement the necessary authority, resources, and intelligence needed to apprehend and detain illegal aliens that they encounter during their routine duties. The President in his recent comprehensive immigration strategy has called for an elimination of "catch-and-release" at our national border and it essential that this is expanded to include incidents within the interior of the country.

Over 400,000 alien absconders and more than 85,000 criminal illegal aliens are in our country. Tragically, many of these criminal aliens remain loose within our borders and continue to commit violent crimes in our neighborhoods, such as Eduardo Campos Rodriquez, an illegal immigrant wanted for four counts of murder and two counts of attempted murder. We can not allow cases like this to continue to threaten the safety of our citizens in their communities.

Illegal immigration is a national problem—not one only occurring in the communities along the southern border. Throughout the country, State and local law enforcement are confronted with this problem everyday from large urban cities to the smallest and most rural communities. Unfortunately, our State and local law enforcement officers lack the critical information, necessary resources, and clear authority to detain and process these individuals. Recently, my district has been in the national spotlight concerning the various strategies that local and State law enforcement are attempting to use to address their illegal immigration problem in the absence of federal guidance. Recent incidents in New Ipswich, New Hampshire and Hudson, New Hampshire forced police officers to release illegal aliens whom they had detained during the course of their normal duties due to a lack of assistance from Immigration and Customs Enforcement officials. In response to having to repeatedly release illegal aliens, the towns' law enforcement officers attempted to apply New Hampshire trespassing laws to these illegal aliens, so they would have the authority to detain the individuals for a longer period of time in hopes that ICE would then be able to take custody. Even though this strategy has not held up in the courts, it illustrates the need for this essential amendment to give law enforcement the authority, resources, and intelligence to respond to the unique challenges presented by illegal aliens. It is important to point out these incidents happen in relatively small communities—the town of Hudson with a population of 24,000 and the town of New Ipswich with a population of 5,000.

Overall, State and local law enforcement are looking to Congress to provide them with the vital resources, information and authority to address this serious security concern. I strongly believe that the nation's security must remain our highest priority, and local involvement in security solutions is critical to achieving this goal. Therefore, I urge my colleagues to vote "yes" on the Norwood amendment.

Mr. NORWOOD. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. DEAL), who has worked on immigration issues for a long time.

□ 1645

Mr. DEAL of Georgia. Mr. Chairman, I want to thank my colleague for bringing this amendment and for yielding me time. He brings an important aspect of enforcement to the table, and that is interior enforcement.

Many people believe that only the problem exists along the border, and that is not true. My State of Georgia, Congressman NORWOOD's State of Georgia, is one of the fastest growing in terms of population of illegal aliens in the country. In fact, in my congressional district in north Georgia, two of the five fastest growing populations of illegal immigrants are in my congressional district.

Now, if we want to get serious about enforcement, let us look at what the facts are. You heard Congressman NORWOOD say there are 500,000 criminal aliens in our country that are waiting to be apprehended. In our State of Georgia, one of the fastest growing in illegal populations in the country, I am told we only have three enforcement agents. In our adjoining State of Alabama, they only have one.

Are we really serious? Why not tap into the 700,000 State and local law enforcement officers who are available and trained to enforce the law.

Mr. NORWOOD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just point out that if you wish to vote against this bill, you are basically saying that you want to allow 500,000 criminal illegal aliens to stay on the street because 2,000 Federal officers simply are not going to remove them. It is impossible. It takes the 700,000 local law enforcement people out on the streets to help get this done, and we need to fund this. This amendment does that.

This amendment adds funding for SCAT, which is money needed desperately by the cities who deal with so many illegal immigrants.

Lastly and very importantly, it directs Homeland Security to put in

place in all 50 States the Institutional Removable Program. Now, you want to vote against this? How about us sending a rapist to prison in this country and INS is not there to deport them the minute they get out? No, they turn them loose on our State. This very thing has happened in Georgia with a pedophile.

This amendment is a reasonable aspect of this bill that brings resources to the table, and it brings law enforcement, the people who can solve this problem, to help us out.

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

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

Mr. Chairman, I think the author of the amendment will rest more comfortably tonight when he finds that not only do the people that he described that do not want this amendment are joined by numerous State and local police departments across the Nation, but also scores of groups that work with victims of domestic violence.

The proponents of this amendment must understand that there is nothing in this bill to ensure that ICE or SCAT in Homeland Security will be able to respond to the millions of requests from local police to pick up low-priority civil law violators.

Remember what the gentleman from California (Mr. BERMAN) said: you cannot dump millions of people into this database and think it is going to work. It will not. Turn down the amendment.

Mr. MCCAUL of Texas. Mr. Chairman, I rise in strong support of this amendment. My hometown of Austin has seen the horrifying effects that a sanctuary policy can have on a community.

Nearly two years ago an 18-year-old woman named Jenny Garcia was found brutally stabbed to death in her Northwest Austin home.

An illegal alien by the name of David Diaz Morales was one of Jenny's coworkers. He made it clear to her that he wanted to be more than just her coworker or friend. When Jenny rejected his advances, this put David Diaz Morales into a murderous rage.

On January 26th of last year, Morales broke into Jenny's home, forcefully grabbed her, held her down, savagely raped her and then brutally stabbed her to death.

In less than 24 hours, the Austin Police Department arrested this 20 year old thug who had absolutely no business being in the United States, let alone Jenny's home.

However, David Diaz Morales had no business being free to walk the streets either. You see, before becoming Jenny's murderer, he had been previously arrested for molesting a child in Austin.

Travis County District Attorney Ronnie Earle decided not to prosecute Morales's molestation case. Instead, he let him out of jail to commit more violent crimes, and when it came to Morales's immigration status District Attorney Ronnie Earle looked the other way.

If only District Attorney Earle had picked up the phone, he would have discovered that Morales was in our country illegally. He could have contacted immigration officials who would have deported him out of our country. He could have saved Jenny's life.

This is one horrific example of many injustices which could have been prevented. That is why we must include this vital amendment to the underlying bill. This amendment will put $1 billion in the State Criminal Alien Assistance Program, and make the Institutional Removal Program, which identifies criminal illegal aliens, mandatory. It also gives states, counties and cities 2 full years to come into compliance or risk losing State Criminal Alien Assistance Program funds.

Mr. Chairman, we owe it to victims like Jenny Garcia and so many others to include this language in the underlying bill, and I strongly urge my colleagues to support this amendment.

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

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

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

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

AMENDMENT NO. 10 OFFERED BY MR. TANCREDO

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 printed in House Report 109–350 offered by Mr. TANCREDO of Colorado:

At the end of title III, add the following:

SEC. 308. PENALTIES FOR VIOLATIONS OF FEDERAL IMMIGRATION LAWS BY STATES AND LOCALITIES.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by adding at the end the following:

''(7) Prior to entering into a contractual arrangement with a State or political subdivision under paragraph (1), the Attorney General shall determine whether such State or political subdivision has in place any formal or informal policy that violates section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373). The Attorney General shall not enter into a contractual arrangement with, or allocate any of the funds made available under this section to, any State or political subdivision with a policy that violates such section. The Attorney General shall submit to Congress an annual report on any State or political subdivision with a policy that violates such section.''.

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

The Chair recognizes the gentleman from Colorado.

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

Mr. Chairman, we have had a lot of debate on this bill, of course, over, I don't know, the last 24 hours it seems like or more; and it has oftentimes been punctuated with the use of the word ''comprehensive'' and people complaining about the fact that they do not think it is comprehensive, or at least comprehensive enough. But that has been a euphemism most of the time for the phrase ''guest worker.'' That is what people want in this bill in order to make it ''comprehensive.''

Let me suggest to you it would do nothing, absolutely nothing, to make this bill comprehensive. A bill designed to deal with border security and internal enforcement of our laws in no way helps us accomplish those goals by including anything like a guest worker program.

Hence, I believe that this bill, as it was written and as it has been amended, and hopefully with the amendments that are going to be accepted at the end of the discussion of the bill, I believe it has become a comprehensive bill. Not totally comprehensive. There are certainly things I would like to see in it. Congressman DEAL's issue of birthright citizenship, I wish that were in there, and a couple of other things that we will continue to work on. But to a great extent, it begins, for the first time, to actually deal with a problem in what I think is a comprehensive way, and I mean it in this form.

We have a supply and a demand problem. The supply problem is coming across the border. We are in this bill doing something very specific about that with the inclusion of the amendment, with the passage of the amendment, to build some barrier along at lease 700 miles of our southern border. I hope we continue with that, by the way, along the entire border, to the extent it is feasible, and the northern border we could start next. That is dealing with the supply side of this problem.

The demand side of the problem is, of course, the job magnet that is created by people here who provide jobs for people who come across the border illegally, and in many cases do so knowingly. And I want to commend the Speaker of the House, I want to commend the leadership of my party, I want to commend the chairman of this committee, and I want to commend my colleagues on this side of the aisle for doing something that is difficult.

We are going up against economic interests that are extremely powerful. Many of them, of course, have been supporters of Republicans for years, the Chamber of Commerce and the rest. We have actually said to them, you know what, we are going to put our Nation's security and the importance of border security above all of these other issues and above the economic interests you bring to bear because so many of you are making so much money off illegal aliens. You are exploiting them. We know that this is happening, and we are going to try to put a stop to it, because in this bill we actually have something called internal enforcement.

We are going to do something about employer enforcement of the law. We are going to give them the opportunity and the tools to do that.

Again, I wish it were better. I wish we had a shorter period of time for the law, for checking the Social Security numbers to go into effect. But, nonetheless, it is there. We have made enormous strides with this bill, enormous, I must admit to you more than I had anticipated we could do, certainly, in this term of the Congress. But I am happy that we are here.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Chairman, I want to show the American people what a typical day looks like for a law enforcement officer on the southern border. This is the result of an arrest that took place in Nuevo Loredo and this is what the sheriffs are facing. This is what our Border Patrol is facing: 40 millimeter grenade launchers, 12 of them captured; 10,000 rounds of ammunition; 40 AK–47 rifles. These are carried by individuals, paramilitary commandos, who are trained to kill anybody who stops and attempts to intercept them.

These are 40 millimeter grenades that are taped up with adhesive tape designed to be put on top of a warm engine, and as the glue softens, the tape comes off and the grenade explodes. This is a sniper rifle carried by the narcoterrorist commandos that shoots around corners. It has a television screen and a silencer on it.

This is the level of sophistication of these people that our sheriffs are facing. These narcoterrorists are so bold, Mr. Chairman, and the lawlessness is so pervasive on the border that the narcoterrorists have set up, according to the FBI, at least one narcoterrorist training camp outside of Matamoros operating in the open, run by the zadas to train gun runners, human smugglers, smugglers who pay cash, who keep their mouths shut. They can go to this training camp outside of Matamoros and they will be carried into the United States. There may be three others operating just across the river from the United States in the open.

This is a law and order issue that the United States must deal with through our locally elected law enforcement officials and the Border Patrol.

I thank the chairman for bringing this bill to the House.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I intend to withdraw the amendment. The issue that I was bringing to the table with regard to this sanctuary city has been dealt with to a significant extent by my colleague, Mr. CAMPBELL, from California. In that light, I will in fact withdraw my amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

Mr. BERMAN. Mr. Chairman, reserving the right to object, and I do not intend to object, I wanted to simply point out to my friend from Colorado that before he praises this legislation too much, he should make sure there really is a strategy to turn it into a law, because I am very skeptical that you will ever see this bill coming back from here, very skeptical. If I had to bet, I would bet these provisions which you like and which you think make this into an attractive proposition and a serious attempt will never be seen again.

I simply want to add one other point: one day I would like you to explain to me how the employee verification system, which I think, like you do, is a critical part of dealing with the problem of illegal immigration, will ever get implemented in the context of 10, 11, 12 million people in this country in unauthorized status.

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

Mr. BERMAN. I yield to the gentleman from Colorado.

Mr. TANCREDO. Mr. Chairman, the gentleman knows that I have often approached this particular issue with a certain degree of cynicism, perhaps the same amount as he is expressing right now in terms of its prospects.

All I know is this: this is what I have before me today. This is what this House is being asked to address and to accomplish. That one thing, if nothing else happens, I am happy to have been able to get it to this point.

I am truly hopeful, and I recognize full well the gentleman is right that there are major obstacles to getting this beyond this point, but that is a fight to fight tomorrow. Today we are here, it is a good bill, and I certainly hope that we can pass it.

Mr. BERMAN. Mr. Chairman, without accepting the gentleman's assumptions about the worthiness of the bill, I withdraw my reservation of objection.

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

There was no objection.

AMENDMENT NO. 11 OFFERED BY MR. NADLER

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 printed in House Report 109–350 offered by Mr. NADLER:

Strike section 407.

The Acting CHAIRMAN. Pursuant to House Resolution 621, the gentleman from New York (Mr. NADLER) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment strikes section 407. Section 407 expands the controversial policy of expedited removal, which grants extraordinary power to low-level immigration officers to order deported without any judicial review and without any fair hearing people who arrive at ports of entry without proper documentation.

This section would authorize such unreviewable deportation decisions, again without any real judicial review, for anyone picked up within 100 miles of any U.S. border, not just at ports of entry or near the Mexican border. My amendment would prevent this expansion of expedited removal and limit its use to the present locations.

If the amendment passes, we would still, of course, deport illegal aliens; but people arrested within the U.S. would continue to have the right to some judicial review, some due process before being deported. They would have the right, as they do now, to challenge the decision of the Border Patrol agent.

By imposing expedited removal proceedings on all aliens apprehended within 100 miles of any border, this bill would deny thousands of people all due process rights.

□ 1700

The expedited removal process poses the gravest risks to refugees fleeing human rights abuses. Those fleeing torture, imprisonment or other forms of persecution are often forced to travel without valid documents because there is not enough time to obtain them or because it is too dangerous to apply for them.

Those fleeing persecution or the Gestapo or the KGB or the Savak are least likely to have properly notarized and stamped documents, countersigned by the Gestapo, the KGB or the Savak.

The expansion of the expedited removal process puts refugee women and children fleeing rape, honor killings, female mutilation, forced marriages and sexual slavery particularly at risk because these victims have the most difficulty sharing and explaining their painful stories to border agents who may not be experts in foreign cultures.

Furthermore, when individuals are placed in expedited removal, they do not have access to relief from deportation under the Violence Against Women Act, the temporary protected status or as trafficking victims.

My amendment seeks to prevent the inevitable consequences of deporting more asylum seekers, battered immigrants, trafficking victims and others who may be legally entitled to remain but who have no real opportunity for any appeal from the hasty judgment of the border agent, no due process.

Even as currently applied, expedited removal has resulted in terrible mistakes, including its wrongful application to genuine refugees and even to U.S. citizens. The Senate heard the case of Sharon McKnight, an American citizen from New York of Jamaican descent who suffers a mental disability and was wrongly put into expedited removal and sent to Jamaica because an inspector mistakenly thought her passport was fake.

Expanding this policy to include persons already within the United States

poses grave constitutional problems. Immigration laws long made a distinction between those aliens seeking admission to the U.S. and those who are already within the U.S., regardless of the legality of their entry. In Zadvydas v. Davis, the Supreme Court held ''once an alien enters the country, the legal status changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent.''

Because there is no check or review of expedited removal decisions, there is no due process. This policy should not be expanded. It should be left where it is as my amendment would do.

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

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

Mr. Chairman, I rise in opposition to this amendment which would strike the provision added by the bill the gentleman from California (Mr. DANIEL E. LUNGREN), mandating expedited removal for other than Mexican aliens apprehended after entering illegally within 14 days and 100 hundred miles of entry.

Unlike what the gentleman from New York (Mr. NADLER) said, the Lungren provision in this bill applies to land borders only, and it would not apply to asylum seekers who ask for asylum at the time they enter through a port of entry.

The provision that this amendment would strike is crucial to ending the current practice of catch and release of aliens along the southern border. While nationals of Mexico who are apprehended along the southern border can be returned to Mexico, the nationals of other countries cannot. Rather these aliens, known as OTMs, must be placed in removal proceedings which is a process that can take months. Because of a lack of detention space, most are released on the promise that they will show up for their adjudication.

Experience has shown that if OTMs are released to attend their removal proceedings, they will likely disappear. Of the 8,908 notices to appear at the immigration court at Harlingen, Texas, issued last year to OTMs, 8,767 failed to show up for their hearings, according to the statistics compiled by the Justice Departments's Executive Office of Immigration Review.

The fact that these aliens were able to enter illegally, be released and then disappear into society has encouraged even more OTMs to illegally enter. Arrests of non-Mexicans along the U.S.-Mexico border, which total 14,935 in 1995 and 28,598 in 2000, rose to 65,814 in fiscal year 2004.

As nationals of these countries have entered with impunity, they have encouraged others to do so also. The Lungren provision addresses the problem of catch and release by requiring DHS to remove these OTMs who are apprehended within 14 days of entry and 100 miles of the border through expedited procedures. This codifies DHS's current practices. By limiting the amount of time that aliens are in proceedings, these procedures allow DHS to use its limited detention space more effectively. This in turn ensures that more aliens can be detained, which discourages other aliens from attempting to enter illegally.

I urge my colleagues to oppose this amendment.

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

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

Mr. Chairman, the real question here is due process. We all want to deport illegal aliens. We all want to deport people who are not here legally. But the question is because the Border Control agent thinks that someone may not be here legally, because he thinks that the passport is fake, should there be no appeal? Should there be no ability to show facts? Should there be no due process?

This country is built on due process. This country is built on a foundation of liberty and proper process.

The Department of Homeland Security states that expedited procedures currently cannot be applied to the nearly 1 million aliens who are apprehended annually on the southwest border, where it can legally be applied, as it is not possible to initiate formal removal proceedings against all the aliens.

So you cannot use it in too many of the cases where it is legal now, so let us expand it so we cannot use it in millions of more cases.

Mr. Chairman, I realize that we have to talk about the principle of due process. I also realize that not passing this amendment is going to result in a fiction, the fiction of having this policy where we cannot use it for millions of people. So I am not sure what the practical impact of that will be.

I recognize there is no point to spending more time on this. I wanted to make the point about due process, and I hope the Senate will listen.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. CULBERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF CONFEREES ON S. 1932, DEFICIT REDUCTION ACT OF 2005

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1932) to provide for reconciliation pursuant to section 202(a) of the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95), with a House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the Senate bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Spratt moves that, to the maximum extent possible within the scope of the conference, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendment to the bill S. 1932 be instructed to recede to the Senate by eliminating House provisions reducing eligibility for food stamps (sections 1601 and 1603 of the House amendment), and reducing funding for child support enforcement (sections 8319 and 8320 of the House amendment), and repealing the Continued Dumping and Subsidy Offset (the ''Byrd Amendment'' (section 8701 of the House amendment)) and modifying the Mining Law of 1872 (sections 6201 through 6207 of the House amendment); such managers be instructed to recede to the Senate by eliminating the sections of the House amendment that reduce Medicaid benefits and allow increases in beneficiary costs (sections 3111, 3112, 3113, 3114, 3115, 3121, 3122, 3123, 3124, 3125, 3134, and 3147 of the House amendment) and by reducing to the maximum extent possible increases in interest rates and fees paid by student and parent borrowers on student loans contained in sections 2115, 2116, and 2117 of the House amendment, and by adopting the Senate provisions concerning Pell grants (sections 7101 and 7102 of S. 1932); and such managers be instructed to recede to the Senate by adopting the Senate provision eliminating the stabilization fund that makes payments to Medicare Advantage Regional Plans (section 6112 of S. 1932), adopting the Senate provision on Medicare Advantage risk adjustment (section 6111 of S. 1932), and adopting the Senate provision on Medicare physician payments (section 6105 of S. 1932).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Iowa (Mr. NUSSLE) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina.

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

Mr. Speaker, I would like to lay out now the basics of the motion to instruct conferees for the budget reconciliation bill going to conference.

First of all, we would move to preserve the safety net. This motion instructs the conferees to eliminate House provisions that would cut food stamps by $697 million and to reject

Medicaid cuts of even more, $11 to $12 billion in the House bill.

In addition, we would move to protect higher education. Because the budget bill as now written on the House side calls for substantial changes in interest rates and fees, by our calculation raising the cost of student loans by as much as $5,800.

Next we would support personal responsibility. The motion instructs the conferees to eliminate House cuts of $4.9 billion in Federal spending on child support enforcement programs that are run by the States but partially subsidized by the Federal Government. This is the most misguided fiscal savings in this whole bill.

This motion instructs the conferees to eliminate the House provision that would prevent hundreds of companies also that are hurt by unfair foreign trade known as dumping through the continued Dumping and Subsidy Offset Act which the budget reconciliation bill would eliminate.

This motion also instructs the House conferees to accept the Senate conferees' provisions that cut subsidies to Medicare private insurance plans by as much as 4.4 percent beginning January 1 and to prevent the planned 4.4 percent cut in physician payments by taking funds instead out of the Medicare Stabilization Program, the Medicare Stabilization Fund, which is part of the Medicare advantage and Medicare modernization bill which was the prescription drug-Medicare bill.

This motion instructs conferees to protect taxpayer-owned property as well and the environment by eliminating House provisions that would sell huge tracts of Federal land at below market value and expose them to purchase commercial and mining development.

These are the instructions we would give to our conferees going into this conference as to where the House should stand with respect to positions it has previously taken and with respect to positions the Senate has taken. I will say more about them later.

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

□ 1715

Mr. NUSSLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, we have an opportunity just now to look at this motion to instruct conferees, and let me first remind my colleagues that this is a nonbinding symbolic vote. This is not substantive; this is symbolism. It was interesting today that the minority had a big press conference to celebrate Christmas and celebrate the end of the session, and they promised a Christmas present to the American people and that was a big box, and on the box it said the Democrats were going to give the American people a Democratic Congress.

The rest of the story, of course, is that, if you looked inside the box, there was not anything in there. If you opened the box, if you unwrapped it and you looked inside, what you would find is a lot of that little popcorn matter that you get that gets messy all over your house, but no substance whatsoever. Again, today no substance. In fact, interestingly enough, today once again the minority party here in this House brings forward a motion that equates the amount of money you spend in America with your level of compassion; not substance, not results, not is the program working, not are people being helped by the policies that have been put forth. But, if you spend more money, you must care. If you do not spend enough money, or the amount of money we are willing to spend, you must be scrooge at Christmastime.

We had people come here to protest what was happening in this budget bill. And what was their protest? Spend more money. Not get better results, not help more people, not make sure that people who are starving get the food stamps they deserve, but spend more money.

At the holidays we should recognize this probably better than at any other time, that it is not the size of the gift, it is not the fancy paper on the outside of the box, it is not the amount of money you spend that determines your love, your compassion, whether or not you are a true brother and sister to your fellow man; but it is whether or not that gift actually has the results that are intended.

Time and time again we have demonstrated through hearings at the Budget Committee, through hearings at all of the authorizing committees how these programs are just eating up more money, they are spending more money, we are hiring more bureaucrats; but we are using the same old system designed oftentimes back in the 1960s before man even walked on the Moon; and we assume that today in 2005 those programs do not need any reform, do not need any help, do not need any oversight. Just let them keep going. Oh, and spend more money at the same time.

Well, we have an opportunity, and it is an opportunity to reform. It is a plan that we have put out very carefully throughout this year. Today is not the first time we rush to the floor with a piece of paper about what we are going to do. All year long we have been working to try and make sure that food stamps were working better, that the services to the poor and the indigent were effective in getting the results that they truly need.

Instead, what we have today is the opportunity to vote for this symbolic motion to instruct conferees to basically rip out all those savings, to not do anything about reforming those programs but just spend more money. Spend more money.

Let me tell you that, as colleagues, the answer to the most vexing problems in our country today will not be solved by just spending more money. They will be solved when we take responsibility for the job that we have been given to ensure that these programs that people work hard, that people pay taxes to us in order to invent and implement, that they are truly working, that they are helping the people who deserve it the most, and that they ensure that we get results. Not just the rhetoric of reform, but results from reform.

We have the opportunity today to go to conference to work out our differences on a whole host of very important issues. I will tell my colleagues that, if you are worried about this vote, come down and vote for it. Go ahead, vote for it; it is symbolic. If you want to vote for an empty popcorn-filled box of Christmas presents under the tree, go ahead and vote for it. I do not think there is any reason why you cannot.

The real vote will be when the conference meets to talk about reform. The real vote will be when we have an opportunity to talk about truly helping people, not just handing out more money and saying, go ahead, get away from us, do not bother us any more, we have given you more money.

I have seen time and time again how Members of this body have gone home with press releases saying, we have increased the funds for this program. You should not be complaining, we have increased the money to this policy. We have put more money into this bureaucracy. Why are you complaining?

The reason they are complaining is because throwing more money at it does not work.

If you want to measure compassion at this very important time on the calendar by just spending more money, then I have no doubt you will find a way to do that. But if you want to ensure that these programs and these policies are truly helping the people in need, then we need to meet as a conference, we need to put all of those policies on the table to discuss, and we need to reform those policies to ensure that they are truly helping the people intended.

The difference here today is that we have a plan. It does achieve savings, but it delivers a better product for the people intended. The difference on the other side is that they have rhetoric, they have empty promises, and they have the age-old adage of throw more money at it and just hope and pray and assume that it will get fixed. I do not think the American people sent us here to throw more money at it. I think what they have sent us here to do, particularly at this time, is to show compassion, is to get to work, serious work about the reform of these programs so that they truly help the people in need.

Go ahead and vote for this motion to instruct if you feel so moved to throw money at the problem. It is nonbinding; it will not affect the outcome of the conference. We will meet, we will negotiate and discuss these important reforms, and we will bring back to

this body an important package of reforms in a plan that will achieve savings for the American people.

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

Mr. SPRATT. Mr. Speaker, I yield 6 minutes to the gentleman from New York (Mr. RANGEL), the distinguished ranking member of the Ways and Means Committee.

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

Mr. RANGEL. Mr. Speaker, there certainly was a lot of emotion in the speech given by the chairman; but I suspect in this time of the year where so many people are concerned about our sick, our poor and our disabled, that rather than being moved by the rhetoric of the Republicans, we might take a deep breath and find out who is on our side as Democrats.

I know that the poor and the aged and disabled do not have much of a political voice, but somehow in this holiday season the spiritual leaders probably understand this a little better than some of us. These are the charitable organizations that reach out, Catholic Charities, the Jewish Council Against Poverty, the Protestant Council. Each and every day they run soup kitchens and try to assist people, especially mothers that have no one in the household to assist them in raising their children.

Any specialist will tell you, if you do not give a kid the right start, you do not give them a chance to get to school, and cut the resources from under him to get an education, it is not just why can they not do it my way or why did he not get an inheritance. It is a question of where do these kids end up.

They first end up not paying much taxes since they do not have the talents to get a job; but worse than that, in New York we spend $84,000 for every kid who gets in trouble who finds himself on Ryker's Island, and I do not think you have to be a health specialist to know that when you cut the ability of people to get access to health care, they do not necessarily die right away. More often than not, they end up at the most expensive of expenditures, and that is in our hospitals.

I do not know what the poor and the disabled have ever done to the majority or, indeed, what the moral majority, why they would wait until Christmastime to show just how mean they can get. Even if they cannot control this meanness, why would they do it at a time when they have given hundreds of billions of dollars of tax cuts to the very wealthy?

I am not that good spiritually, but know my friends on the other side of the aisle that are so concerned with the Bible and biblical phrases, there is one thing somewhere, and I do not know all of the facts as is properly recorded, but it deals with a bunch of rich people that could not get in heaven because they had not treated the lesser of Jesus' brothers and sisters the way he would want. I have never seen a more classic example of the violation of that spirit than what I have seen in the last couple of weeks on this floor.

So you can raise your voice all you want, you can scream about spending, but it just seems to me that there are no religious leaders that I can think of that feel they have an obligation to take care of those people who are in the hospital, who are hungry, who are without clothes, who are without food, and certainly the children who are really the least powerful of all, if you had to do it, why do you not just do what you do in conference and come out and say that we authorized it? But to have this heavy blow at a time when you are reducing the taxes on the very rich is not only wrong, but it smacks of being immoral.

This is the wrong thing to do. This is the wrong time to do it, and it is something that I am confident is not in accord with the moral teachings or the spiritual beliefs of anyone in this body.

What you are doing is saying that you have to cut spending. Why can Iraq not get on that list of not wanting to spend? Why can we not just slow down the rebuilding of Baghdad and rebuild the health of some of our people and the schools of some of our people? Why can we not invest in Americans and make them the most productive people that we can make? Why do you pick on the most vulnerable in Medicare, which the other side is probably going to hit as badly as we hit Medicaid?

What are these programs? The programs are listed as SSI. What does it mean, you have to be blind, disabled or aged? Medicare, you have to be old and sick? Medicaid, you have to be poor and sick? The programs are designed to bring the moneys to the mothers who have been abandoned or just for children, and the other one is education.

Is there anyone that you missed, the sick, the poor, the young? Is there anyone else that you want to include that programs should be cut? I might also add, with capital gains tax cuts and corporate dividend tax cuts, is there anyone that is rich that you missed in terms of not giving a tax cut?

What a combination package you have given to the American people and what a time to do it. So whether you call it Christmas or holiday seasons or Chanukah or whether you call it Kwanzaa, you sure picked the right time to hit the wrong people at this time of the year.

Mr. CRENSHAW. Mr. Speaker, I ask unanimous consent to control the time of the gentleman from Iowa (Mr. NUSSLE).

The SPEAKER pro tempore (Mr. HAYES). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CRENSHAW. I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY), a distinguished member of the Budget Committee.

□ 1730

Mr. MCHENRY. Mr. Speaker, I thank my colleague from Florida for yielding me this time.

Ladies and gentlemen, I say Merry Christmas to you. We are presenting you a budget that the American people can be proud of. To the Democrats, I say, happy holidays. But I will tell you, ladies and gentlemen of the House, my colleagues, what we are doing here is right for the American people.

My colleague from New York asks, have we touched everyone in America? Well, yes. If you live in a $2 million house, you will not qualify for aid to the poor. Under this budget, we pass that reform; that if you live in a million dollar house, if you live in a $2 million house, if, heaven forbid, you live in a $10 million house, you would not be eligible for Medicare. You would not be eligible for the government paying for your nursing home. That is the type of reform that we have in this budget. It is the right thing to do.

Beyond that, if you are a student in college today, if you are a student in college today, you will be eligible for that student loan next year under this budget. You will be eligible for that same loan you got today. The only difference would be that the Federal Government would not be paying that loan giver, that company that provides the loan, we would not be paying them 9.5 percent interest. We would go back to a market-based interest, which we all know is somewhere around 5 percent today. That alone would save $13 billion over 5 years.

So, ladies and gentlemen of the House, if you vote for this motion to instruct, you are voting against reform; you are voting against savings; you are voting against positive changes that will help more Americans. And it is the right thing to do.

Look, Mr. Speaker, this motion to instruct is something that Mr. Grinch would be proud of. So, ladies and gentlemen, I bid you merry Christmas, and ask that you vote against this motion to instruct and vote for our conservative, realistic, reform-based budget.

Merry Christmas to all.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), the ranking member of the Education and Workforce Committee.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Maybe the gentleman who was just in the well preceding me is proud of this budget. I noticed he talked about student loans and how the students will get the same loan they got this year. They may get that loan, but it is going to cost them more. In fact, what we see in the estimates are that this budget bill will raise the average cost to those students or those families who are paying off those loans. The average student who borrows $17,500, and that is what, unfortunately, the average student borrows today, this will raise

their cost by $5,800, almost $6,000 in additional costs. That is what comes with this bill.

The $13 billion is the largest cut in the student loans accounts in this history of this Congress. That $13 billion rebounds back onto these parents and to these students to the tune of $6,000 over the life of their loans. If that is your idea of a Christmas gift, have at it, but I do not think America's families are going to understand.

At a time when we understand how important it is for young people to be able to get an AA degree, to be able to get a B.A. degree, to get a Masters Degree or to get a Ph.D. so that they can fully participate in the American economy of the future, a globalized world economy, what is it the Republican budget is doing? It is raising the barriers. It is raising the barriers for millions of young students, for millions of families as to whether or not they will be able to afford this college education.

Students are going deeper into debt today than at any time in history. The cost of a college education is rising faster than the average working family's ability to pay for it. And what is the answer to that crunch that these families and these students are finding themselves in? The answer in this budget is to increase their costs by $6,000.

For 50 years, the idea was to try to make college more accessible, less expensive, so that the vast majority of people who were qualified to go to college would have the opportunity to do so. This year, they changed the course of this Nation. This year, they changed the course of this House. This year, they changed the course of the Congress. Because on a partisan basis, on a partisan basis, they decided that what they would do to the crunch and the cost of college for American families is they would increase the cost of college to America's families by charging parents more to borrow money, by putting origination fees on the direct student loan, which is the least expensive way people can borrow money.

You are raising the cost of the direct student loans by mandating insurance on all of the borrowers, whether it is necessary or not. You are very fond of telling us when you put these taxes and these costs on the business communities they are passed on. Well, that is exactly what is going to happen to the tune of about $6,000. These costs are going to be passed on.

We should vote to support the motion to instruct so we can prevent these costs from falling on these families and these students not only at Christmas time but for the next 5, 6, 7, 8, 10 years.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Budget Committee.

Mr. HENSARLING. Mr. Speaker, I rise today and urge my colleagues to defeat this motion to instruct. All of us know that America still faces a number of fiscal challenges, although under our economic policies, we have made a lot of great strides. With over 4 million new taxpaying jobs created and the deficit coming down, we have made a lot of great progress, but there is a lot of work to be done.

This really comes down to a debate about two different visions for America's fiscal future. Our colleagues on the other side of the aisle believe that we have a fiscal challenge because the American people are undertaxed. We believe our Nation faces a fiscal challenge because Washington spends too much and too unwisely.

Now, Mr. Speaker, during this debate, we have already heard a lot about cuts and compassion. Well, let us talk a little about those. I believe, Mr. Speaker, that everybody is entitled to their own opinion, but they are not entitled to their own facts. If one would look up the word ''cut'' in Webster's Dictionary, one would discover it means to reduce an amount. Yet under this modest, very modest, set of reforms, we see that total Federal outlays will grow by an average of 4.3 percent a year. What we call mandatory spending will grow 6.3 percent a year. Medicaid will grow 7.5 percent a year. TANF and other welfare programs will grow at 8.5 percent a year. And the list goes on and on and on.

Mr. Speaker, it is not how much money you spend in Washington that counts; it is how you spend the money. When we talk of cuts, we need to realize that every time we increase some program, some budget in Washington, by definition, we are cutting some family budget. This money has to come from somewhere. So when we feed the Federal budget, we cut the family budget.

We have a modest set of proposals that over 5 years would save us approximately $45 billion over what we call the baseline. I mean, that is almost 2 million down payments for homes for the American people. It is almost a million 4-year college educations. That is who is being cut if we follow this motion to instruct; it is the family budget.

And let us talk about compassion, compassion for the least of these. I submit to you, Mr. Speaker, that the least of these are those who are too young to vote and those who have not yet been born. If we follow the Democrat plan, let us look at what the General Accountability Office has said; if, right now, we do not change the spending patterns that we have in order to balance the budget, in just one generation, we are going to have to double taxes on the American people.

Where is the compassion there, Mr. Speaker, in taking away their jobs, in taking away their hope, taking away their opportunities? We would be the first generation perhaps in American history to leave our children a lower standard of living than we enjoy. There is no compassion there, Mr. Speaker.

Let us defeat this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

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

Mr. DINGELL. Mr. Speaker, I rise in strong support of the Spratt motion to instruct the conferees on H.R. 4241, the Reconciliation Spending Cuts Act.

This motion wisely provides that the House would give up its harshest and most hateful cuts. Just 1 week after passing $100 billion in new tax cuts, benefiting mostly the wealthy in our country, our Republican colleagues are now seeking to cut spending on those who have the greatest need of assistance.

For example, one of the programs hardest hit by this legislation, Medicaid, provides health care to working families. Three-quarters of the cuts in the Medicaid program come directly from the families who depend on it, either by raising their payments, by making health care unaffordable or by not paying for needed treatments when they do seek care.

The House bill seeks to raise health care premiums for individuals who depend on Medicaid. According to the Congressional Budget Office, one-quarter of the savings from the premiums would be imposed on beneficiaries, including children, coming from families losing their health insurance coverage. There are more than 45 million uninsured in this Nation, and the House bill would add more to that number. The Senate Bill does not do that.

Five-and-a-half million children face increases in the amount their parents would pay for them to go to the doctor, according to the Congressional Budget Office. Eighty percent of the savings from higher cost-sharing will come from individuals, including children, foregoing services and not from the actual payment of the higher cost-sharing.

I want my colleagues to listen to this, because I think this is a real scandal: Five million Americans will find themselves unable to pay for certain kinds of treatments, such as for cancer, because such treatments will, under this legislation, no longer be covered. Under the House proposal, half of these will be children who will lose access to services such as dental care, vision coverage, mental health care and therapies. The Senate Bill does not do this.

Finally, the House should also recede to the Senate on matters concerning Medicare HMO payments and Medicare physician payments. HMO payments, already too high, are being increased by better than 4 percent this year. And in 2 weeks, physicians will see their payments cut 4.8 percent. This is going to hurt our seniors' access to needed health care, and it is going to assure that very shortly there will be no physicians participating in Medicare. I look forward to hearing the explanations of my colleagues when this event transpires.

I urge my colleagues to support the Spratt motion. It is fair, decent and humane. The proposal before us is not.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. WICKER), a member of the Budget Committee.

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

Mr. Speaker, my friend from California asked just a few moments ago, what is it that Republican budgets do? I will tell you what Republican budgets do, and I will tell you what this Republican budget does. It provides a plan to give savings to the American people. It provides a plan to slow the growth rate of some of the most important programs that we have in the United States of America so that we can save those programs, programs mentioned in the motion to instruct conferees, such as food stamps, funding for child support enforcement, Medicaid benefits, and student loans.

Republicans acknowledge, as most Americans acknowledge, that these are important and valuable programs. But, Mr. Speaker, we must slow the growth rate of these programs; not cut them, but slow the growth rate in order to preserve those programs.

What do Republican budgets do? Republican budgets also keep intact those tax policies that have grown this economy for 10 straight quarters, a growth rate of 4.1 percent in our GDP currently.

Now, what do Democrat budgets do? They consistently advocate increased spending, increases in discretionary spending, that done by the Appropriations Committee; and higher spending on the entitlement programs that we are talking about in this motion to instruct conferees. Also, Democrat budgets consistently call for higher taxes on the American people.

It is just a difference of philosophy. But that is what Democrat budgets do, and that is contrasted to what our responsible and reasonable Republican budget does today.

Now, I will mention one program, if I have the time, and that is Medicaid. Democrat Governors from around the country, Republican Governors from around the country have come to Congress and said, please, implement Medicaid reforms so that we can protect our budgets, so that Medicaid will not completely eat up State budgets in the 50 States, so that we can continue to provide this valuable service for our citizens.

□ 1745

The Democrat motion would allow Medicaid to grow. The Republican budget, our budget plan, would allow Medicaid to grow just a little slower, at just a little less of a growth rate than the Democratic plan.

Slowing the growth rate of Federal entitlement programs, which is what our Republican plan does, is not a cut in these programs. It is a way to acknowledge the value of these programs, it is a way to say we should preserve them, and it is a way to provide an additional means to protect the tax cuts and the tax policy that have been so successful in having our economy grow the way it has. I urge my colleagues to vote against the motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 30 seconds to respond.

When the tax reconciliation bill with tax cuts is put side by side with the spending reconciliation bill, these two reconciliation bills add $52 billion to the deficit. That is the total outcome of the budget package that you are putting before us over the next 5 years; and that is not all, as I will show in a minute.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I want to take the language we have heard from the Republicans in the last few minutes and apply it to child support.

CBO says this budget will result in $24 billion less in child support over the next 10 years. That is the Congressional Budget Office. All right, one of you said Washington spends too much, too unwisely. Cutting child support payments by $24 billion?

You also said not how much, but how it is spent. Yes, it is spent in administrative expenditures to collect money for children.

Oh, and one of you said it is the family budget that is at stake. Absolutely, families with kids who are entitled to child support, and you are going to reduce what is collected by $24 billion over the next 10 years.

And then the lingo we hear, ''slow the growth rate.'' Under this formula, the money goes to the States and to the counties to collect money that is owed to children. I spent some time out in Macomb County talking to the people who administer this program, and I wish I could bring just one of the children who will be harmed by what you are doing and put them on this table, and have you look them in the eye and repeat your language. I do not think you would dare do it.

Mr. CRENSHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Budget Committee.

Mr. RYAN of Wisconsin. Mr. Speaker, let us talk about the fact that that same CBO report did say that child support payments will increase, yes, increase.

Mr. Speaker, what are we doing with child support payments? What we are simply saying is that we have a Federal Government match. What the Federal Government match is spending on child support with State governments is 50 percent for food stamps, for Medicaid, that is what we are proposing here.

When we passed welfare reform, we increased the match for child support to 66 percent. What happened: child support collections went way up; welfare case loads way down. Yet we still have a higher match than normal even though our case loads are way down. What we are simply trying to do is reform government to save money and still meet the needs of the people.

What about Medicare. This motion to instruct says let us gut the Medicare Advantage Program. What is the Medicare Advantage Program? Do you ever hear that line when you do a town hall meeting with senior citizens that say we on Medicare ought to get the same health care you in Congress get? That is the Medicare Advantage Program. We are simply saying to seniors, if you want to have comprehensive health insurance like we have in Congress, like other Federal employees have, you should get that.

What does this motion to instruct do? It compromises that entire program.

Mr. Speaker, what about all these issues? Food stamps, Medicaid, Medicare, child support, all of that spending is increasing in this bill. What does this budget do? This budget proposes to increase spending over 6.3 percent but not 6.4 percent, the current projection.

Let me say it another way. We are proposing to save $45 billion out of a $15 trillion budget over the next 5 years. We are proposing to increase spending 6.3 percent instead of 6.4 percent, and that sounds like a draconian cut.

I have also heard speakers say that we are proposing deep tax cuts. Mr. Speaker, here is their definition of deep tax cuts: we are not raising taxes. What we are proposing to do in this budget is to not raise taxes. We are proposing simply to keep taxes where we are today. When we had a recession 2 years ago, when the Dot-com bubble burst, people lost their savings when the market went down. We lost hundreds of thousands of jobs; we had 2 years of economic growth no higher than 1.3 percent, and we cut taxes.

What happened after we cut taxes, 4.5 million jobs were created. The stock market came back. Our stock market savings portfolios, our savings for seniors grew 23 percent. We are averaging 148,000 new jobs being created every month. We created 215,000 just last month alone. Our economy grew 4.3 percent last quarter alone. We raise taxes; we hurt jobs. It is a difference in philosophy.

The Democrats are saying raise taxes and do not do anything to control spending. We do not want to raise taxes; we want to control spending and balance the budget.

Mr. SPRATT. Mr. Speaker, I yield to the gentleman from Michigan (Mr. LEVIN) 1 minute.

Mr. LEVIN. Mr. Speaker, we are not talking about raising taxes. You are dodging the issue.

This is not the formula for Medicaid or other programs; this is a formula in terms of the Federal share for child support. I would like any of you to stand up and deny the estimate of CBO that what you are doing will reduce the

amount collected in child support by $24 billion over the next 10 years.

Mr. RYAN of Wisconsin. Mr. Speaker, will the gentleman yield?

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

Mr. RYAN of Wisconsin. Does the CBO report also not say that child support payments will go up from one year to the next?

Mr. LEVIN. It will go up. Sure, they are going to go up because there are more kids from families of divorce. But I ask you, does CBO not say because of your change, $24 billion over the next 10 years will not be collected for the children? Yes or no?

Mr. RYAN of Wisconsin. The gentleman just answered my question, child support payments will go up.

Mr. LEVIN. And it is $24 billion less because of you people.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, $24 billion will not go to the children of this country, but 53 percent of the tax cuts that this party put together in the last several weeks will go to people who make over $1 million a year. So $24 billion denied to kids in this country to satisfy the wealthiest 1 percent of the wage earners in this Nation. It lays out very clearly the values and the priorities of the majority party here.

Let me just say to you tonight that this Nation has been through a lot in the last several months: the devastation of Hurricane Katrina and a precarious situation in Iraq. This is not the moment for the drastic cuts the Republican budget calls for. This ought to be a moment of clarity where we realize what priorities are and what is important to us as a Nation.

This budget reconciliation, the cuts here, cut access to health care for low-income children and families; college loan assistance, leaving the typical student borrower to pay $5,800 more for college; throws a quarter of a million low-income families off food stamps, working families trying their best to provide this winter.

Those families who make over a million dollars who are going to get the tax cut, they do not need food stamps. They probably have medical bills because they have gout because they are overeating. They are not on food stamps. The American people have had enough.

With this motion, Democrats are calling to reject the most extreme cuts proposed by the majority that impact our most vulnerable citizens, whether it is stripping protections which guarantee more than 5 million children receive the medical services they need, mental health services they need, optical care, hearing aids, cuts to child support we have been talking about, 40 percent.

It eliminates federally funded foster care benefits for grandparents and relatives of abused and neglected children. This bill goes out of its way to make the lives of Americans already living on the margin even more difficult. It is the wrong direction. Vote for the Spratt motion to instruct.

Mr. CRENSHAW. Mr. Speaker, I yield myself 30 seconds to make the following point, and that is what we are talking about here is to try to get a handle on the way we spend money. We are going to spend more money next year than we spent last year, more money for all of the programs that you hear people talking about, railing about cuts being made.

I want everyone to keep in mind that we will spend more money, but we will not spend a whole lot more money. Only in Washington do you hear people say when you spend more money, but you do not spend as much as you want to spend, you call that a cut. People do not say that in the real world. Keep that in mind.

Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), a member of the Budget Committee.

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

As we have heard the budget chairman explain, our friends on the other side of the aisle only use as a measurement of success how much we spend, not how well we spend.

Mr. Speaker, every business in America has to use a model of better products at a lower cost. I ask: Which model would we be better off using? Would we be better off if every business in America used as a model of success that if we spend more, we do better? Well, if every business did that, then every business would be in the same financial condition as the Federal Government, and I would argue they could not provide one job to one American in this country.

Or would we be better served if government used the model of better government at a lower cost?

Mr. Speaker, I think it is a little bit ironic that the debate we are having today, those who say we do not spend enough also say the deficit is too big. Mr. Speaker, we can achieve better government at a lower cost, and the first step to achieving that is voting ''no'' on this motion to instruct.

Mr. SPRATT. Mr. Speaker, I yield myself 5½ minutes.

Mr. Speaker, what we are trying to prevent here is an abuse of process, because what has happened is the process known as reconciliation has been taken and stood on its head. The original process of reconciliation was to rein in the deficit, to have an end to the budget process by which Congress was compelled to revisit the goals it set earlier in the year and bring the budget in on the targets that it indicated were acceptable when the budget resolution was passed.

To that end, a budget reconciliation bill was given fast track capacity to go through the Senate so it would not be subject to filibuster, because its purpose was fiscal prudence. Its purpose was to rein in the deficit.

You can see from past history from this chart right here, you can see that in 1990 when we did the Bush budget summit, total reconciliation savings were $482 billion. In 1993 when we did the Clinton budget, total reconciliation savings over 5 years was $443 billion. In 1997 when we finally put the budget into balance for the first time in 30 years, the balanced budget agreement of 1997 provided for reconciliation of $118 billion.

What does this reconciliation bill do? Well, when you put it together, because it has been divorced, separated from the tax cuts in the other reconciliation bill, it increases the deficit. It does not decrease the deficit. It provides for, and we see $108 billion of additional tax cuts all together thus far. I will show you exactly how those add up right here.

One of the things that is going on here is that these fiscal actions get broken into many different fragments in the course of the year. As a consequence, it is hard to put all the small pieces together and figure out exactly what the tab is running up to.

□ 1800

Well, here is what it is running up to. If you just look at the tax cuts that have been taken over the last 6 months, keeping in mind that the budget resolution called for $70 billion in reconciled tax cuts and $106 billion in tax cuts all together, you will see we are on a path to accomplish just that under the budget resolution.

First of all, the transportation bill, $500 million. The Energy Policy Act, $6.9 billion tax cuts. The Katrina Emergency Tax Relief Act, $6.1 billion. The Stealth Tax Relief Act, $31.2 billion. That is the so-called alternative minimum tax, patching it for 1 year so it does not affect more taxpayers. Tax Relief Extension Reconciliation Act, that is the one that is before us in the other bill that I was referring to, the bill that is passing now in the reconciliation itself, and then, finally, $7.1 billion adapted just a week ago for the Gulf Opportunity Zone Act.

Add all of that together, you get $108 billion. But wait a minute. This only has a 1-year fix for the AMT. And we all know that we are fixing it this year for the same reason we will have to fix it next year and the following years and on into time until we finally adjust it so that it does not apply to middle-income taxpayers for whom it was never intended.

So when you recognize that fiscal reality and add to the total, tally a longer-term fix, a 5-year fix, on the AMT, the total amount of tax cuts adopted thus far over 5 years, the total amount is $301 billion, against which you are applying $50 billion in putative tax cuts and putative spending cuts, and how did you get those spending cuts? In the name of deficit reduction, which is a false claim, as can you see, because you are increasing the deficit.

How did you get those cuts, those putative cuts? You went to students

struggling to pay for their college education. You went to the poorest of the poor whose only resort to medical care is Medicaid and cut it by $11 billion. You went to child support enforcement, which is moneys used by the Federal Government to subsidy State efforts to see that parents who are not taking care of their children nevertheless have to pay something in child support and forces it, at $4.9 billion. CBO says it will deprive us of $25 billion for that most essential necessity. You went to foster care. You went to food stamps. You went to the pension insurance fund, PBGC, a false claim. You are claiming that these revenues generated for the PBGC can be applied against your tax cut. In truth, they are encumbered money; they will be needed to pay benefits before you know it.

And then, finally, let me speak up for the doctors. You have not done anything at all about the fact that there are doctors, on January 4, faced with a cut of 4.4 percent due to something called the sustainable growth rate factor. Unless we do something here tonight, this weekend, on the budget reconciliation bill, they are going to suffer that cut.

How do you think that is going to make them feel towards Medicare patients? Less willing than ever. So this is a bad bill. What we are trying to do with the motion to instruct is simply to take, as the gentleman from Michigan (Mr. DINGELL) put it, the harshest and most hateful features out of it.

Mr. CRENSHAW. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, before I make the comments I rose to make, I do want to comment for those watching this debate, that when you hear the words ''tax cut,'' the great majority of that money, outside of the new tax provisions to encourage rebuilding in New Orleans and the Mississippi coast and those areas so hard hit by Katrina and other storms, pretty much the rest of all of those, quote, ''tax cuts'' are simply tax extensions. In other words, we avoid increasing taxes.

If we did nothing, we would increase taxes. We do not want to increase taxes, because the current tax policy has created a remarkable rate of growth in our economy. And when your economy is growing, not only do your revenues come in well if you are the government, but jobs are created if you are the people, and current jobs are maintained.

So what are now loosely referred to as tax cuts, they appear in our vocabulary and our work as cuts, are not cuts; they are just maintaining current tax policy and avoiding tax increases that would harm our economy, cost jobs, cost taxpayers money they desperately need, as we go into a season of high heating oil costs and so on.

But I want to mention something else about this motion, which I appreciate is presented as part of the process here. It doesn't have the force of law. It gives people something they might like to vote about to tell the negotiators how to negotiate, but you know, there are always big rocks when the sea looks calm. So I just want to tell you about a couple of rocks underneath the sea of the verbiage of this motion to instruct. It is certainly not a motion I would want to vote for.

It wants us to recede to the Senate's position on physician payments. At first blush, that might look like a good idea, because they solve the first year problem by giving a very small increase to physicians. But in the second, not only do they let the 4.4 percent go into effect, but they add a 2 percent additional cut for physicians, for a 6.4 percent cut for physicians. That creates some pool that we are supposed to then pay physicians for performance. But we do not know what measurements are going to be used to determine whether a physician meets the performance standards or not. We do not know whether those measures will be such that a physician who provides health care in an area of the city or of the country where people simply do not come to the doctor until the last minute is going to be eligible for those payments like other physicians who might select patients who were healthier to take care of.

We do not know whether those benefits, those pay-for-performance benefits, will go equally to physicians who run small practices and cannot afford electronic health records as opposed to those who go to big practices.

So I certainly do not want to be instructing our conferees to yield to the Senate's position. Same on stabilization fund. The stabilization fund is explicitly, and we may not need it, but we do not know yet; it is explicitly to overcome one of the two big problems of being a rural physician in America, and that is intellectual isolation and being forced to abandon a patient who needs specialty care.

In the time I have allotted, I cannot enlarge on that, but believe you me, if you care about quality care in rural areas, you do not want to instruct our conferees prematurely to eliminate the stabilization fund.

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes. Mr. Speaker, I would ask the gentlewoman, if she does not believe that we should do something about the potential cut, getting nearer by the day, of 4.4 percent in physician's reimbursement and in paying for it, what is wrong with going into the so-called Medicare stabilization fund, which is really inducement money to get HMOs and insurance companies that do not otherwise want to participate in Medicare to participate?

The money is available. It comes out of the Medicare program. It would be given to physicians instead of insurance companies. But do you not think there will be adverse consequences if there is an across-the-board cut in physician's pay of 4.4 percent on January 1?

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I absolutely do. I think we are facing the possibility of physicians fleeing the Medicare program and creating a real access problem for seniors to physicians of their choice. But acceding to the Senate position is not going to fix it; it is going to exacerbate it.

We need a better fix than the Senate offers. We need one without the threat of a 6 percent cut in the year after that which is absolutely unconscionable.

So the negotiations are about finding better solutions. And that is one area in which we need a better solution, but if you cannot negotiate, if you do not have the latitude, you cannot get to the right answer. And this resolution tells you what the right answer is, when it is not the right answer and abandons the opportunity to negotiate in a number of areas.

Mr. SPRATT. Mr. Speaker, reclaiming my time. So the right answer is to fix the growth rate factor, no question about it. But that fix is not going to be accomplished in the next 2 weeks. So unless we do something adequate, you are going to have perfection be the enemy of the good; you are not going to get anything done.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Speaker, but we need to do something better than the Senate position, and we certainly need to avoid the additional 2 percent cut that starts every year thereafter.

Mr. SPRATT. Mr. Speaker, reclaiming my time. I do not think the House bill has any money at all for physicians in it. That is the point.

Mrs. JOHNSON of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. This is a negotiation. And what you are doing is prejudging the negotiation. That is what a motion to instruct does. This motion to instruct is across so many categories that it will do damage to our ability to get the right answer in all of the policy areas that we have responsibility for.

Mr. SPRATT. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, that is why we say this is the best opportunity we have got to send the conferees to conference, to sit down with the Senators to come up with a solution to this problem.

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

Mr. CRENSHAW. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I think the issue here is very simply that our friends on the other said of the aisle just do not like the Budget Reduction Act. They do not

want to step in and change the way we do business. They do not want to reform the way we spend money. And so they have opposed that, and now they have a motion to instruct which, if you read it, is pretty much the kitchen sink thrown in to try to tell our conferees this and tell them that. It is kind of a hodge-podge, but basically, they oppose what we are trying to do.

But, Mr. Speaker, I think the American people know that we have got to change the way we do business here in Washington. We have got to change the way that we raise money, because it comes from the American people. And we have got to change the way that we spend money, because we are stewards of the American people when we do that.

And we have taken some giant steps this year, Mr. Speaker, to change the way we do business here in Washington. We started by lowering taxes across the board. People that pay taxes got tax relief. That lets people keep more of what they earn. And when you let people keep more of what they earn, then they get to decide whether they want to spend it, whether they want to save it, whether they want to invest it.

And that is the way you get the economy moving again. And we got the economy moving again. Everybody knows the good news that has come out of our economy. The economy has been growing for the last 10 quarters. More people are able to buy new homes. It is a wonderful time from the standpoint of the financial wherewithal of this country. So we took that step.

And then this year, as people sometimes do not understand, we wrote a budget this year, and like a lot of people have to do when they write their budget at home, we had to kind of hold the line on spending. The money that we in this Congress get to spend, we wrote a budget that actually reduced the amount of money we spend in the budget. Except for Defense and except for Homeland Security, spending went down. And we are sticking to that. We are pretty much spending the same amount of money we spent last year.

We have not done that since Ronald Reagan was President about 20 years ago. And that is a giant step forward to control the way we spend money. And here we are again now with what we call the Budget Reduction Act. As our chairman said, it is a plan to reform government and to actually save money, because over half of the money we spend here in Washington is kind of on automatic pilot. We do not even get a chance to say how it is being spent or why it is being spent.

And right now, with this Budget Reduction Act, we are going to get a handle on that. We are going to reform the way we spend money. And that is what we are trying to do. And so I would urge my colleagues to vote no on this motion to instruct, even though when you read the motion, you are not very clear exactly what it does other than try to confuse the issue, because I am afraid my friends on the other side, if you listen to them talk, they have an answer for everything; spend a little more money. Where do you get the money? You raise taxes.

All we are saying is we want to reform the way we spend money, because everybody knows this, and I will conclude with this, Mr. Speaker. Everybody knows that we need money to provide services. But right now, the American people are saying to us, you, the people in Washington making this decision, you need to do a better job of the way you spend money. You need to control spending. And that is what we are trying to do.

Sure we need money. But right now, we need the courage up here to make some tough choices, just like every family has to do every year when they sit down and make their budget. They have got to set priorities. They say we cannot do everything. So we have got to make sure that we limit the amount of money we spend.

We need a commitment, a commitment by all of us to say, we are going to decide what is important, and we are going to try to do that, but we cannot do everything. Because if we are ever going to change the way we do business, we have got to start right here among ourselves.

So once again, I would urge my colleagues to vote no on this motion to instruct. Let the conference begin. Let our Members of the conference committee sit down with the Members of the Senate conference committee, work out any differences they have, but at the end of the day, let us come up with a final plan that will save money for the American people.

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

□ 1815

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

Mr. Speaker, it pains me to say it, but Republicans control the House, they control the Senate, they control the White House, and they cannot escape responsibility for the dismal condition our budget is in.

Let me start with the simplest way I know to summarize the last 5 years. When the Bush administration brought us their budget in 2001, they said we will not need to raise the debt ceiling of the United States, the legal limit to which we can borrow, for another 6, 7 years. The next year they were back, hat in hand. They needed a $450 billion increase in the debt ceiling. The next year, just a year later, they came and asked for $984 billion, the biggest increase, single increase, in the national debt ever. As big as the total national debt when Ronald Reagan took office.

One would have thought $984 billion had long legs and would have taken us several years at least, but, no. Within a year they were back, Secretary Snow, hat in hand, saying, I need $800 billion. And in this year's budget resolution as it passed the House, buried in it is a conditional provision to increase the debt ceiling by another $781 billion. If we add all of those up, we come up with $3.015 trillion. That is the net addition to the legal debt of the United States over the last 5 years. That should temper everybody's understanding of the debate we have just been holding.

And look at this chart right here. Kind of complicated, but basically what we have done here is we have gone to the Congressional Budget Office and we have said, we have got your numbers for August and September, the update of the budget and the update of the economy. What you would like to do is make this politically realistic. Let us assume that the Bush administration's agenda is reaffirmed to us in July in the budget update; let us assume it is carried out. What will be the result? CBO came back to us, and they said the deficit of the United States last year, in 2004, in 2005, was $325 billion. That will grow to $640 billion under the assumptions you have given us. As for the debt service of the United States, it was $182 billion. It will grow to $548 billion over the next 10 years. That is the course we are on. And that is what we are discussing tonight. What do we do about it?

There is a process called reconciliation. When we find ourselves in dire straits like this, this is an extraordinary process, reconciliation, which gives special primacy to a bill for this purpose adopted in a budget resolution, and at every other time we have used it since it was invented, it was used to reduce the deficit by big numbers because a lot of the cost growth that has to be dealt with in deficit reduction is in the entitlement programs.

Look what we did in 1990 and 1993 and 1997: big, big reductions due to reconciliation. But what is being done here in the name of deficit reduction is deficit worsening. The deficit gets worse by at least $58 billion according to where the final cuts finally settle out. It gets worse by at least that amount, not better. And if we take a realistic view of what the likely revenue effects of all the tax cut legislation passed in the last 6 months have been, the deficit gets $300 billion worse.

They have taken reconciliation and stood it on its head. We would like to stand it back up, put some of the values back in it. We do not think we should balance the budget on the backs of small children, on the backs of Medicaid beneficiaries. And that is what the purpose of this motion to instruct is.

Ms. PELOSI. Mr. Speaker, today, nine days before Christmas, I rise in strong support of the motion to instruct on the spending reconciliation bill. This motion to instruct would eliminate the most egregious aspects of the House reconciliation bill and would reduce the Republican cuts to less than $20 billion.

This Congress must not go home for the holidays, leaving a lump of coal in the stockings of the most vulnerable children in this country. That is contrary to the spirit of this holiday season and contrary to the values of

this nation. If we adopt this motion, we will send the conferees on this bill a strong message that this should not be the season of ''suffer little children.''

This motion eliminates the cuts from the House bill that would affect the most vulnerable children in this country: It says no to cuts to our child support enforcement program: so that parents have to fulfill their responsibilities to their children. It says no to slashing food stamps: so that low-income children can be properly fed. It says no to cutting health benefits for low-income children: because we want all children to have access to health care in this country.

How can we possibly leave here and as one of our last legislative actions in this Christmas season to be accused of being scrooges to the least among us—poor children?

This motion stops the Republican raid on student aid: It would help make college more affordable, reducing interest rates and fees relating to student loans and increasing Pell Grants.

This motion eliminates the so-called ''mining reform'' in the bill, which is really a massive give-away of public lands to special interests: Selling public lands at fire sale prices. That is why sportsmen and women, environmentalists, and Western governors oppose this outrageous proposal.

This motion ensures that seniors and individuals with disabilities can continue to receive physician services under Medicare: Eliminating the reimbursement cut physicians would receive when treating Medicare recipients.

Two days ago, hundreds of faithful Americans descended on Capitol Hill in peaceful protest to stand up for working Americans, our children, the poor, those still hurting from Hurricane Katrina, and our elderly. In the freezing cold, in prayer and song, they called the Republican budget what it is—a moral failure, devoid of spiritual hope and nourishing resources.

This mean-spirited Republican budget takes food from the mouths of hungry children, cuts housing for Katrina evacuees, reduces support for our veterans, and fails to adequately provide health care for our elderly; all to provide tax cuts for millionaires.

I commend Reverend Jim Wallis and the pastors and church workers from across our country who marched on our Capitol. By adopting this motion to instruct, we would stand with them in the struggle for a budget that lives up to our American values of fairness and opportunity.

The SPEAKER pro tempore (Mr. SHIMKUS). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 246, nays 175, not voting 12, as follows:

[Roll No. 652]

YEAS—246

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bono
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Frank (MA)
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—175

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chocola
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Deal (GA)
DeLay
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—12

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

□ 1846

Mrs. MYRICK, Ms. PRYCE of Ohio and Messrs. RADANOVICH, WHITFIELD, BACHUS, DANIEL E. LUNGREN of California, MCCAUL of Texas and SESSIONS changed their vote from ''yea'' to ''nay.''

Ms. GINNY BROWN-WAITE of Florida and Mrs. KELLY and Messrs. REGULA, FRANK of Massachusetts, RUSH, BOEHLERT, STUPAK, UPTON, JOHNSON of Illinois, PLATTS, SHIMKUS, LINCOLN DIAZ-BALART of Florida, SIMPSON, REHBERG, COBLE, HAYES, RAMSTAD, GINGREY, FOLEY and SAXTON changed their vote from ''nay'' to ''aye.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. PETRI). Without objection, the Chair appoints the following conferees:

For consideration of the Senate bill and the House amendment thereto, and modifications committed to conference: Messrs. NUSSLE, RYAN of Kansas, CRENSHAW, PUTNAM, WICKER, HULSHOF, RYAN of Wisconsin, BLUNT, DELAY, SPRATT, MOORE of Kansas, NEAL of Massachusetts, Ms. DELAURO, Mr. EDWARDS and Mr. FORD.

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

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

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

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

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

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

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

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

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

There was no objection.

MESSAGE FROM THE PRESIDENT

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

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

The SPEAKER pro tempore. Pursuant to House Resolution 621 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4437.

□ 1850

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, with Mr. SHIMKUS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

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

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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

Amendment No. 1 by Mr. GOODLATTE of Virginia.

Amendment No. 6 by Mr. STEARNS of Florida.

Amendment No. 7 by Mr. SENSENBRENNER of Wisconsin.

Amendment No. 9 by Mr. NORWOOD of Georgia.

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

AMENDMENT NO. 1 OFFERED BY MR. GOODLATTE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 653]

AYES—273

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

NOES—148

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

Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Murtha
Nadler
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Scott (VA)
Serrano
Slaughter
Smith (WA)
Solis
Stark
Stupak
Tauscher
Thompson (MS)
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1908

Mr. RUSH changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. STEARNS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 654]

AYES—420

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—13

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1916

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. SENSENBRENNER

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state his inquiry.

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

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

Mr. BERMAN. To soften the penalties?

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

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 655]

AYES—164

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

NOES—257

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Duncan
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Forbes
Ford
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hart
Hastings (FL)
Hayworth
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Marchant
Markey
Marshall
Matsui
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Neugebauer
Ney
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Rahall
Ramstad
Rangel
Rehberg
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NOT VOTING—12

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1926

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

Mr. SHAYS changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. NORWOOD

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 656]

AYES—237

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

NOES—180

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

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

NOT VOTING—16

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

ANNOUNCEMENT BY THE ACTING CHAIRMAN

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

□ 1934

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

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

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

The text of the amendment is as follows:

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

In section 606, add at the end the following:

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

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

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

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking ''or'' at the end;

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

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

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

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

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

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

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

''(2) if any such database—

''(A) indicates that the individual is an alien unlawfully present in the United States—

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

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

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

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

(b) DEPORTATION FOR DWI.—

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

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

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

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

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

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

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

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

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MRS. MYRICK

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

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

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

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

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

(1) in subsection (c)(1)—

(A) in subparagraph (C), by striking ''or'' at the end;

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

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

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

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

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

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

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

''(2) if any such database—

''(A) indicates that the individual is an alien unlawfully present in the United States—

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

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

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

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

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

(b) DEPORTATION FOR DWI.—

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

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

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

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

is deportable and shall be deported.''.

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

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

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

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

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

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

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

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

There was no objection.

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

There was no objection.

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

The Chair recognizes the gentlewoman from North Carolina.

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

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

On Saturday, July 16, Scott Gardner, a beloved school teacher in my district, was killed by an illegal alien who was driving drunk. After the wreck, it was discovered that the illegal alien already had five prior drunk driving convictions; yet he was still on our roads and still in our country. He should never have been allowed to stay in our country after his drunk driving arrests.

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

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

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

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

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

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

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

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

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

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

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

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

Two cases from North Carolina have highlighted this problem. In each, the alien driver has been charged with drinking and killing another driver. Authorities have alleged that a Gaston County teacher was killed in July by an illegal Mexican national with five previous DWI charges. That alien has been charged with DWI and second degree murder. The police have also reported that a UNC Charlotte student was killed in November by an illegal Mexican national who reportedly had two prior impaired-driving arrests and had drunk six beers before the accident. That alien, who had previously been sent back to Mexico 17 times, was also charged with second-degree murder.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I remember watching just stunned after Hurricane Katrina came and devastated Louisiana and saying how inept is FEMA. I hate to admit it, but many of the elements of the Department of Homeland Security are just as inept as what we saw at that time, and the immigration functions are prime among them.

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

□ 1945

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

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

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

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

The amendment, as modified, was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

(1) in subsection (a)—

(A) by striking ''not more than 25 years'' and inserting ''not less than 25 years''

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

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

(D) by striking ''10 years'' and inserting ''imprisoned not more than 20 years''; and

(E) by striking ''15 years'' and inserting ''imprisoned not more than 25 years''; and

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

(b) CRIMES OF VIOLENCE.—

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

''CHAPTER 52—ILLEGAL ALIENS

''Sec.

''1131. Enhanced penalties for certain crimes committed by illegal aliens.

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

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

''(b) If an alien who violates subsection (a) was previously ordered removed under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the grounds of having committed a crime, the alien shall be sentenced to not less than 15 years in prison.

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

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

''52. Illegal aliens ..... **1131**''.

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

The Chair recognizes the gentleman from Arizona.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. SHADEGG

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

SEC. 6___. LAUNDERING OF MONETARY INSTRUMENTS.

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

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

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

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

The Chair recognizes the gentleman from Arizona.

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

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

Mr. SHADEGG. Mr. Chairman, let me begin by thanking again Chairman SENSENBRENNER for his hard work on this legislation. I think it is important to this country. I appreciate the openness of the debate. I also want to thank the gentleman from New York (Mr. KING), the chairman of the Homeland Security Committee, for his work.

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

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

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

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

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

□ 2000

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

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

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

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

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

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

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

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

I urge my colleagues to support this amendment.

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Georgia.

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

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

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

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

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

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

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

Finally, the amendment provides a safe harbor for contractors who have a subcontractor that hires an illegal alien. This ensures that general contractors will not be held liable for the actions of a subcontractor when they are not aware that the sub is hiring illegals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge a ''no'' vote.

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

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

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

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

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

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

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

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

I object to this amendment for another reason in addition to what my colleague, Mr. BERMAN, has indicated. In the underlying bill, there is at least an effort to make some fairness for little companies versus big companies in terms of making a reduction for small companies. But in this case, in this amendment, Wal-Mart would have the same penalty structure as Joe's Pizza. And it seems to me that Wal-Mart and megacompanies, I would just like to note, in the paper Wal-Mart appears to be one of the biggest offenders, going out and hiring large numbers of undocumented people and, by the way, not treating them very well. They would have their sanctions capped, and they would be treated just the same as Joe's Pizza. So I think of this as the Wal-Mart amendment. Let them go ahead and do their dirty deeds with impunity. They will not have to worry. And I will tell my colleagues for a company as big as Wal-Mart, capping the fines at this level is just the cost of doing business.

And I thank the gentlewoman for yielding me this time.

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

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

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

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

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

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

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

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

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

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

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

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

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Strike section 706(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Texas.

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

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

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

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

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

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

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

A $50,000 fine would get your attention, a $50,000 fine per incident will teach you a lesson, and a $50,000 fine will be a deterrent. And the beauty of what I do in this amendment is that an equal proportion will go to those governmental entities that are bearing the cost for the ineffectual governmental regulation by the Federal authorities. It is a Federal problem, and it should be a Federal solution that addresses these particular concerns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

At the end of title VII, insert the following:

SEC. 709. REPORT ON EMPLOYMENT ELIGIBILITY VERIFICATION SYSTEM.

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

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

The Chair recognizes the gentleman from New Hampshire.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this amendment.

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

The Acting CHAIRMAN. Who seeks time in opposition?

Ms. ZOE LOFGREN of California. I do.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

We need to move beyond cronyism into competence. And the fact that we have only had three enforcement actions in unlawful employment; that over 100,000 people have been cited and released and then failed to appear, and the department just continued to do that over and over again in the face of that failure-to-appear rate; the fact that we have not actually followed through on the institutional removal program which requires the immigration function to go out to county jails and to State prisons and to take individuals who have been convicted of crimes and deport them, that has not happened either. Those individuals instead in many cases were simply released because the Federal Government dropped the ball. The Bush administration has dropped the ball at the border.

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

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

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

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

The amendment was agreed to.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE IX—SECURE OUR NATION'S INTERIOR

SEC. 901. EXPEDITED REMOVAL.

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

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

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

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

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

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

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

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

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

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

''CUSTODY OF ILLEGAL ALIENS

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

''(1) shall—

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

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

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

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

''(c) INCARCERATION OF ILLEGAL ALIENS.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

''(d) TRANSFER OF ILLEGAL ALIENS.—

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Oklahoma.

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

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

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

It gives willing local law enforcement and State law enforcement the ability to detain illegal aliens in the course of their regular duties. The simple truth is, our State and local law enforcement officers confront illegal aliens more often than Federal agents. My amendment also requires Federal authorities to respond to and detain all illegal aliens reported to the Department of Homeland Security by State and local law enforcement. Federal authorities will now have a choice between either taking immediate custody of illegal or criminal aliens or paying for their continued local detention.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 2045

It is not going to be just in our country, but it is going to be in Canada as well. The amendment is a good intention, but it is going to cause all kinds of enforcement problems, as I have described; but it is going to cause a lot of innocent people to lose their jobs along the northern border and should be opposed.

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

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

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

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

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

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

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

Well, no constituent in my district that was driving without insurance and drinking or something like that which is wrong was pulled over, they would be arrested. We let them go. We need to stop doing this. This is absolutely crazy. And it should not just apply to border towns. This is happening all across our country, and I am standing up for the constituents across this country. It is very important.

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

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

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

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

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

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

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

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

AMENDMENT NO. 19 OFFERED BY MR. RYUN OF KANSAS

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

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

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

Add at the end the following new title:

TITLE IX—OATH OF RENUNCIATION AND ALLEGIANCE

SEC. 901. OATH OF RENUNCIATION AND ALLEGIANCE.

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

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

(1) renounced allegiance to that foreign country; and

(2) sworn allegiance to the United States.

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

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

The Chair recognizes the gentleman from Kansas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this amendment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Chairman, I reserve my time.

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

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AMENDMENT NO. 20 OFFERED BY MR. ROYCE

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

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

The text of the amendment is as follows:

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

At the end of the bill, add the following:

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

SEC. 901. SHORT TITLE.

This title may be cited as the ''Taking Action to Keep Employees Accountable in Immigration Matters Act of 2005'' or the ''TAKE AIM Act of 2005''.

SEC. 902. FINDINGS.

Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

(3) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to United States Citizenship and Immigration Services which relate to programs and operations with respect to which the Director has responsibilities under this title;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) foreign partners; or

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

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

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

(2) DIVISION OF DUTIES.—

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

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

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

(2) DIVISION OF DUTIES.—

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

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

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

(2) DIVISION OF DUTIES.—

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

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

SEC. 907. ANNUAL REPORT.

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

(1) The number of investigations the Office of Security and Investigations began, completed, and turned over to a United States Attorney for prosecution during the past 12 months.

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

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

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

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

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

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

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

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

''(3) issue any documentation evidencing or related to such grant by the Attorney General, the Secretary, or any court,

until any suspected or alleged fraud relating to the benefit application has been fully investigated and found to be unsubstantiated.''.

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

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

SEC. 910. SECURITY FEE.

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

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

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

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

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

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

The Chair recognizes the gentleman from California.

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

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

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

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

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

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

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

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

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

The extent and seriousness of the problem was brought to light in a closed bipartisan session of the Subcommittee on Immigration, Border Security and Claims of the Judiciary Committee earlier this year. Although the serious allegations and investigations discussed there cannot be discussed in the open, I urge my colleagues in the strongest terms to pass this important amendment.

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

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

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

I urge my colleagues to support this very important amendment.

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

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

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

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

That speaks to the increasing need of resources to improve our technology and to encourage and push the Federal Government to do its job. This amendment, however, seeks to address the problem from the wrong angle. Penalizing aliens by keeping them in limbo is no solution to the problem. Indeed, our national security is further compromised by the government's failure to timely vet these individuals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

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

Amendment No. 15 by Mr. WESTMORELAND of Georgia.

Amendment No. 16 by Mr. GONZALEZ of Texas.

Amendment No. 18 by Mr. SULLIVAN of Oklahoma.

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

AMENDMENT NO. 15 OFFERED BY MR. WESTMORELAND

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

[Roll No. 657]

AYES—247

Aderholt
Akin
Alexander
Bachus
Baker
Bartlett (MD)
Bass
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
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
Coble
Cole (OK)
Conaway
Cooper
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Higgins
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn

NOES—170

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

ANSWERED ''PRESENT''—1

Souder

NOT VOTING—15

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

Moran (VA)
Napolitano
Payne
Pomeroy
Young (AK)
Young (FL)

□ 2138

Ms. BEAN, Messrs. SMITH of Washington, BRADY of Pennsylvania, DINGELL and STRICKLAND changed their vote from ''aye'' to ''no''.

Ms. HART, Messrs. OTTER, BOSWELL, BISHOP of Georgia, DAVIS of Alabama, KING of Iowa and CHANDLER changed their vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against.

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

AMENDMENT NO. 16 OFFERED BY MR. GONZALEZ

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

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

[Roll No. 658]

AYES—87

Ackerman
Andrews
Becerra
Berman
Bishop (NY)
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Carnahan
Case
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Emanuel
Engel
Eshoo
Evans
Fattah
Gonzalez
Green, Al
Green, Gene
Herseth
Honda
Hooley
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lantos
Larson (CT)
Lipinski
Lofgren, Zoe
Maloney
Markey
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
Melancon
Menendez
Miller (NC)
Obey
Ortiz
Owens
Pallone
Pascrell
Pelosi
Pomeroy
Rahall
Reyes
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sanders
Schiff
Schwartz (PA)
Smith (WA)
Stark
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Waters
Watson
Waxman
Wexler
Wu

NOES—332

Abercrombie
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardin
Cardoza
Carson
Carter
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
Delahunt
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Langevin
Larsen (WA)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Saxton
Schakowsky
Schmidt
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Payne
Reynolds
Young (AK)
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2147

Ms. HARMAN, Messrs. ETHERIDGE, KENNEDY of Rhode Island, DELAHUNT, GEORGE MILLER of California, SPRATT, BACA, OLVER, and MEEHAN changed their vote from ''aye'' to ''no.''

Mr. CUMMINGS, Mr. CONYERS, and Ms. HOOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. REYNOLDS. Mr. Speaker, on Friday, December 16, 2005, I was unavoidably absent during rollcall vote No. 658.

Had I been present, I would have voted "nay" on rollcall vote No. 658.

AMENDMENT NO. 18 OFFERED BY MR. SULLIVAN

The Acting CHAIRMAN (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. SULLIVAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 251, answered ''present'' 1, not voting 18, as follows:

[Roll No. 659]

AYES—163

Aderholt
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buyer
Calvert
Campbell (CA)
Cantor
Capito
Case
Chabot
Chandler
Chocola
Coble
Conaway
Cooper
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Deal (GA)
Dent
Doolittle
Drake
Duncan
Edwards
Emerson
English (PA)
Everett
Forbes
Ford
Fortenberry
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Gutknecht
Hall
Harris
Hart

Hayes
Hayworth
Hefley
Herger
Herseth
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kline
Latham
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCrery
McHenry
McIntyre
McKeon
Melancon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nussle
Osborne
Otter
Paul
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Renzi
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryun (KS)
Saxton
Schmidt
Sessions
Shays
Sherwood
Shimkus
Shuster
Simpson
Skelton
Smith (TX)
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Tiberi
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—251

Abercrombie
Ackerman
Akin
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonilla
Boucher
Boustany
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Burton (IN)
Butterfield
Camp (MI)
Cannon
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hensarling
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Petri
Pomeroy
Price (NC)
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Reyes
Rogers (KY)
Ros-Lehtinen
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wolf
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

McCotter

NOT VOTING—18

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kennedy (RI)
Kolbe
LaHood
Lewis (CA)
McCarthy
McHugh
Napolitano
Payne
Rothman
Young (AK)
Young (FL)

□ 2155

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ORTIZ. Mr. Chairman, I thank the gentleman from Wisconsin for his effort at pulling together this bill. Reforming immigration in this Nation—and reinforcing the borders, as I have advocated for over a year and a half—is a difficult proposition.

However, the gentleman from Wisconsin and those that are in support of this bill do not seem to understand the complexities of border and immigration policy. The bill before us today would do little to solve the immigration problem, and it is not what we need to reform immigration policy and to reinforce our borders.

Any effort by Congress to truly reform immigration and protect our borders must address the root causes of illegal immigration. As President Bush has stated, people come to the country to do the jobs Americans do not want to do. We must understand that it is our labor market that draws them to the U.S., and we must address how the U.S. could absorb the economic blow of losing this part of our labor market that keeps prices artificially low for consumers. Are businesses ready to pay high wages to agriculture workers? Are Americans ready to absorb that cost and pay higher prices for their produce?

An honest policy discussion is needed to address the complete problem—our broken immigration system and the needs of our labor market.

Although my colleagues on the other side of the aisle claim this bill will secure our borders, it does nothing of the sort. Nothing in this bill guarantees funding for detention facilities, Border Patrol agents, immigration judges or prosecutors.

The single most important thing we can do in Congress is invest in homeland security. However, our experience has been this: Numerous Members of Congress put forth ideas about how to fix border security, but funding these ideas has been impossible.

Let's use 2005 as an example. One year ago, the 9/11 Commission did what Congress's current majority could not do: It investigated the events leading up to the attacks on the United States, and made solid suggestions to the Nation about how the Government could prevent similar attacks in the future.

On the issues of Border Patrol agents and detention beds, the 9/11 Commission said the very least the United States needed to do was add 2,000 agents annually—for 10 years—and 8,000 detention beds annually. Congress agreed, and passed the bill overwhelmingly.

How did the President and Congress react when it came time to pay for it all? The President's budget proposed funding 200 Border Patrol agents this year—that's 1,800 short of the least we should do—and 1,900 detention beds—that's 6,100 short of the least we should do.

Congress acted a little better, passing an emergency spending bill and a spending bill for homeland security that netted us a total of 1,500 Border Patrol agents—still 500 short of 9/11 Commission recommendations—and 4,250 detention beds—still 3,750 short of 9/11 Commission recommendations.

We are playing a shell game with our border security and, by extension, our national security. On the one hand, every single elected official is for more border security. Yet, the leadership in Congress does not have the political courage to pay for it.

This is what always hangs us up. There's no money and no political will to change the equation.

The American people deserve an honest debate on how to protect our homeland. All of us in Congress understand the world changed after September 11. For that reason, we must put forth a solution to bring out of the shadows the 8 to 11 million people who are in this country now, paying taxes and doing hard labor and have an honest discussion, absent the politics.

Mr. VAN HOLLEN. Mr. Chairman, the Congress has been negligent in dealing with the challenge of border security, homeland security and immigration policy reform. We must do what is necessary to protect our homeland and implement comprehensive immigration reform. It is time to address these issues in a meaningful way.

Unfortunately, this legislation fails to meet the test. This bill does contain some important provisions that will enhance border security. Indeed, the bill that emerged from the Homeland Security Committee was one that I could basically support. Unfortunately, the Judiciary Committee put politics over policy and added a number of highly objectionable provisions. Some of these provisions will turn a number of well-intentioned and law abiding citizens into criminals and felons. Other provisions penalize many individuals who have come to this country lawfully but have, through no fault of their own, become ensnared in a bureaucratic snafu with the Citizenship and Immigration Services where if someone misses a deadline by a day in changing their visa category they can be prosecuted for unlawful presence. Moreover, visitors from other countries who are here on tourist visas but cannot return to their country within the visa timeframe because of a natural disaster or the outbreak of civil war will be made into criminals.

This bill is also flawed in a number of other respects. First, it creates the dangerous illusion that we are addressing the most pressing homeland security issues, when we are not. The 9/11 Commission recently released its assessment of the progress being made by the

Bush administration and this Congress on the adoption of its recommendations. More than half of the grades issued by the commission were Ds or Fs. This bill does not address any of the shortcomings identified by the 9/11 Commission. As such, it is a fraud on the American people to pretend that this bill significantly enhances homeland security. We are missing an important opportunity to remedy the homeland security failures identified by the 9/11 Commission.

Finally, this bill contains another gaping hole—the failure to address the issue of the approximately 11 million undocumented persons that are currently in the United States. President Bush has repeatedly stated that any immigration reform effort must find a way to bring these individuals out of the shadows of our communities. A number of thoughtful bills have been introduced to address that issue, including one introduced by two of our Republican colleagues, Representatives FLAKE and KOLBE. On the Senate side, the McCain-Kennedy legislation contains a number of ideas to address this issue. By refusing to allow a vote on these proposals, we do a disservice to our Nation. Once again, the House is abdicating its responsibility by failing to squarely meet the challenge we face.

Let me also say a word about the amendment offered to this bill to construct a partial fence along our southwest border. I support the construction of a fence to better secure our border and supported its funding in the Homeland Security Appropriations Act. However, the amendment offered by Mr. DUNCAN doesn't simply provide for a fence. In a typical example of congressional over-reaching and micromanagement, the amendment specifies exactly how such a fence will be built and the precise location of each segment of the fence. We are neither engineers nor construction managers nor do we know the best alignment of such a fence. We should simply direct the experts to construct a fence that accomplishes the objective of limiting illegal immigration and allow it to be built in the most cost-effective manner.

Mr. Chairman, I believe that this bill contains some positive changes that enhance border security at the same time it leaves a number of gaping holes and includes a number of provisions that take us in the wrong direction. On balance, I believe this is a flawed bill. I hope the Senate will address the serious shortcomings in this bill so we can adopt a meaningful bill that meets the challenges that we face.

Mr. MENENDEZ. Mr. Chairman, from the congressional district that I have had the honor of representing over the past 13 years, one can see the Statue of Liberty. Ellis Island is a place that has been the gateway to opportunity for millions of new Americans. For me, it is a shining example of the power of the American dream, a place that launched millions down their own road to success. Like millions of Americans, my own parents came to this country fleeing tyranny and searching for freedom. Because of this, the debate that we started yesterday and continue today is of special and personal interest to me.

So, America has a proud tradition as a nation of immigrants and a nation of laws. But unfortunately, our current immigration laws and system have failed us.

As a predicate for labor to grow, and for the country to achieve all the things it needs to, we need tough, smart, and comprehensive immigration reform that reflects current economic realities, that respects the core values of family unity and fundamental fairness, and that upholds our proud tradition as a nation of immigrants.

We need to aggressively seek to curtail crossings at the border and we need smart enforcement measures that prevent illegal immigration, so that our immigration system is safe, legal, orderly, and fair to all. Our goal should be neither open borders nor closed borders, but smart borders.

Now, tough enforcement laws may make us feel good, but they do not do the job all by themselves. Since 1986, we have tripled the number of Border Patrol agents and increased the enforcement budget 10 times over, but we haven't made a dent in the number of undocumented workers who make it here.

Mr. Chairman, 1 year ago tomorrow, President Bush signed into law the Intelligence Reform and Terrorism Prevention Act. As one of the conferees on that bill, I want to remind Members that it contained 43 sections and 100 pages of immigration-related provisions. These tough, but smart new measures include, among others, adding thousands of additional Border Patrol agents, Immigration and Customs investigators and detention beds, and criminalizing the smuggling of immigrants, just as the 9/11 Commission recommended.

I am sure that the American people assume that their government has not only implemented, but also fully funded these tough measures to ensure our Nation's safety. Unfortunately, the President's budget and the Republican Congress have chosen not to do so. In fact, as part of the fiscal year 2006 appropriations process, the Republican Congress has provided a shortfall of: 500 Border Patrol agents of the 2,000 new Border Patrol agents called for this year by that law; 482 investigators of the 800 immigration enforcement investigators; and 4,130 detention beds of the 8,000 additional detention beds required.

So much for being tough. And so much for fully funding what is called for in the bill we are currently debating. I mean, who truly believes that we will fully fund and build the fence along the southwest border of the United States that so many of my colleagues voted for last night?

So we are not only passing a variety of provisions that will most likely never be fully funded or enforced, but we are also criminalizing not only millions of undocumented workers in the United States, but also citizens of this country.

Under the guise of a much broader definition of smuggling, this bill could allow the Government to prosecute almost any American who has regular contact with undocumented immigrants. Certainly alien smuggling and trafficking for profit are activities that need to be sanctioned, and current law, part of last year's intelligence reform bill, provides for harsh penalties.

However, under the broad language contained in this bill:

A soccer mom who drives her neighbor to the grocery store, or has a live-in nanny could be penalized for "transporting";

The church group that provides food aid, shelter, or other assistance to members of its community could be penalized for "assisting or encouraging";

An aid worker who finds an illegal entrant suffering from dehydration in the desert and drives that person to a hospital could be penalized for "transporting";

A counselor who assists a victim of domestic violence and her children could be penalized for "assisting or encouraging";

The landscaper who drives his workers to jobs could be penalized for "transporting";

A U.S. citizen living with an undocumented spouse could be considered to be "assisting or encouraging" her spouse's presence; and

Last, but certainly not least, our district caseworkers could be penalized for either "assisting or encouraging" or even "transporting" as part of their official congressional duties.

I urge my colleagues on both sides of the aisle to vote against the underlying bill. By doing so, we then could work not as Democrats and Republicans, or Congressmen and Senators, but as Americans to bring our policies in line with our Nation's ideals and values.

Mr. HOLT. Mr. Chairman, I rise today to oppose the so called Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. I am deeply concerned by this bill's enforcement-only focus and the simple fact that it fails to seriously address our Nation's true immigration problems.

Our Nation's immigration system is broken. It does not work. Our legal immigration system does not meet the needs of American employers, lawful immigrants seeking residence in the U.S., and families seeking to reunite and pursue the American dream.

And yet that does not need to be the case.

One of the main reasons we have a huge illegal immigration problem is that our legal immigration system just does not work. We could be talking today about the widely recognized problems and debate comprehensive immigration reform. But we will not do that today.

I am deeply troubled that this bill, which would drastically alter our Nation's immigration laws, was rushed to the House floor just a little more than a week after it was introduced and after only one committee hearing it was voted out on party lines. On this key issue we should be able to work together.

Immigration is not a Republican or Democratic issue. It is truly an American issue.

The history of America is a history of immigration and immigrants. From the first Europeans to settle on our shores in places like Jamestown and Plymouth, to the millions who were greeted by the Statue of Liberty and Ellis Island trying to flee hunger and poverty in the Old World in search of a new life and a new start in America, legal immigrants continue to this day to be a vital part of our social fabric and our economic growth.

I firmly believe in the necessity of legal immigration. Our country was founded on the principle of immigration, and we are fortunate to have millions of hardworking, law-abiding immigrants living in this country. Studies show that, far from being a tax burden on us, immigrants add billions of dollars to the

U.S. economy. Statistics also reveal that immigrants are likely to set up their own businesses, which creates jobs for workers and sales opportunities for American companies. It is important to recognize the many benefits—economic and otherwise—that legal immigrants provide to our country.

However, like many Americans, I am concerned about the influx of illegal immigrants into our country. I believe the best answer to this problem is to comprehensively address our Nation's legal immigration system and to also fully and effectively enforce our immigration laws on the books.

But this bill focuses almost solely on new enforcement actions. It is a piecemeal attempt to solve a much larger problem and it will end up jailing foreign citizens who come illegally into the United States and make all employers in the country deputy immigration officials. These are not sensible solutions to the immigration problems that exist. I strongly believe that we need to secure both our southern and northern borders. It is also imperative to secure our seaports and airports. But we also need to acknowledge and deal with the fact that an estimated 11 million illegal immigrants hide in the shadows of our country. This bill simply ignores them and tries to fool the public into thinking that real changes are being made to secure our borders.

Over the last 20 years, Congress has passed into law 17 different immigration-related pieces of legislation. But a clear problem still remains. Rather than seriously doing something about immigration, the Congress has passed politically expedient but not policy-based legislation. It is clear that the Immigration and Nationality Act, INA, needs dramatic changes and the American people have continually called for such changes. The INA needs to be updated to meet the labor shortages that American employers face. It needs also to be fundamentally altered in how it handles foreign-born workers. Too often the INA is more complex and arcane than even the IRS Tax Code. This leaves businesses, citizens and prospective immigrants confused and unsure of what to do.

In my central New Jersey district alone this means that I have more than one full-time employee to help the citizens and residents of my district navigate these laws and the out-of-control bureaucracy they have created.

This bill is extreme and will not fix these arcane rules and procedures. And it will certainly fail to do what it promises. This bill requires the Department of Homeland Security to detain all illegal immigrants who enter the United States until they can be returned to their country of origin. Yet the bill does nothing to provide DHS with facilities or capacity to do just that. DHS will not be able to meet this flawed expectation and it will prove to be an untenable burden on an already over-extended detention system.

The bill also creates a new Employment Eligibility Verification System, EEVS, based on a small previously existing pilot program. This would require all employers to check their employees' work status. This essentially deputizes employers as immigration officers and forces an undue burden on them to do the Government's work. Currently, employers are already required to check the work documents of all of their employees. The GAO has estimated that this new provision alone will push an unfunded mandate on employers of close to $12 billion a year. This simply is not a practical solution.

This bill is strongly opposed by a broad range of organizations such as U.S. Chamber of Commerce, American Immigration Lawyers Association, American Nursery & Landscape Association, Catholic Charities USA, Associated Builders and Contractors, United Auto Workers, and even the U.N. High Commissioner for Refugees. This broad coalition of organizations and interest groups understands that this is not a solution to our existing immigration problem and in fact may exacerbate the problem.

I urge my colleagues to oppose this bill and to seriously and comprehensively address the important issue of immigration.

Mr. AL GREEN of Texas. Mr. Chairman, I would like to express my strong opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005.

While I believe that immigration reform is urgently needed and must include strong and effective enforcement provisions, this legislation will not solve our Nation's immigration problems. It fails to address many of the most important elements of immigration reform, including backlogs in family visas, regulation of the future flow of immigrants, and the presence of a sizable undocumented community in the United States. Instead it harms American families, businesses, and communities. Its impact on the Latino and immigrant communities would also be devastating.

Among the many anti-immigrant measures in H.R. 4437 are provisions that would: (1) strip citizenship opportunities that are currently available to legal immigrants; (2) curtail crucial due process rights in immigration proceedings; (3) make it a criminal offense to remain in the country illegally after entering legally; and (4) deputize local law enforcement officials to enforce Federal immigration laws over the objections of many such officials, who believe that this authority undercuts their ability to protect the public safety.

This enforcement-only approach has not worked in the past and will not work in the future if it is not combined with measures that address the 11 million undocumented immigrants already in the country. That is why I support and have cosponsored H.R. 2330, the bipartisan comprehensive immigration reform bill sponsored by Representatives JIM KOLBE, JEFF FLAKE, and LUIS GUTIERREZ. This bill combines tough enforcement with realistic admission policies, has bipartisan support, and is workable.

All Americans want effective reforms of the Nation's immigration laws, not shortsighted measures that appear tough on immigration but do not resolve the underlying problems. Only a comprehensive approach that provides a path to citizenship for current undocumented immigrants, creates new legal channels for future flows of needed immigrants, reduces family immigration backlogs, and protects worker rights will reduce undocumented immigration and bring order to our immigration system. H.R. 4437 does not take us down the path of real immigration reform.

I stand should-to-shoulder with groups like the AFL–CIO, ACLU, Anti-Defamation League, U.S. Chamber of Commerce, Human Rights Watch, Leadership Conference on Civil Rights, MALDEF, and National Council of La Raza.

I ask that all my colleagues join me in my opposition to this flawed immigration bill.

Mr. CROWLEY. Mr. Chairman. I rise in opposition to H.R. 4437.

Immigrants—who are likely counted among the families of most members of this body—work, pay taxes, serve in our military, and contribute in a resoundingly positive way.

And our burdensome, inefficient immigration system is not working for immigrants and it is not working for our country.

Unfortunately, this bill lets down immigrants, those who depend on them, and our Nation on the whole.

There is a lot that is troubling in this bill, but also troubling is what is not in this bill.

Real immigration reform and security improvements cannot end with a discussion on enforcement anymore than you can make a peanut butter and jelly sandwich without peanut butter.

Immigration is about so much more. Immigration is also about bringing families together, and supplying a pathway to citizenship for those who come here and contribute.

Moreover, it is foolish to pretend that we have somehow solved our immigration or security concerns by simply making it harder for people to come or stay here. That is simply increasing the incentive for immigrants to immigrate, live and work in the shadows.

And that is a loss for immigrants, their families, society, and national security.

Make no mistake—our immigration system needs reform. And it is appropriate to discuss how to best enforce our laws and secure our borders. Certainly none of my constituents in New York City are interested in making things easier on terrorists who use our immigration system to harm America.

But let's make sure the enforcement tactics we're talking about make sense. And let's make sure our tactics actually make us safer. And let's make sure that immigration reform does not end with enforcement. Because at the end of the day, immigration is too important to just take the most simplistic response and label it a solution.

Fortunately, there is a better bill—a bipartisan bill offered by Congressmen KOLBE, FLAKE, and GUTIERREZ. A bill that reduces immigration backlogs and helps family reunification. A bill that recognizes that comprehensive immigration reform—as opposed to strictly discussing enforcement—is the only way to protect both the security and the ideals of the U.S.

And this is certainly not that bill.

Mr. DINGELL. I rise in opposition to H.R. 4437. Like many of my colleagues, I believe we should enforce our immigration laws and ensure we stem the tide of illegal immigration. However, this bill goes too far.

It is a heavy handed approach to immigration. But you may say, ''DINGELL, we have a problem, we must do something.'' I say to that: Read the fine print. This bill not only penalizes illegal immigrants, but families, asylum seekers, good Samaritans, and most importantly, law abiding, U.S. citizens. This bill goes too far.

First, this bill harshly penalizes families, in particular family unity. For instance, under Title VI of the bill, millions of immigrants would be barred from gaining lawful resident status, even those whose spouses or children are

U.S. citizens. Without lawful resident status, those immigrants would be sent to their country of origin, forced to leave their loved ones behind. This bill goes too far.

Next, good Samaritans would be harshly penalized. If a person finds an illegal immigrant injured, and takes that person to a hospital, the law would label the Samaritan a felon. This bill goes too far.

Mr. Speaker, asylum seekers would be unduly penalized. This bill redefines the status of many asylum seekers, making them felons under the law, and would disallow many from having a hearing before they are deported back to the country from which they are seeking asylum. This bill goes too far.

Most importantly, U.S. citizens would be penalized. This bill mandates that employers use the Employment Verification System. According to the GAO, building the type of database to verify employment envisioned by this bill will cost at least $11.7 billion per year. Furthermore, the GAO identified other problems within this flawed system that threaten to deny employment for many able bodied Americans. This bill goes too far.

I would note that a wide array of groups is opposed to this legislation from the United Auto Workers, to the United States Conference of Catholic Bishops, to the United States Chamber of Commerce, Americans for Tax Reform, and the American Immigration Lawyers Association. During these very polarized times, when these vastly different groups are opposed, it raises a few eyebrows. And it does so for good reason. I urge my colleagues to vote against this bill. Let's craft a well rounded bill that enforces our immigrant laws, allows for avenues for citizenship, and that does not drive illegal immigration further underground.

Mr. CARDIN. Mr. Speaker, it is absolutely critical that Congress pass meaningful and effective border security and immigration reform. Since the 9/11 terrorist attacks, Congress has taken significant steps to secure our border and prevent another terrorist attack on our soil. Congress created the Department of Homeland Security, DHS, and a strong Director of National Intelligence, which constituted the largest reorganization of our law enforcement and intelligence services since World War II.

I supported the bipartisan version of the homeland security and immigration reform bill that passed the House Homeland Security Committee last month. As a former member of the committee, I agree that the United States must: move rapidly to establish operation control of all borders and ports; end our ''catch and release'' practice of aliens apprehended crossing the border illegally; effectively organize the border security agencies within the Department of Homeland Security; and promote international policies to deter illegal immigration.

I also agree with the former 9/11 Commissioners, who recently issued a report which concluded that Congress and the administration have much more work to do to make America safer, and gave our Government fair to poor grades for our current level of border security. I agree that Congress and the administration should take immediate action to: produce a terrorist travel strategy to intercept and disrupt their operations; create a comprehensive screening system for travelers; create a biometric entry-exit screening system for all land borders; improve international collaboration on borders and document security; and standardize secure identifications.

I am disappointed, therefore, that the leadership of the House of Representatives has failed to allow the House to take up a comprehensive homeland security and immigration reform bill that addresses the pressing vulnerabilities in our border security. The bill before the House, passed on a party-line vote in the Judiciary Committee, is not a balanced, thoughtful approach to the issue. This bill is a punitive bill which is neither enforceable nor workable. This bill has little chance of enactment. Border security is too important and should be included in legislation that can be quickly enacted.

This legislation is opposed by a vast number of groups from across the political spectrum, including businesses, labor unions, faith-based organizations, civil rights organizations, human rights organizations, and immigrant advocacy organizations.

I therefore ask my colleagues to reject this legislation.

Mr. CANNON. Mr. Chairman, I rise today to commend Chairmen SENSENBRENNER and KING for their work on the manager's amendment to H.R. 4437.

The manager's amendment amends Title VII of H.R. 4437 by including language that I authored that prevents the mandatory construction of day labor facilities by private businesses in order for them to conduct business.

An increasing number of local governmental entities are requiring businesses to undertake new, onerous obligations with regard to day laborers as a condition of getting a use permit necessary to conduct business. Examples include requirements that businesses build structures with toilets and water fountains at or near their private property to house day laborers, while they wait for employment opportunities with contractors or customers of the business. The local ordinances typically require that a business maintain the structures, including providing security and janitorial services.

These obligations are costly and represent an unwarranted interference by governmental entities with the rights of businesses to use and operate their private property. Worse, these local ordinances are unreasonable because they go beyond safety issues. They force businesses to use their property to facilitate employment through the creation of a de facto hiring hall.

These ordinances expose the businesses to potential liability on a number of fronts.

I offered language that amends the existing preemption of the employer sanctions provisions of the INA (8 U.S.C. § 1324a) as they relate to State and local governments.

Enacted in 1986, this section preempts State and local governments from applying the employer sanctions provisions of the INA.

The language of Section 708 included in the manager's amendment adds an additional preemption paragraph that preempts any State or local law that requires a private business to build and maintain what is essentially a hiring hall as the price of doing business in that city.

I understand and empathize with the State and local governments as they grapple with illegal immigration, but immigration is a national problem that must be addressed by Congress.

Piecemeal and patchwork local ordinances only add to the confusion surrounding this issue.

I thank the Chairmen for working with me to resolve this issue.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act.

This bill is fundamentally flawed. By taking an approach that implements only enforcement measures, and does not look comprehensively at the problem, we will only worsen our current situation and do nothing to solve our immigration problems.

I support border enforcement.

In my State of Arizona, we have increased the number of Border Patrol agents by tenfold, quintupled the immigration enforcement budget, and overhauled the arsenal of high-tech equipment along the border.

But we have learned a hard lesson in Arizona: No matter how much we increase our enforcement, still the illegal migrants kept coming, at the same rate or faster than they had come in previous years. In fact, during that period, the probability of catching illegal immigrants along the U.S.-Mexico border actually fell to an all-time low of 5 percent in 2002. The border buildup did not stop the flow; it merely shifted it to more dangerous areas, where apprehensions are more difficult and death more likely.

This bill would continue that failed policy, by seeking only enforcement provisions, without creating a realistic, legal channel for workers to come here and help grow our economy.

The only way to truly solve the problem is to include a legal channel for willing American employers to connect with willing foreign workers where no U.S. citizens are available or willing to fill the job. Otherwise, immigrants will continue to pour over our borders in search of jobs and a better way of life.

At the same time, we must also create a tough but workable way to bring out of the shadows the millions of people who currently live in our country without documentation. We must say to those who break our laws that they will pay a stiff fine and they must go behind everyone else that wants to become a proud citizen of this country. Anything less than this will undermine our national security at a time when Americans are demanding to know who is living within our borders. Some have called the payment of large fines and other penalties ''amnesty.'' But I say that it is this bill's unrealistic, unworkable approach that amounts to amnesty. That's true because under this bill undocumented people living here will remain in the country with nothing happening to them. This bill ignores the problem. I think most members know this. But we are going to continue this charade, continue trying to fool the American people, continue pretending we are doing something to prevent illegal immigration.

Without real, workable provisions, the American people will rightly be even more angry over our duplicitous shell game.

Enhanced enforcement is an integral part of improving our Nation's security. But, enforcement alone without other reforms has not and will not secure the border.

Mr. Chairman, simply stated, we should defeat this bad bill and bring back to the House a real bill, a comprehensive bill that tackles all the pieces of the immigration puzzle.

Mr. BLUMENAUER. Mr. Chairman, the Border Security Act of 2005 will not mend our broken immigration system. This legislation is narrowly focused on interior security and enforcement while it falls far short of providing

the workable solution that we desperately need. With more than 11 million undocumented immigrants living and working in our country, simply increasing the already harsh penalties for immigration violations and placing a larger burden on employers is an inadequate approach to our immigration crisis.

By not containing a guest worker program, this legislation fails to address the presence of the sizable undocumented community in the United States. It's widely recognized that agribusiness, manufacturing, hospitality and restaurant industries depend on millions of undocumented workers. Without a practical approach to this issue, real reform remains out of reach.

American taxpayers have invested billions of dollars to secure our borders and end illegal immigration, yet the number of undocumented immigrants in the U.S. has increased more in the past five years than ever before in our Nation's history.

In order to secure our borders, legalize our workforce, and advance our economy we must develop true comprehensive immigration reform.

Mr. FARR. Mr. Chairman, I rise in opposition to H.R. 4437. It is so egregious I do not even know where to begin.

H.R. 4437 does not address the heart of the immigration problem—what to do with those 11 million undocumented people who already reside in this country. This bill is ready, however, to intimidate and criminalize any immigrant who believes in the American Dream and acts on it. H.R. 4437 contains border and law enforcement provisions that give this bill the facade of substance but in reality, this legislation is hollow. It's like having the framework of an army tank, but no engine. Just as an army tank will not work without an engine, America's immigration problem will remain unresolved without addressing a guestworker program.

This legislation only offers a false promise of protection. Real protection would come from identifying those undocumented aliens already residing in this country. Real protection would come from assimilating and welcoming immigrants into our society, as we have done in the 230 years before today. Real protection would not automatically condemn the bus boy at your local favorite restaurant, your house keeper, or farmworkers who ensure you can eat fresh vegetables year round. Creating an ''us verses them'' attitude will not foster true homeland security.

I urge you to reject H.R. 4437.

Miss McMORRIS. Mr. Chairman, what has made America great have been the opportunities given to everyone in this country. Since our founding, individuals and families have come to America to seek freedom, opportunity and the choice for a better life.

Everywhere I travel throughout Eastern Washington, I hear from people demanding we do a better job of controlling our borders and reducing illegal immigration. This past year, my office helped with nearly 150 immigration cases. It has become increasingly difficult for those who would like to enter our country legally and choose to obey the law to do so. For example, one family went through a 17-year process before they were allowed to come over legally. We must find a way to have responsive and legal immigration for those who desire to come.

In Congress my priorities include growing our economy and keeping our Nation and community safe. In my opinion, this includes a comprehensive immigration policy that addresses the growing problems related to illegal immigration but also ensures that our efforts do not unduly hurt our local and national economy.

The Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 will bolster our border security, increase interior enforcement efforts, crack down on human trafficking, and reestablish respect for current immigration laws.

While this is an important component, any comprehensive immigration bill must take into account our national and regional economy, which must have the workforce to meet the demands in agriculture and other service industries. Agriculture is the number one industry in Washington State, producing thousands of jobs and over $1 billion in revenue for Eastern Washington. Our farmers help supply the country with a safe and stable food supply and they must have enough workers.

The agriculture industry in Washington is currently experiencing overall labor shortages. When I visited Crane and Crane Orchards last month in Brewster, I learned that labor shortages are hurting their business. This year alone, over 80,000 boxes worth of apples were left on the trees because they didn't have enough labor; they needed over 300 pickers. They are experiencing labor shortages despite the fact that they pay between 10 to 12 dollars an hour and provide housing to their workers. They couldn't find workers anywhere.

As Congress proceeds with immigration reform, Eastern Washington's agriculture and service related industries need to address the impact of these policy changes on their workforce. We need to keep our economy and workforce competitive in the 21st century by establishing a legal workforce. A comprehensive immigration bill must take into account potential impacts on our workers, their families and the overall economy.

Immigration is a complex problem, with no easy solution or quick fix. Controlling our borders is an important first step, but we cannot stop there. Immigration reform will not be complete until we can adequately resolve the labor needs of our agriculture community. As we continue to update and improve our immigration laws, it is important that we retain our compassionate and welcoming system that defines who we are as Americans.

Mr. STEARNS. Mr. Chairman, obviously our immigration system is broken. Recent reports have revealed that there are approximately 10–12 million illegal immigrants within the United States. Unless we act quickly, this number is estimated to grow by 400,000 each year.

The problem of illegal immigration has legal, economic and national security ramifications.

As Peggy Noonan recently observed in the Wall Street Journal, ''what does it mean that your first act on entering a country—your first act on that soil—is the breaking of that country's laws? What does it suggest to you when that country does nothing about your lawbreaking because it cannot, or chooses not to? What does that tell you? Will that make you a better future citizen, or worse? More respecting of the rule of law in your new home, or less?''

We are a nation of immigrants, but we are also a nation of laws. The fact of the matter is that illegal immigration violates our laws, and goes against our Nation's dedication to the rule of law. It is wrong, both legally and morally, and must be stopped.

From an economic perspective, illegal immigrants fill jobs that would otherwise be filled by American citizens or legal residents. Public funds are being used to provide social welfare benefits and services to those here illegally at the expense of the American taxpayer. And our border patrols are using precious resources to track down these scofflaws, when they can be focusing instead on preventing terrorists from entering our country.

And in the aftermath of 9/11, we learned that illegal immigration endangers our national security. It is self-evident that we must secure our borders. Even if it were true that terrorists are not necessarily sneaking over the Mexican or Canadian borders, a proposition which I am certainly not prepared to admit, the fact is that the millions of illegal aliens in our country are creating an overwhelming demand for false identity documents and smuggling networks that could also be used to assist those with less than pure motives.

That's why I have cosponsored this legislation. As it stands now, it contains the reforms needed to remedy these problems. And I hope it will include my amendment to close a loophole in existing immigration law to ensure that criminal and security checks are completely finished before offering immigrants any sort of benefits.

I would also caution against including any sort of language in this legislation providing a green-light to legitimizing the millions of illegal ''guest workers'' here already.

Mr. Chairman, it is a shame that those of us who support this legislation have been accused of being anti-immigrant or worse, when nothing can be further from the truth. We all understand why foreigners, the vast majority whom are well-meaning and in search of a better life for themselves and their families, would want to come to America. We are the land of opportunity, but as I said before, we are also a nation of laws. Speaking for myself, I know that over the course of my career in Congress, my staff and I have helped hundreds, perhaps thousands of these aspiring Americans become citizens. I am sure that many of the supporters of this bill have done the same.

If we allow illegal immigration to continue on its present course, not only does it hurt our commitment to the rule of law, our economy, and our national security, but it also hurts these legal immigrants. Why should they obey the law and wait their turn? What do they think when they go through the whole process, but then see our government and our employers look the other way with millions of illegal aliens?

This bill will not only uphold the rule of law, protect American tax dollars and enhance our national security, it will also restore a sense of dignity and pride to those immigrants who come here legally.

I urge my colleagues to support this legislation.

Mr. HASTINGS of Washington. Mr. Chairman, a primary duty of our government is to protect and defend our Nation—and that includes controlling our borders.

This bill aims to strengthen our border control through increased manpower, new technology and smarter law enforcement coordination. These critical components to border control have my full support.

However, by leaving out a reformed guestworker program, this bill is not the comprehensive solution that we need.

If we fail to address why many people from other countries seek to enter our country illegally, we make the job of securing our Nation more difficult.

I cannot fault anyone for wanting to come here to work for a better life for themselves and their families—most of us have family members who came to America for that very reason. That is the American way—and it's a tradition deeply rooted in our Nation's history.

Central Washington is the top producer of labor intensive agriculture products like apples, pears, cherries and grapes and is heavily dependent upon immigrant labor.

To stop illegal immigration and fix our broken immigration system, we must strengthen our borders and create a legal channel for workers to come here and fill jobs that Americans are not.

The existing H2A guestworker program is unworkable—as evidenced by chronic labor shortages in many agricultural areas. There simply is not a ready pool of American workers to fill most of the jobs currently held by immigrant farmworkers.

Without a legal channel for hardworking individuals to fill these jobs, many American industries would be left with no labor force. Our entire economy would feel the punch. The United States would be at serious risk of losing our fresh fruit and vegetable farms to foreign countries. And, the cost of construction and basic services would increase—raising prices for every American.

A functional guestworker program means our government decides who enters our country, where they are, when they must leave, and what rules they must follow. A guestworker program makes certain that the Federal Government is in control of immigration. Providing a legal way for honest, willing workers to fill these jobs reduces the number of people trying to enter our country illegally.

A reformed guestworker program is critical to our Nation's security, to our economy and to preventing illegal immigration. Without a guestworker plan, I must withhold my support for H.R. 4437 and continue working for the comprehensive solution we need.

Mr. ISSA. Mr. Chairman, I rise today in support of the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005. The passage of this legislation is fundamental to the security of our citizens and to reducing the flow of illegal immigrants into the United States.

The number one issue that my constituents contact me about is securing our borders and fighting illegal immigration. This bill does both. Among the bill's provisions are greater cooperation between border sheriffs and Federal law enforcement, increased penalties for human smugglers, elimination of ''catch and release'' policies, and a requirement that employers screen for illegal applicants.

This legislation is the outgrowth of a movement within Congress to address enforcement of our immigration laws prior to looking at any need for temporary worker provisions. I, along with dozens of my colleagues, signed the letter to President George Bush stressing the importance of addressing enforcement first. Today we accomplish that goal.

I want to thank House Judiciary Committee Chairman JIM SENSENBRENNER and House Homeland Security Committee Chairman PETER KING for their hard work in bringing this legislation before the House, but I want to especially thank Chairman SENSENBRENNER for incorporating my bill, the Criminal Alien Accountability Act, into the broader bill. Providing a strong disincentive to criminal aliens and human smugglers is integral to protecting our communities, and by strengthening penalties for these groups, the legislation effects such an end.

We have a great deal of work left to do with regard to strengthening our borders and enforcing our workplace immigration laws, but this legislation is a strong start. I look forward to working with my fellow members of the Judiciary Committee and my constituents as we continue to improve our Nation's immigration enforcement policies.

Mr. CANNON. Mr. Chairman, as we conclude the debate on H.R. 4437, the Border Protection, Antiterrorism and Illegal Immigration Control Act, I wanted to share with my colleagues a thoughtful letter I received outlining Republican philosophy and the need for comprehensive immigration reform.

DECEMBER 16, 2005.

DEAR MEMBER OF CONGRESS: Watching the action in the House of Representatives this week, we feel compelled to write and express our disappointment with the direction of the debate about immigration.

There can be no question: we as a nation need to retake control of our borders and restore the rule of law in our communities. But enforcement alone—without more realistic, more enforceable laws in line with our need for foreign workers to do jobs Americans no longer want to do—will not solve the problem of illegal immigration.

The restrictionist wing of the Republican Party—those who would revoke birthright citizenship for immigrants and build a fence from the Pacific to the Gulf of Mexico—has been getting most of the air time this week. These members have seized on an emotional issue, and party leaders have humored them—at the expense of more reasonable Republicans advocating broader, more realistic reform.

But make no mistake: the reform-minded wing of the party is alive and well—and standing ready for the next phase of the battle, in the Senate and beyond.

Who makes up the reform wing? There are political operatives like Ken Mehlman concerned about how immigration plays with Latino voters. There are business-friendly Republicans at the Wall Street Journal, the Cato Institute and elsewhere who know that immigration is good for the economy: not just good for individual employers—in agriculture, food-processing, hospitality, health care, construction and other sectors—who depend on these workers to keep their businesses open and growing, but also for native-born workers employed by these companies and others that trade with them.

There are security-minded Republicans like Homeland Security Secretary Michael Chertoff and his predecessor Tom Ridge who know that creating a system for immigrant laborers to enter the country legally is the best way to free up border agents whose real job is protecting us from terrorists. And then there are Republicans like Ronald Reagan and now George W. Bush who understand in a more general way that immigrants are good for the country: that they bring entrepreneurial energy and family values and fresh patriotism—and that, as Reagan emphasized, the nation must remain a beacon to the world.

None of these Republicans think enforcement or legality are unimportant. But they are convinced that the best way to restore the rule of law is to start with more honest, more enforceable immigration quotas—a temporary worker program more in line with the reality of our labor needs—and then make those realistic limits stick with all the means at our disposal. This is the approach that the Senate will almost certainly pursue when it turns to immigration in January or February, and it is the approach the President hopes to sign into law, perhaps as soon as next spring.

House Republican leaders face a difficult challenge—precisely because of the way the issue divides us from one other. But we remain convinced that reason—and the party's traditional values—will prevail in the end. Instead of trying punitively to enforce unrealistic law, the majority of the GOP will eventually come together around an immigration policy worthy of the label Republican—one that encourages the American Dream and rewards work, even as it restores the rule of law and enhances national security.

Mr. STARK. Mr. Chairman, I rise in strong opposition to the Border Protection, Antiterrorism, and Illegal Immigration Control Act because border security without immigration reform is no more effective than an umbrella in a hurricane.

Our immigration system is flooded with undocumented workers because there is a fundamental mismatch between the number of non-citizen workers needed in our economy and the number of visas available. In 2004, only 359 people were admitted in the category of ''unskilled shortage workers,'' and yet thousands of illegal immigrants can find enough work to warrant the dangerous border crossing. The solution is obvious: bring legal immigration in line with the supply of jobs not taken by U.S. citizens and there would be little incentive to break the law.

There is bipartisan legislation—which I have co-sponsored—to do just that, and even though everyone from the ACLU to the Chamber of Commerce agrees that it is the best solution, it won't get a vote today because the Republican Party wants some red meat to throw to the xenophobic fringe. So they will tell you that they're fixing the system and protecting America by turning millions of workers into criminals and telling the Border Patrol that there's no difference between a student who drops a class in violation of his student visa and a known terrorist. They're both ''aggravated felons'' according to this bill. The Department of Homeland Security has no control over the border, and this bill suggests that expanding the mission will somehow solve the problem.

It also contradicts American values and numerous international treaties by:

Allowing immigration officials, without judicial review, to return asylum applicants on the next plane home if they find their story to be unconvincing;

Requiring low-level immigration officials to expel, without a hearing, anyone found within 100 miles of the border believed to be a recently arrived undocumented immigrant; and

Permitting indefinite detention of non-citizens who have not even been convicted of a crime, including those who have fled persecution or who cannot be deported because they would be tortured if returned.

Saying that this policy will stop illegal immigration or meet our employment needs or fix the immigration bureaucracy is patently ridiculous. This is a political game that I refuse to play. I vote ''no''.

Mr. LANGEVIN. Mr. Chairman, today I rise in strong opposition to H.R. 4437, the Border Security, Antiterrorism, and Illegal Immigration Control Act. This bill is not about border security or terrorism prevention, as the name implies. H.R. 4437 is a one-sided, mean-spirited approach that will not solve our nation's immigration problems. The Republicans are so fearful of real reform that they did not even allow a vote on the President's own guestworker program or a bipartisan comprehensive border security and immigration plan, such as the Kolbe-Gutierrez bill. Instead, we are stuck voting on a bill that is opposed by almost every reasonable business, labor, civil liberties, and religious advocacy group in the country, and which has no chance of passage in the Senate.

For our own security, it is of vital importance to know who is entering our country and who is here. Our current border policy of ''catch and release'' is not working. We need real security, but we also need to address the eight to fourteen million undocumented immigrants currently in our country.

I am disappointed that this bill veers away from the bipartisan approach that we took in the Homeland Security Committee. While our bill was not perfect, Chairman KING and Ranking Member THOMPSON were able to draft a proposal the entire Committee could support. During markup, I was pleased the Committee accepted my amendment to require radiation portal monitors to be installed at ports of entry within one year. This is an example of a common-sense measure that protects all Americans from the risk of terrorists smuggling nuclear weapons across our border. While this provision is included in H.R. 4437, the bill before us today also includes several egregious provisions that do very little to keep us safe from terrorists.

Should this bill become law, millions of undocumented immigrants, including young children, already in our country will automatically become felons, subject to imprisonment. Aside from the cost of tracking down these newly charged felons, who will be entitled to a government funded public defender, and jailing them, we must also consider the economic and social costs to our country.

Many undocumented immigrants play an important role in certain industries that depend on temporary or seasonal work. Their vital role in the economy explains why this bill is opposed by every major business group. For this reason, Democrats and the President support a temporary guestworker proposal, but this bill contains no such acknowledgement of our country's economic needs.

Instead, under H.R. 4437, these immigrants would never be eligible for any guestworker program like the one requested by the President. People who have been living, working, paying taxes, and raising families in our country for 20 years, will now be pushed into a new underclass. Many of these families have children who are U.S. Citizens. Not only will this bill tear families apart, but by defining illegal immigrants as felons, this legislation could also create a backlash against anyone who appears to be of foreign origin, most of whom are here legally.

In addition, the bill criminalizes assistance to undocumented immigrants, even if provided by church or non-profit volunteers. Now, if a person shows up at a church's doorstep hungry, the church will provide that person something to eat. However, under the terms of this bill, if that person happens to be an undocumented immigrant, the person who provided the food will be subject to up to 5 years in prison, and the church would have its property seized and sold to the highest bidder. These kinds of punitive responses do not represent the values of the American people.

We need comprehensive immigration reform in the mold of H.R. 2330, the Secure America and Orderly Immigration Act, which I am proud to support. This bill would secure our borders, require immigration status verification by employers, and create a path to citizenship for currently undocumented workers, while not penalizing those who are patiently waiting for legal entry to our country. This type of reform addresses the fact that it is unrealistic to track down and deport every undocumented immigrant, but it others from entering our country illegally in the future. Unfortunately, the House leadership did not permit so much as a vote on this measure, as they knew it would likely pass, and their conservative base would be upset by real reform.

This bill before us today is a farce. The leaders of the House know that this bill will never see the light of day in the Senate. They have given us an unrealistic proposal to gain favor with their most vocal supporters. Their bill is so outlandish that it is opposed by nearly every advocacy group in the country: from the AFL-CIO to the U.S. Chamber of Commerce, and ACLU to Americans for Tax Reform. I cannot think of another measure where these groups were united. I urge my colleagues to join me in opposing H.R. 4437 and instead support comprehensive immigration reform.

Mr. ISTOOK. Mr. Chairman, although I cannot be present for the final vote, I support and have co-sponsored H.R. 4437, to improve America's border security dramatically.

I am absent so that I can be at my daughter's wedding. It was scheduled long ago, when nobody expected that the House would be in session at this time.

As the grandson of immigrants, I have a deep and personal appreciation for the desire and courage it takes to leave your home in search of a new and better life. My father's parents were born in Hungary and they came to America legally through Ellis Island. I welcome and embrace those who come here and who do so legally.

But entering our country illegally is different—very different. It is difficult to obey the laws of this country when your very first act is to break them. Illegal immigration is an affront to those who wait patiently for the chance to come here legally. Illegal immigration drains the resources of our schools and of our social support network. It encourages disrespect for the laws which are necessary for a good and orderly society.

This bill represents the first serious effort in decades to address this immense problem which has constantly worsened due to a lack of resources, a lack of resolve and a lack of enforcement of our laws. When our borders are not secure against illegal immigration, it means they also are not secure against drug-smuggling or against terrorists. This bill adopts a unified approach to border security that protects us against all those threats. It also deters illegal entry by helping us to detect the millions who are already here wrongfully. It enlists employers in the common-sense effort to deny work to Illegals, thus motivating them to return to their own country.

Everyone sympathizes with those who lack opportunity in their home country and who hope to find it here. But the long-term solution is not to have the whole world arrive at our doorstep. If other nations would adopt America's principles—including free-enterprise, constitutionally-protected freedoms, and government by the people—they could create prosperity in their own lands. Those countries need hard-working citizens who will change their societies, and we should help them with policies that encourage reforms in their countries. Meantime, the American people expect and deserve that we will protect our Nation by passing this bill.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIRK) having assumed the chair, Mr. CULBERSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4437) to amend the Immigration and Nationality Act to strengthen enforcement of the immigration laws, to enhance border security, and for other purposes, pursuant to House Resolution 621, he reported the bill, as amended pursuant to House Resolution 610, back to the House with further sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. REYES

Mr. REYES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. REYES. Yes, I am, Mr. Speaker, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Reyes moves to recommit the bill, H.R. 4437, to the Committee on Homeland Security with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Border Security and Terrorism Prevention Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—SECURING UNITED STATES BORDERS

Sec. 101. Achieving operational control on the border.
Sec. 102. National strategy for border security.
Sec. 103. Implementation of cross-border security agreements.
Sec. 104. Biometric data enhancements.
Sec. 105. One face at the border initiative.
Sec. 106. Secure communication.
Sec. 107. Border patrol agents.
Sec. 108. Coast Guard enforcement personnel.
Sec. 109. Immigration enforcement agents.
Sec. 110. Port of entry inspection personnel.
Sec. 111. Canine detection teams.
Sec. 112. Secure border initiative financial accountability.
Sec. 113. Border patrol training capacity review.
Sec. 114. Airspace security mission impact review.
Sec. 115. Repair of private infrastructure on border.
Sec. 116. Border Patrol unit for Virgin Islands.
Sec. 117. Report on progress in tracking travel of Central American gangs along international border.
Sec. 118. Collection of data.
Sec. 119. Deployment of radiation detection portal equipment at United States ports of entry.
Sec. 120. Sense of Congress regarding the Secure Border Initiative.
Sec. 121. Report regarding enforcement of current employment verification laws.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

Sec. 201. Joint strategic plan for United States border surveillance and support.
Sec. 202. Border security on protected land.
Sec. 203. Border security threat assessment and information sharing test and evaluation exercise.
Sec. 204. Border Security Advisory Committee.
Sec. 205. Center of excellence for border security.
Sec. 206. Sense of Congress regarding cooperation with Indian Nations.

TITLE III—DETENTION AND REMOVAL

Sec. 301. Enhanced detention capacity.
Sec. 302. Increase in detention and removal officers.
Sec. 303. Expansion and effective management of detention facilities.
Sec. 304. Enhancing transportation capacity for unlawful aliens.
Sec. 305. Report on financial burden of repatriation.
Sec. 306. Training program.
Sec. 307. GAO study on deaths in custody.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

Sec. 401. Enhanced border security coordination and management.
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Sec. 702. Reestablishment of the United States Border Patrol anti-smuggling unit.
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Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

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Sec. 712. Northern Border Prosecution Initiative.
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Sec. 723. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
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Sec. 725. Congressional mandate regarding processing of criminal aliens while incarcerated.
Sec. 726. Increase in prosecutors and immigration judges and United States Marshals.

Subtitle D—Operation Predator

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Sec. 821. Establishment of Commission.
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Sec. 901. Short title.
Sec. 902. Naturalization through combat zone service in Armed Forces.
Sec. 903. Immigration benefits for survivors of persons granted posthumous citizenship through death while on active-duty service.
Sec. 904. Effective date.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

Sec. 1001. Short title and purpose.
Sec. 1002. Immigration reform for the Commonwealth of the Northern Mariana Islands.

TITLE XI—MISCELLANEOUS PROVISIONS

Sec. 1101. Location and deportation of criminal aliens.
Sec. 1102. Agreements with State and local law enforcement agencies to identify and transfer to Federal custody deportable aliens.
Sec. 1103. Denying admission to foreign government officials of countries denying alien return.
Sec. 1104. Border patrol training facility.

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEE.—The term ''appropriate congressional committee'' has the meaning given it in section 2(2) of the Homeland Security Act of 2002 (6 U.S.C. 101(2)).

(2) STATE.—The term ''State'' has the meaning given it in section 2(14) of the Homeland Security Act of 2002 (6 U.S.C. 101(14)).

TITLE I—SECURING UNITED STATES BORDERS

SEC. 101. ACHIEVING OPERATIONAL CONTROL ON THE BORDER.

(a) IN GENERAL.—The Secretary of Homeland Security shall take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States, to include the following—

(1) systematic surveillance of the international land and maritime borders of the United States through more effective use of personnel and technology, such as unmanned aerial vehicles, ground-based sensors, satellites, radar coverage, and cameras;

(2) physical infrastructure enhancements to prevent unlawful entry by aliens into the United States and facilitate access to the international land and maritime borders by United States Customs and Border Protection, such as additional checkpoints, all weather access roads, and vehicle barriers; and

(3) increasing deployment of United States Customs and Border Protection personnel to areas along the international land and maritime borders of the United States where there are high levels of unlawful entry by aliens and other areas likely to be impacted by such increased deployment.

(b) OPERATIONAL CONTROL DEFINED.—In this section, the term ''operational control'' means the prevention of the entry into the United States of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SEC. 102. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) SURVEILLANCE PLAN.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a comprehensive plan for the systematic surveillance of the international land and maritime borders of the United States. The plan shall include the following:

(1) An assessment of existing technologies employed on such borders.

(2) A description of whether and how new surveillance technologies will be compatible with existing surveillance technologies.

(3) A description of how the United States Customs and Border Protection is working, or is expected to work, with the Directorate of Science and Technology of the Department of Homeland Security to identify and test surveillance technology.

(4) A description of the specific surveillance technology to be deployed.

(5) The identification of any obstacles that may impede full implementation of such deployment.

(6) A detailed estimate of all costs associated with the implementation of such deployment and continued maintenance of such technologies.

(7) A description of how the Department of Homeland Security is working with the Federal Aviation Administration on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(b) NATIONAL STRATEGY FOR BORDER SECURITY.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies, shall submit to the appropriate congressional committees a National Strategy for Border Security to achieve operational control over all ports of entry into the United States and the international land and maritime borders of the United States. The Secretary shall update the Strategy as needed and shall submit to the Committee, not later than 30 days after each such update, the updated Strategy. The National Strategy for Border Security shall include the following:

(1) The implementation timeline for the surveillance plan described in subsection (a).

(2) An assessment of the threat posed by terrorists and terrorist groups that may try to infiltrate the United States at points along the international land and maritime borders of the United States.

(3) A risk assessment of all ports of entry to the United States and all portions of the international land and maritime borders of the United States with respect to—

(A) preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) protecting critical infrastructure at or near such ports of entry or borders.

(4) An assessment of the most appropriate, practical, and cost-effective means of defending the international land and maritime borders of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities.

(5) An assessment of staffing needs for all border security functions, taking into account threat and vulnerability information pertaining to the borders and the impact of new security programs, policies, and technologies.

(6) A description of the border security roles and missions of Federal, State, regional, local, and tribal authorities, and recommendations with respect to how the Department of Homeland Security can improve coordination with such authorities, to enable border security enforcement to be carried out in an efficient and effective manner.

(7) A prioritization of research and development objectives to enhance the security of the international land and maritime borders of the United States.

(8) A description of ways to ensure that the free flow of legitimate travel and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the international land and maritime borders of the United States.

(9) An assessment of additional detention facilities and bed space needed to detain unlawful aliens apprehended at United States ports of entry or along the international land borders of the United States in accordance with the National Strategy for Border Security required under this subsection .

(10) A description of how the Secretary shall ensure accountability and performance metrics within the appropriate agencies of the Department of Homeland Security responsible for implementing the border security measures determined necessary upon completion of the National Strategy for Border Security.

(11) A timeline for the implementation of the additional security measures determined necessary as part of the National Strategy for Border Security, including a prioritization of security measures, realistic deadlines for addressing the security and enforcement needs, and resource estimates and allocations.

(c) CONSULTATION.—In creating the National Strategy for Border Security described in subsection (b), the Secretary shall consult with—

(1) State, local, and tribal authorities along the international land and maritime borders of the United States; and

(2) an appropriate cross-section of private sector and nongovernmental organizations with relevant expertise.

(d) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security described in subsection (b) shall be the controlling document for security and enforcement efforts related to securing the international land and maritime borders of the United States.

(e) IMMEDIATE ACTION.—Nothing in this section shall be construed to relieve the Secretary of the responsibility to take all actions necessary and appropriate to achieve and maintain operational control over the entire international land and maritime borders of the United States pursuant to section 101 of this Act or any other provision of law.

(f) REPORTING OF IMPLEMENTING LEGISLATION.—After submittal of the National Strategy for Border Security described in subsection (b) to the Committee on Homeland Security of the House of Representatives, such Committee shall promptly report to the House legislation authorizing necessary security measures based on its evaluation of the National Strategy for Border Security.

SEC. 103. IMPLEMENTATION OF CROSS-BORDER SECURITY AGREEMENTS.

(a) IN GENERAL.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the implementation of the cross-border security agreements signed by the United States with Mexico and Canada, including recommendations on improving cooperation with such countries to enhance border security.

(b) UPDATES.—The Secretary shall regularly update the Committee concerning such implementation.

SEC. 104. BIOMETRIC DATA ENHANCEMENTS.

Not later than October 1, 2006, the Secretary of Homeland Security shall—

(1) in consultation with the Attorney General, enhance connectivity between the IDENT and IAFIS fingerprint databases to ensure more expeditious data searches; and

(2) in consultation with the Secretary of State, collect ten fingerprints from each alien required to provide fingerprints during the alien's initial enrollment in the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

SEC. 105. ONE FACE AT THE BORDER INITIATIVE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report—

(1) describing the tangible and quantifiable benefits of the One Face at the Border Initiative established by the Department of Homeland Security;

(2) identifying goals for and challenges to increased effectiveness of the One Face at the Border Initiative;

(3) providing a breakdown of the number of inspectors who were—

(A) personnel of the United States Customs Service before the date of the establishment of the Department of Homeland Security;

(B) personnel of the Immigration and Naturalization Service before the date of the establishment of the Department;

(C) personnel of the Department of Agriculture before the date of the establishment of the Department; or

(D) hired after the date of the establishment of the Department;

(4) describing the training time provided to each employee on an annual basis for the various training components of the One Face at the Border Initiative; and

(5) outlining the steps taken by the Department to ensure that expertise is retained with respect to customs, immigration, and agriculture inspection functions under the One Face at the Border Initiative.

SEC. 106. SECURE COMMUNICATION.

The Secretary of Homeland Security shall, as expeditiously as practicable, develop and implement a plan to ensure clear and secure two-way communication capabilities—

(1) among all Border Patrol agents conducting operations between ports of entry;

(2) between Border Patrol agents and their respective Border Patrol stations;

(3) between Border Patrol agents and residents in remote areas along the international land border who do not have mobile communications, as the Secretary determines necessary; and

(4) between all appropriate Department of Homeland Security border security agencies and State, local, and tribal law enforcement agencies.

SEC. 107. BORDER PATROL AGENTS.

(a) INCREASE IN BORDER PATROL AGENTS.—To provide the Department of Homeland Security with the resources it needs to carry out its mission and responsibility to secure United States ports of entry and the international land and maritime borders of the United States and the Secretary of Homeland Security shall increase by not less than 3,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty border patrol agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

(b) ASSOCIATED COSTS.—There are authorized to be appropriated to the Secretary of Homeland Security such funds for fiscal years 2007 through 2010 as may be necessary to pay the costs associated with—

(1) the number of mission or operational support staff needed;

(2) associated relocation costs;

(3) required information technology enhancements; and

(4) costs to train such new hires.

SEC. 108. COAST GUARD ENFORCEMENT PERSONNEL.

The Secretary of Homeland Security shall increase by not less than 2,500 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty Coast Guard personnel, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 109. IMMIGRATION ENFORCEMENT AGENTS.

The Secretary of Homeland Security shall increase by not less than 2,000 in each of the fiscal years 2007 through 2010 the number of positions for full-time active-duty immigration enforcement agents, subject to the availability of appropriations for such purpose. There are authorized to be appropriated to the Secretary of Homeland Security such funds as may be necessary through fiscal year 2010.

SEC. 110. PORT OF ENTRY INSPECTION PERSONNEL.

There are authorized to be appropriated to the Secretary of Homeland Security—

(1) $107,000,000 for fiscal year 2007 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2006;

(2) $154,000,000 for fiscal year 2008 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2007;

(3) $198,000,000 for fiscal year 2009 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2008; and

(4) $242,000,000 for fiscal year 2010 to hire 400 Customs and Border Protection Officers above the number of such positions for which funds were allotted for fiscal year 2009.

SEC. 111. CANINE DETECTION TEAMS.

In each of fiscal years 2007 through 2011, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 25 percent above the number of such positions for which funds were allotted for the preceding fiscal year the number of trained detection canines for use at United States ports of entry and along the international land and maritime borders of the United States.

SEC. 112. SECURE BORDER INITIATIVE FINANCIAL ACCOUNTABILITY.

(a) IN GENERAL.—The Inspector General of the Department of Homeland Security shall review each contract action related to the Department's Secure Border Initiative having a value greater than $20,000,000, to determine whether each such action fully complies with applicable cost requirements, performance objectives, program milestones, inclusion of small, minority, and women-owned business, and timelines. The Inspector General shall complete a review under this subsection with respect to a contract action—

(1) not later than 60 days after the date of the initiation of the action; and

(2) upon the conclusion of the performance of the contract.

(b) REPORT BY INSPECTOR GENERAL.—Upon completion of each review described in subsection (a), the Inspector General shall submit to the Secretary of Homeland Security a report containing the findings of the review, including findings regarding any cost overruns, significant delays in contract execution, lack of rigorous departmental contract management, insufficient departmental financial oversight, bundling that limits the ability of small business to compete, or other high risk business practices.

(c) REPORT BY SECRETARY.—Not later than 30 days after the receipt of each report required under subsection (b), the Secretary of Homeland Security shall submit to the appropriate congressional committees a report on the findings of the report by the Inspector General and the steps the Secretary has taken, or plans to take, to address the problems identified in such report.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts that are otherwise authorized to be appropriated to the Office of the Inspector General, an additional amount equal to at least five percent for fiscal year 2007, at least six percent for fiscal year 2008, and at least seven percent for fiscal year 2009 of the overall budget of the Office for each such fiscal year is authorized to be appropriated to the Office to enable the Office to carry out this section.

SEC. 113. BORDER PATROL TRAINING CAPACITY REVIEW.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the basic training provided to Border Patrol agents by the Department of Homeland Security to ensure that such training is provided as efficiently and cost-effectively as possible.

(b) COMPONENTS OF REVIEW.—The review under subsection (a) shall include the following components:

(1) An evaluation of the length and content of the basic training curriculum provided to new Border Patrol agents by the Federal Law Enforcement Training Center, including a description of how the curriculum has changed since September 11, 2001.

(2) A review and a detailed breakdown of the costs incurred by United States Customs and Border Protection and the Federal Law Enforcement Training Center to train one new Border Patrol agent.

(3) A comparison, based on the review and breakdown under paragraph (2) of the costs, effectiveness, scope, and quality, including geographic characteristics, with other similar law enforcement training programs provided by State and local agencies, non-profit organizations, universities, and the private sector.

(4) An evaluation of whether and how utilizing comparable non-Federal training programs, proficiency testing to streamline training, and long-distance learning programs may affect—

(A) the cost-effectiveness of increasing the number of Border Patrol agents trained per year and reducing the per agent costs of basic training; and

(B) the scope and quality of basic training needed to fulfill the mission and duties of a Border Patrol agent.

SEC. 114. AIRSPACE SECURITY MISSION IMPACT REVIEW.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report detailing the impact the airspace security mission in the National Capital Region (in this section referred to as the ''NCR'') will have on the ability of the Department of Homeland Security to protect the international land and maritime borders of the United States. Specifically, the report shall address:

(1) The specific resources, including personnel, assets, and facilities, devoted or planned to be devoted to the NCR airspace security mission, and from where those resources were obtained or are planned to be obtained.

(2) An assessment of the impact that diverting resources to support the NCR mission has or is expected to have on the traditional missions in and around the international land and maritime borders of the United States.

SEC. 115. REPAIR OF PRIVATE INFRASTRUCTURE ON BORDER.

(a) IN GENERAL.—Subject to the amount appropriated in subsection (d) of this section, the Secretary of Homeland Security shall reimburse property owners for costs associated with repairing damages to the property owners' private infrastructure constructed on a United States Government right-of-way delineating the international land border when such damages are—

(1) the result of unlawful entry of aliens; and

(2) confirmed by the appropriate personnel of the Department of Homeland Security and submitted to the Secretary for reimbursement.

(b) VALUE OF REIMBURSEMENTS.—Reimbursements for submitted damages as outlined in subsection (a) shall not exceed the value of the private infrastructure prior to damage.

(c) REPORTS.—Not later than six months after the date of the enactment of this Act and every subsequent six months until the amount appropriated for this section is expended in its entirety, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives a report that details the expenditures and circumstances in which those expenditures were made pursuant to this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There shall be authorized to be appropriated an initial $50,000 for each fiscal year to carry out this section.

SEC. 116. BORDER PATROL UNIT FOR VIRGIN ISLANDS.

Not later than September 30, 2006, the Secretary of Homeland Security shall establish at least one Border Patrol unit for the Virgin Islands of the United States.

SEC. 117. REPORT ON PROGRESS IN TRACKING TRAVEL OF CENTRAL AMERICAN GANGS ALONG INTERNATIONAL BORDER.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall report to the Committee on Homeland Security of the House of Representatives on the progress of the Department of Homeland Security in tracking the travel of Central American gangs across the international land border of the United States and Mexico.

SEC. 118. COLLECTION OF DATA.

Beginning on October 1, 2006, the Secretary of Homeland Security shall annually compile data on the following categories of information:

(1) The number of unauthorized aliens who require medical care taken into custody by Border Patrol officials.

(2) The number of unauthorized aliens with serious injuries or medical conditions Border Patrol officials encounter, and refer to local hospitals or other health facilities.

(3) The number of unauthorized aliens with serious injuries or medical conditions who arrive at United States ports of entry and subsequently are admitted into the United States for emergency medical care, as reported by United States Customs and Border Protection.

(4) The number of unauthorized aliens described in paragraphs (2) and (3) who subsequently are taken into custody by the Department of Homeland Security after receiving medical treatment.

SEC. 119. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT AT UNITED STATES PORTS OF ENTRY.

(a) DEPLOYMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall deploy radiation portal monitors at all United States ports of entry and facilities as determined by the Secretary to facilitate the screening of all inbound cargo for nuclear and radiological material.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the Department's progress toward carrying out the deployment described in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary for each of fiscal years 2006 and 2007.

SEC. 120. SENSE OF CONGRESS REGARDING THE SECURE BORDER INITIATIVE.

It is the sense of Congress that—

(1) as the Secretary of Homeland Security develops and implements the Secure Border Initiative and other initiatives to strengthen security along the Nation's borders, the Secretary shall conduct extensive outreach to the private sector, including small, minority-owned, women-owned, and disadvantaged businesses; and

(2) the Secretary also shall consult with firms that are practitioners of mission effectiveness at the Department of Homeland Security, homeland security business councils, and associations to identify existing and emerging technologies and best practices and business processes, to maximize economies of scale, cost-effectiveness, systems integration, and resource allocation, and to identify the most appropriate contract mechanisms to enhance financial accountability and mission effectiveness of border security programs.

SEC. 121. REPORT REGARDING ENFORCEMENT OF CURRENT EMPLOYMENT VERIFICATION LAWS.

The Secretary of Homeland Security shall issue a biannual report regarding the Federal employment verification laws that were enacted in 1986, as amended, the efforts of the Department of Homeland Security to sanction employers for knowingly hiring unauthorized workers, and an assessment of the impact of enhanced removal authorities sought by the Department.

TITLE II—BORDER SECURITY COOPERATION AND ENFORCEMENT

SEC. 201. JOINT STRATEGIC PLAN FOR UNITED STATES BORDER SURVEILLANCE AND SUPPORT.

(a) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Defense shall develop a joint strategic plan to use the authorities provided to the Secretary of Defense under chapter 18 of title 10, United States Code, to increase the availability and use of Department of Defense equipment, including unmanned aerial vehicles, tethered aerostat radars, and other surveillance equipment, to assist with the surveillance activities of the Department of Homeland Security conducted at or near the international land and maritime borders of the United States.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Defense shall submit to Congress a report containing—

(1) a description of the use of Department of Defense equipment to assist with the surveillance by the Department of Homeland Security of the international land and maritime borders of the United States;

(2) the joint strategic plan developed pursuant to subsection (a);

(3) a description of the types of equipment and other support to be provided by the Department of Defense under the joint strategic plan during the one-year period beginning after submission of the report under this subsection; and

(4) a description of how the Department of Homeland Security and the Department of Defense are working with the Department of Transportation on safety and airspace control issues associated with the use of unmanned aerial vehicles in the National Airspace System.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering or amending the prohibition on the use of any part of the Army or the Air Force as a posse comitatus under section 1385 of title 18, United States Code.

SEC. 202. BORDER SECURITY ON PROTECTED LAND.

(a) IN GENERAL.—The Secretary of Homeland Security, in consultation with the Secretary of the Interior, shall evaluate border security vulnerabilities on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior related to the prevention of the entry of terrorists, other unlawful aliens, narcotics, and other contraband into the United States.

(b) SUPPORT FOR BORDER SECURITY NEEDS.—Based on the evaluation conducted pursuant to subsection (a), the Secretary of Homeland Security shall provide appropriate border security assistance on land directly adjacent to the international land border of the United States under the jurisdiction of the Department of the Interior, its bureaus, and tribal entities.

SEC. 203. BORDER SECURITY THREAT ASSESSMENT AND INFORMATION SHARING TEST AND EVALUATION EXERCISE.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall design and carry out a national border security exercise for the purposes of—

(1) involving officials from Federal, State, territorial, local, tribal, and international governments and representatives from the private sector;

(2) testing and evaluating the capacity of the United States to anticipate, detect, and disrupt threats to the integrity of United States borders; and

(3) testing and evaluating the information sharing capability among Federal, State, territorial, local, tribal, and international governments.

SEC. 204. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT OF COMMITTEE.—Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall establish an advisory committee to be known as the Border Security Advisory Committee (in this section referred to as the ''Committee'').

(b) DUTIES.—The Committee shall advise the Secretary on issues relating to border security and enforcement along the international land and maritime border of the United States.

(c) MEMBERSHIP.—The Secretary shall appoint members to the Committee from the following:

(1) State and local government representatives from States located along the international land and maritime borders of the United States.

(2) Community representatives from such States.

(3) Tribal authorities in such States.

SEC. 205. CENTER OF EXCELLENCE FOR BORDER SECURITY.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a university-based Center of Excellence for Border Security following the merit-review processes and procedures and other limitations that have been established for selecting and supporting University Programs Centers of Excellence.

(b) ACTIVITIES OF THE CENTER.—The Center shall prioritize its activities on the basis of risk to address the most significant threats, vulnerabilities, and consequences posed by United States borders and border control systems. The activities shall include the conduct of research, the examination of existing and emerging border security technology and systems, and the provision of education, technical, and analytical assistance for the Department of Homeland Security to effectively secure the borders.

SEC. 206. SENSE OF CONGRESS REGARDING COOPERATION WITH INDIAN NATIONS.

It is the sense of Congress that—

(1) the Department of Homeland Security should strive to include as part of a National Strategy for Border Security recommendations on how to enhance Department cooperation with sovereign Indian Nations on securing our borders and preventing terrorist entry, including, specifically, the Department should consider whether a Tribal Smart Border working group is necessary and whether further expansion of cultural sensitivity training, as exists in Arizona with the Tohono O'odham Nation, should be expanded elsewhere; and

(2) as the Department of Homeland Security develops a National Strategy for Border Security, it should take into account the needs and missions of each agency that has a stake in border security and strive to ensure that these agencies work together cooperatively on issues involving Tribal lands.

TITLE III—DETENTION AND REMOVAL

SEC. 301. ENHANCED DETENTION CAPACITY.

To avoid a return to the ''catch and release'' policy and to address long-standing

shortages of available detention beds, and to further authorize the provisions of section 5204 of the Intelligence Reform and Terrorist Prevention Act of 2004 (Public Law 108–458), there are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary for each of fiscal years 2007 through 2010 to increase by 25,000 for each fiscal year the number of funded detention bed spaces.

SEC. 302. INCREASE IN DETENTION AND REMOVAL OFFICERS.

There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to add 250 detention and removal officers for each of fiscal years 2007 through 2010.

SEC. 303. EXPANSION AND EFFECTIVE MANAGEMENT OF DETENTION FACILITIES.

Subject to the availability of appropriations, the Secretary of Homeland Security shall fully utilize—

(1) all available detention facilities operated or contracted by the Department of Homeland Security; and

(2) all possible options to cost effectively increase available detention capacities, including the use of temporary detention facilities, the use of State and local correctional facilities, private space, and secure alternatives to detention.

SEC. 304. ENHANCING TRANSPORTATION CAPACITY FOR UNLAWFUL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security is authorized to enter into contracts with private entities for the purpose of providing secure domestic transport of aliens who are apprehended at or along the international land or maritime borders from the custody of United States Customs and Border Protection to detention facilities and other locations as necessary.

(b) CRITERIA FOR SELECTION.—Notwithstanding any other provision of law, to enter into a contract under paragraph (1), a private entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The Secretary shall select from such applications those entities which offer, in the determination of the Secretary, the best combination of service, cost, and security.

SEC. 305. REPORT ON FINANCIAL BURDEN OF REPATRIATION.

Not later than October 31 of each year, the Secretary of Homeland Security shall submit to the Secretary of State and Congress a report that details the cost to the Department of Homeland Security of repatriation of unlawful aliens to their countries of nationality or last habitual residence, including details relating to cost per country. The Secretary shall include in each such report the recommendations of the Secretary to more cost effectively repatriate such aliens.

SEC. 306. TRAINING PROGRAM.

Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security—

(1) review and evaluate the training provided to Border Patrol agents and port of entry inspectors regarding the inspection of aliens to determine whether an alien is referred for an interview by an asylum officer for a determination of credible fear;

(2) based on the review and evaluation described in paragraph (1), take necessary and appropriate measures to ensure consistency in referrals by Border Patrol agents and port of entry inspectors to asylum officers for determinations of credible fear.

SEC. 307. GAO STUDY ON DEATHS IN CUSTODY.

The Comptroller General of the United States, within 6 months after the date of the enactment of this Act, shall submit to Congress a report on the deaths in custody of detainees held on immigration violations by the Secretary of Homeland Security. The report shall include the following information with respect to any such deaths and in connection therewith:

(1) Whether any crimes were committed by personnel of the Department of Homeland Security.

(2) Whether any such deaths were caused by negligence or deliberate indifference by such personnel.

(3) Whether Department practice and procedures were properly followed and obeyed.

(4) Whether such practice and procedures are sufficient to protect the health and safety of such detainees.

(5) Whether reports of such deaths were made under the Deaths in Custody Act.

TITLE IV—EFFECTIVE ORGANIZATION OF BORDER SECURITY AGENCIES

SEC. 401. ENHANCED BORDER SECURITY COORDINATION AND MANAGEMENT.

The Secretary of Homeland Security shall ensure full coordination of border security efforts among agencies within the Department of Homeland Security, including United States Immigration and Customs Enforcement, United States Customs and Border Protection, and United States Citizenship and Immigration Services, and shall identify and remedy any failure of coordination or integration in a prompt and efficient manner. In particular, the Secretary of Homeland Security shall—

(1) oversee and ensure the coordinated execution of border security operations and policy;

(2) establish a mechanism for sharing and coordinating intelligence information and analysis at the headquarters and field office levels pertaining to counter-terrorism, border enforcement, customs and trade, immigration, human smuggling, human trafficking, and other issues of concern to both United States Immigration and Customs Enforcement and United States Customs and Border Protection;

(3) establish Department of Homeland Security task forces (to include other Federal, State, Tribal and local law enforcement agencies as appropriate) as necessary to better coordinate border enforcement and the disruption and dismantling of criminal organizations engaged in cross-border smuggling, money laundering, and immigration violations;

(4) enhance coordination between the border security and investigations missions within the Department by requiring that, with respect to cases involving violations of the customs and immigration laws of the United States, United States Customs and Border Protection coordinate with and refer all such cases to United States Immigration and Customs Enforcement;

(5) examine comprehensively the proper allocation of the Department's border security related resources, and analyze budget issues on the basis of Department-wide border enforcement goals, plans, and processes;

(6) establish measures and metrics for determining the effectiveness of coordinated border enforcement efforts; and

(7) develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

(A) coordinating all Federal border security activities;

(B) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

(C) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

SEC. 402. MAKING OUR BORDER AGENCIES WORK.

(a) IN GENERAL.—Title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended—

(1) in subtitle A, by amending the heading to read as follows: ''**Bureau of Border Security and Customs**'';

(2) by striking section 401 and inserting the following section:

"SEC. 401. BUREAU OF BORDER SECURITY AND CUSTOMS.

''(a) ESTABLISHMENT.—There shall be in the Department of Homeland Security a Bureau of Border Security and Customs (in this section referred to as the 'Bureau').

''(b) COMMISSIONER.—

''(1) IN GENERAL.—The head of the Bureau shall be the Commissioner of Border Security and Customs (in this section referred to as the 'Commissioner'). The Commissioner shall report directly to the Secretary.

''(2) APPOINTMENT.—The Commissioner shall be appointed—

''(A) by the President, by and with the advice and consent of the Senate; and

''(B) from individuals who have—

''(i) a minimum of ten years professional experience in law enforcement; and

''(ii) a minimum of ten years of management experience.

''(c) COORDINATION.—Among other duties, the Commissioner shall develop and implement a comprehensive plan to protect the northern and southern land borders of the United States and address the different challenges each border faces by—

''(1) coordinating all Federal border security activities;

''(2) improving communications and data sharing capabilities within the Department and with other Federal, State, local, tribal, and foreign law enforcement agencies on matters relating to border security; and

''(3) providing input to relevant bilateral agreements to improve border functions, including ensuring security and promoting trade and tourism.

''(d) ORGANIZATION.—The Bureau shall include five primary divisions. The head of each division shall be an Assistant Commissioner of Border Security and Customs who shall be appointed by the Secretary of Homeland Security. The five divisions and their responsibilities are as follows:

''(1) OFFICE OF IMMIGRATION ENFORCEMENT.—It shall be the responsibility of the Office of Immigration Enforcement to enforce the immigration laws of the United States.

''(2) OFFICE OF CUSTOMS ENFORCEMENT.—It shall be the responsibility of the Office of Customs Enforcement to enforce the customs laws of the United States.

''(3) OFFICE OF INSPECTION.—It shall be the responsibility of the Office of Inspection to conduct inspections at official United States ports of entry and to maintain specialized immigration, customs, and agriculture secondary inspection functions.

''(4) OFFICE OF BORDER PATROL.—It shall be the responsibility of the Office of Border Patrol to secure the international land and maritime borders of the United States between ports of entry.

''(5) OFFICE OF MISSION SUPPORT.—It shall be the responsibility of the Office of Mission Support to provide assistance to the Bureau, including all offices of the Bureau, and additional agencies as determined appropriate by the Secretary. The Office shall include, at a minimum, detention and removal functions, intelligence functions, and air and marine support.

''(e) REORGANIZATION.—The reorganization authority described in section 872 shall not apply to this section.'';

(3) in section 402, in the matter preceding paragraph (1), by striking ''acting through the Under Secretary for Border and Transportation Security,'' and inserting ''acting through the Commissioner of Border Security and Customs,''; and

(4) by inserting after section 403 the following new section:

''SEC. 404. TRANSFER.

''The Bureau of Customs and Border Protection and the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security, created pursuant to the 'Reorganization Plan Modification for the Department of Homeland Security' submitted to Congress as required under section 1502, is hereby transferred into the Bureau of Border Security and Customs, established pursuant to section 401.''.

(b) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by striking the item related to section 401 and inserting the following item:

''Sec. 401. Bureau of Border Security and Customs.''

; and

(2) by inserting after the item relating to section 403 the following new item:

''Sec. 404. Transfer.''.

(c) SHADOW WOLVES TRANSFER.—

(1) TRANSFER OF EXISTING UNIT.—In conjunction with the creation of the Bureau of Border Security and Customs under section 401 of the Homeland Security Act of 2002, as amended by section 201(a) of this Act, the Secretary of Homeland Security shall transfer to United States Immigration and Customs Enforcement all functions (including the personnel, assets, and liabilities attributable to such functions) of the Customs Patrol Officers unit operating on the Tohono O'odham Indian reservation (commonly known as the ''Shadow Wolves'' unit).

(2) ESTABLISHMENT OF NEW UNITS.—The Secretary is authorized to establish Shadow Wolves units within both the Office of Immigration Enforcement and Office of Customs Enforcement in the Bureau of Border Security and Customs.

(3) DUTIES.—The Customs Patrol Officer unit transferred pursuant to paragraph (1), and additional units established pursuant to paragraph (2), shall operate on Indian lands by preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States.

(4) BASIC PAY FOR JOURNEYMAN OFFICERS.—A Customs Patrol Officer in a unit described in this subsection shall receive equivalent pay as a special agent with similar competencies within United States Immigration and Customs Enforcement pursuant to the Department of Homeland Security's Human Resources Management System established under section 841 of the Homeland Security Act (6 U.S.C. 411).

(5) SUPERVISORS.—The Shadow Wolves unit created within the Office of Immigration Enforcement shall be supervised by a Chief Immigration Patrol Officer. The Shadow Wolves unit created within the Office of Customs Enforcement shall be supervised by a Chief Customs Patrol Officer. Each such Officer shall have the same rank as a resident agent-in-charge of the Office of Investigations within United States Immigration and Customs Enforcement.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.—

(1) TRANSPORTATION SECURITY ADMINISTRATION.—Section 424(a) of the Homeland Security Act of 2002 (6 U.S.C. 234(a)) is amended by striking ''under the Under Secretary for Border Transportation and Security''.

(2) OFFICE FOR DOMESTIC PREPAREDNESS.—Section 430 of such Act (6 U.S.C. 238) is amended—

(A) in subsection (a), by striking ''The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.'' and inserting ''There shall be in the Department an Office for Domestic Preparedness.''; and

(B) in subsection (b), in the second sentence, by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary of Homeland Security''.

(3) BUREAU OF BORDER SECURITY.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) in section 402 (6 U.S.C. 202)—

(i) in the matter preceding paragraph (1), by striking '', acting through the Under Secretary for Border and Transportation Security,'';

(ii) by redesignating paragraph (8) as paragraph (9); and

(iii) by inserting after paragraph (7) the following new paragraph:

''(8) Administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), including the Student and Exchange Visitor Information System established under that section, and using such information to carry out the enforcement functions of the Bureau.'';

(B) by inserting after section 404 (as added by section 102(a)(4) of this Act) the following new sections:

''SEC. 405. CHIEF OF IMMIGRATION POLICY AND STRATEGY.

''(a) IN GENERAL.—There shall be a position of Chief of Immigration Policy and Strategy for the Bureau of Border Security and Customs.

''(b) FUNCTIONS.—In consultation with Bureau of Border Security and Customs personnel in local offices, the Chief of Immigration Policy and Strategy shall be responsible for—

''(1) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and

''(2) coordinating immigration policy issues with the Chief of Policy and Strategy for the Bureau of Citizenship and Immigration Services (established under subtitle E), as appropriate.

''SEC. 406. IMMIGRATION LEGAL ADVISOR.

''There shall be a principal immigration legal advisor to the Commissioner of the Bureau of Border Security and Customs. The immigration legal advisor shall provide specialized legal advice to the Commissioner of the Bureau of Border Security and Customs and shall represent the Bureau in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.''; and

(C) by striking section 442 (6 U.S.C. 252) and redesignating sections 443 through 446 as sections 442 through 445, respectively.

(4) CONFORMING AMENDMENTS.—

(A) BUREAU OF BORDER SECURITY AND CUSTOMS.—Each of the following sections of the Homeland Security Act of 2002 is amended by inserting ''and Customs'' after ''Border Security'' each place it appears:

(i) Section 442, as redesignated by subsection (c)(3).

(ii) Section 443, as redesignated by subsection (c)(3).

(iii) Section 444, as redesignated by subsection (c)(3).

(iv) Section 451 (6 U.S.C. 271).

(v) Section 459, (6 U.S.C. 276).

(vi) Section 462 (6 U.S.C. 279).

(vii) Section 471 (6 U.S.C. 291).

(viii) Section 472 (6 U.S.C. 292).

(ix) Section 474 (6 U.S.C. 294).

(x) Section 475 (6 U.S.C. 295).

(xi) Section 476 (6 U.S.C. 296).

(xii) Section 477 (6 U.S.C. 297).

(B) COMMISSIONER OF THE BUREAU OF BORDER SECURITY AND CUSTOMS.—The Homeland Security Act of 2002 is amended—

(i) in section 442, as redesignated by subsection (c)(3), in the matter preceding paragraph (1), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(ii) in section 443, as redesignated by subsection (c)(3), by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Commissioner of Border Security and Customs'';

(iii) in section 451(a)(2)(C) (6 U.S.C. 271(a)(2)(C)), by striking ''Assistant Secretary'' and inserting ''Commissioner'';

(iv) in section 459(c) (6 U.S.C. 276(c)), by striking ''Assistant Secretary'' and inserting ''Commissioner''; and

(v) in section 462(b)(2)(A) (6 U.S.C. 279(b)(2)(A)), by striking ''Assistant Secretary'' and inserting ''Commissioner''.

(5) REFERENCE.—Any reference to the Bureau of Border Security in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Bureau is deemed to refer to the Bureau of Border Security and Customs.

(6) CLERICAL AMENDMENTS.—The table of contents of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by inserting after the item relating to section 404 (as added by section 102(b)(2) of this Act) the following new items:

''Sec. 405. Chief of Policy and Strategy.
''Sec. 406. Legal advisor.'';

(B) by striking the item related to section 442; and

(C) by redesignating the items relating to sections 443 through 446 as items relating to sections 442 through 445, respectively.

TITLE V—KEEPING OUR COMMITMENT TO ENSURE SUFFICIENT, WELL TRAINED AND WELL EQUIPPED PERSONNEL AT THE UNITED STATES BORDER

Subtitle A—Equipment Enhancements to Address Shortfalls to Securing United States Borders

SEC. 501. EMERGENCY DEPLOYMENT OF UNITED STATES BORDER PATROL AGENTS.

(a) IN GENERAL.—If the Governor of a State on an international border of the United States declares an international border security emergency and requests additional United States Border Patrol agents from the Secretary of Homeland Security, the Secretary is authorized, subject to subsections (b) and (c), to provide the State with up to 1,000 additional United States Border Patrol agents for the purpose of patrolling and defending the international border, in order to prevent individuals from crossing the international border and entering the United States at any location other than an authorized port of entry.

(b) CONSULTATION.—The Secretary of Homeland Security shall consult with the President upon receipt of a request under subsection (a), and shall grant it to the extent that providing the requested assistance will not significantly impair the Department of Homeland Security's ability to provide border security for any other State.

(c) COLLECTIVE BARGAINING.—Emergency deployments under this section shall be made in conformance with all collective bargaining agreements and obligations.

SEC. 502. HELICOPTERS AND POWER BOATS.

(a) IN GENERAL.—The Secretary of Homeland Security shall increase by not less than

100 the number of United States Border Patrol helicopters, and shall increase by not less than 250 the number of United States Border Patrol power boats. The Secretary of Homeland Security shall ensure that appropriate types of helicopters are procured for the various missions being performed. The Secretary of Homeland Security also shall ensure that the types of power boats that are procured are appropriate for both the waterways in which they are used and the mission requirements.

(b) USE AND TRAINING.—The Secretary of Homeland Security shall establish an overall policy on how the helicopters and power boats described in subsection (a) will be used and implement training programs for the agents who use them, including safe operating procedures and rescue operations.

SEC. 503. MOTOR VEHICLES.

The Secretary of Homeland Security shall establish a fleet of motor vehicles appropriate for use by the United States Border Patrol that will permit a ratio of at least one police-type vehicle per every 3 United States Border Patrol agents. Additionally, the Secretary of Homeland Security shall ensure that there are sufficient numbers and types of other motor vehicles to support the mission of the United States Border Patrol. All vehicles will be chosen on the basis of appropriateness for use by the United States Border Patrol, and each vehicle shall have a ''panic button'' and a global positioning system device that is activated solely in emergency situations for the purpose of tracking the location of an agent in distress. The police-type vehicles shall be replaced at least every 3 years.

SEC. 504. PORTABLE COMPUTERS.

The Secretary of Homeland Security shall ensure that each police-type motor vehicle in the fleet of the United States Border Patrol is equipped with a portable computer with access to all necessary law enforcement databases and otherwise suited to the unique operational requirements of the United States Border Patrol.

SEC. 505. RADIO COMMUNICATIONS.

The Secretary of Homeland Security shall augment the existing radio communications system so all Federal law enforcement personnel working in every area in which United States Border Patrol operations are conducted have clear and encrypted two-way radio communication capabilities at all times.

SEC. 506. HAND-HELD GLOBAL POSITIONING SYSTEM DEVICES.

The Secretary of Homeland Security shall ensure that each United States Border Patrol agent is issued, when on patrol, a state-of-the-art hand-held global positioning system device for navigational purposes.

SEC. 507. NIGHT VISION EQUIPMENT.

The Secretary of Homeland Security shall ensure that sufficient quantities of state-of-the-art night vision equipment are procured and regularly maintained to enable each United States Border Patrol agent patrolling during the hours of darkness to be equipped with a portable night vision device.

SEC. 508. BODY ARMOR.

The Secretary of Homeland Security shall ensure that every United States Border Patrol agent is issued high-quality body armor that is appropriate for the climate and risks faced by the individual officer. Each officer shall be allowed to select from among a variety of approved brands and styles. All body armor shall be replaced at least once every five years.

SEC. 509. WEAPONS.

The Secretary of Homeland Security shall ensure that United States Border Patrol agents are equipped with weapons that are reliable and effective to protect themselves, their fellow officers, and innocent third parties from the threats posed by armed criminals. In addition, the Secretary shall ensure that the policies of the Department of Homeland Security allow all such officers to carry weapons selected from a Department approved list that are suited to the potential threats that such officers face.

Subtitle B—Human Capital Enhancements To Improve the Recruitment and Retention of Border Security Personnel

SEC. 511. MAXIMUM STUDENT LOAN REPAYMENTS FOR UNITED STATES BORDER PATROL AGENTS.

Section 5379(b) of title 5, United States Code, is amended by adding at the end the following:

''(4) In the case of an employee (otherwise eligible for benefits under this section) who is serving as a full-time active-duty United States Border Patrol agent within the Department of Homeland Security—

''(A) paragraph (2)(A) shall be applied by substituting '$20,000' for '$10,000'; and

''(B) paragraph (2)(B) shall be applied by substituting '$80,000' for '$60,000'.''.

SEC. 512. RECRUITMENT AND RELOCATION BONUSES AND RETENTION ALLOWANCES FOR PERSONNEL OF THE DEPARTMENT OF HOMELAND SECURITY.

The Secretary of Homeland Security shall ensure that the authority to pay recruitment and relocation bonuses under section 5753 of title 5, United States Code, the authority to pay retention bonuses under section 5754 of such title, and any other similar authorities available under any other provision of law, rule, or regulation, are exercised to the fullest extent allowable in order to encourage service in the Department of Homeland Security.

SEC. 513. LAW ENFORCEMENT RETIREMENT COVERAGE FOR INSPECTION OFFICERS AND OTHER EMPLOYEES.

(a) AMENDMENTS.—

(1) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(A) Paragraph (17) of section 8401 of title 5, United States Code, is amended by striking ''and'' at the end of subparagraph (C), and by adding at the end the following:

''(E) an employee (not otherwise covered by this paragraph)—

''(i) the duties of whose position include the investigation or apprehension of individuals suspected or convicted of offenses against the criminal laws of the United States; and

''(ii) who is authorized to carry a firearm; and

''(F) an employee of the Internal Revenue Service, the duties of whose position are primarily the collection of delinquent taxes and the securing of delinquent returns;''.

(B) CONFORMING AMENDMENT.—Section 8401(17)(C) of title 5, United States Code, is amended by striking ''(A) and (B)'' and inserting ''(A), (B), (E), and (F)''.

(2) CIVIL SERVICE RETIREMENT SYSTEM.—Paragraph (20) of section 8331 of title 5, United States Code, is amended by inserting after ''position.'' (in the matter before subparagraph (A)) the following: ''For the purpose of this paragraph, the employees described in the preceding provision of this paragraph (in the matter before 'including') shall be considered to include an employee, not otherwise covered by this paragraph, who satisfies clauses (i) and (ii) of section 8401(17)(E) and an employee of the Internal Revenue Service the duties of whose position are as described in section 8401(17)(F).''.

(3) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this subsection shall take effect on the date of the enactment of this Act, and shall apply only in the case of any individual first appointed (or seeking to be first appointed) as a law enforcement officer (within the meaning of those amendments) on or after such date.

(b) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(1) LAW ENFORCEMENT OFFICER AND SERVICE DESCRIBED.—

(A) LAW ENFORCEMENT OFFICER.—Any reference to a law enforcement officer described in this paragraph refers to an individual who satisfies the requirements of section 8331(20) or 8401(17) of title 5, United States Code (relating to the definition of a law enforcement officer) by virtue of the amendments made by subsection (a).

(B) SERVICE.—Any reference to service described in this paragraph refers to service performed as a law enforcement officer (as described in this paragraph).

(2) INCUMBENT DEFINED.—For purposes of this subsection, the term ''incumbent'' means an individual who—

(A) is first appointed as a law enforcement officer (as described in paragraph (1)) before the date of the enactment of this Act; and

(B) is serving as such a law enforcement officer on such date.

(3) TREATMENT OF SERVICE PERFORMED BY INCUMBENTS.—

(A) IN GENERAL.—Service described in paragraph (1) which is performed by an incumbent on or after the date of the enactment of this Act shall, for all purposes (other than those to which subparagraph (B) pertains), be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17) of title 5, United States Code, as appropriate), irrespective of how such service is treated under subparagraph (B).

(B) RETIREMENT.—Service described in paragraph (1) which is performed by an incumbent before, on, or after the date of the enactment of this Act shall, for purposes of subchapter III of chapter 83 and chapter 84 of title 5, United States Code, be treated as service performed as a law enforcement officer (within the meaning of section 8331(20) or 8401(17), as appropriate), but only if an appropriate written election is submitted to the Office of Personnel Management within 5 years after the date of the enactment of this Act or before separation from Government service, whichever is earlier.

(4) INDIVIDUAL CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—An individual who makes an election under paragraph (3)(B) may, with respect to prior service performed by such individual, contribute to the Civil Service Retirement and Disability Fund the difference between the individual contributions that were actually made for such service and the individual contributions that should have been made for such service if the amendments made by subsection (a) had then been in effect.

(B) EFFECT OF NOT CONTRIBUTING.—If no part of or less than the full amount required under subparagraph (A) is paid, all prior service of the incumbent shall remain fully creditable as law enforcement officer service, but the resulting annuity shall be reduced in a manner similar to that described in section 8334(d)(2) of title 5, United States Code, to the extent necessary to make up the amount unpaid.

(C) PRIOR SERVICE DEFINED.—For purposes of this subsection, the term ''prior service'' means, with respect to any individual who makes an election under paragraph (3)(B), service (described in paragraph (1)) performed by such individual before the date as of which appropriate retirement deductions begin to be made in accordance with such election.

(5) GOVERNMENT CONTRIBUTIONS FOR PRIOR SERVICE.—

(A) IN GENERAL.—If an incumbent makes an election under paragraph (3)(B), the agency in or under which that individual was serving at the time of any prior service (referred to in paragraph (4)) shall remit to the Office of Personnel Management, for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund, the amount required under subparagraph (B) with respect to such service.

(B) AMOUNT REQUIRED.—The amount an agency is required to remit is, with respect to any prior service, the total amount of additional Government contributions to the Civil Service Retirement and Disability Fund (above those actually paid) that would have been required if the amendments made by subsection (a) had then been in effect.

(C) CONTRIBUTIONS TO BE MADE RATABLY.—Government contributions under this paragraph on behalf of an incumbent shall be made by the agency ratably (on at least an annual basis) over the 10-year period beginning on the date referred to in paragraph (4)(C).

(6) EXEMPTION FROM MANDATORY SEPARATION.—Nothing in section 8335(b) or 8425(b) of title 5, United States Code, shall cause the involuntary separation of a law enforcement officer (as described in paragraph (1)) before the end of the 3-year period beginning on the date of the enactment of this Act.

(7) REGULATIONS.—The Office shall prescribe regulations to carry out this section, including—

(A) provisions in accordance with which interest on any amount under paragraph (4) or (5) shall be computed, based on section 8334(e) of title 5, United States Code; and

(B) provisions for the application of this subsection in the case of—

(i) any individual who—

(I) satisfies subparagraph (A) (but not subparagraph (B)) of paragraph (2); and

(II) serves as a law enforcement officer (as described in paragraph (1)) after the date of the enactment of this Act; and

(ii) any individual entitled to a survivor annuity (based on the service of an incumbent, or of an individual under clause (i), who dies before making an election under paragraph (3)(B)), to the extent of any rights that would then be available to the decedent (if still living).

(8) RULE OF CONSTRUCTION.—Nothing in this subsection shall be considered to apply in the case of a reemployed annuitant.

SEC. 514. INCREASE UNITED STATES BORDER PATROL AGENT AND INSPECTOR PAY.

Effective as of the first day of the first applicable pay period beginning on the date that is one year after the date of the enactment of this Act, the highest basic rate of pay for a journey level United States Border Patrol agent or immigration, customs, or agriculture inspector within the Department of Homeland Security whose primary duties consist of enforcing the immigration, customs, or agriculture laws of the United States shall increase from the annual rate of basic pay for positions at GS–11 of the General Schedule to the annual rate of basic pay for positions at GS–12 of the General Schedule.

SEC. 515. COMPENSATION FOR TRAINING AT FEDERAL LAW ENFORCEMENT TRAINING CENTER.

Official training, including training provided at the Federal Law Enforcement Training Center, that is provided to a customs officer or canine enforcement officer (as defined in subsection (e)(1) of section 5 of the Act of February 13, 1911 (19 U.S.C. 267), or to a customs and border protection officer shall be deemed work for purposes of such section. If such training results in the officer performing work in excess of 40 hours in the administrative workweek of the officer or in excess of 8 hours in a day, the officer shall be compensated for that work at an hourly rate of pay that is equal to 2 times the hourly rate of the basic pay of the officer, in accordance with subsection (a)(1) of such section. Such compensation shall apply with respect to such training provided to such officers on or after January 1, 2002. Not later than 60 days after the date of the enactment of this Act, such compensation shall be provided to such officers, together with any applicable interest, calculated in accordance with section 5596(b)(2) of title 5, United States Code.

Subtitle C—Securing and Facilitating the Movement of Goods and Travelers

SEC. 531. INCREASE IN FULL TIME UNITED STATES CUSTOMS AND BORDER PROTECTION IMPORT SPECIALISTS.

(a) IN GENERAL.—The number of full time United States Customs and Border Protection non-supervisory import specialists in the Department of Homeland Security shall be not less than 1,080 in fiscal year 2007.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to fund these positions and related expenses including training and support.

SEC. 532. CERTIFICATIONS RELATING TO FUNCTIONS AND IMPORT SPECIALISTS OF UNITED STATES CUSTOM AND BORDER PROTECTION.

(a) FUNCTIONS.—The Secretary of Homeland Security shall annually certify to Congress, that, pursuant to paragraph (1) of section 412(b) of the Homeland Security Act of 2002 (6 U.S.C. 212(b)) the Secretary has not consolidated, discontinued, or diminished those functions described in paragraph (2) of such section that were performed by the United States Customs Service, or reduced the staffing level or reduced resources attributable to such functions.

(b) NUMBER OF IMPORT SPECIALISTS.—The Secretary of Homeland Security shall annually certify to Congress that, in accordance with the requirement described in section 302(a), the number of full time non-supervisory import specialists employed by United States Customs and Border Protection is at least 1,080.

SEC. 533. EXPEDITED TRAVELER PROGRAMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the expedited travel programs of the Department of Homeland Security should be expanded to all major United States ports of entry and participation in the pre-enrollment programs should be strongly encouraged. These programs assist frontline officers of the United States in the fight against terrorism by increasing the number of known travelers crossing the border. The identities of such expedited travelers should be entered into a database of known travelers who have been subjected to in-depth background and watch-list checks. This will permit border control officers to focus more closely on unknown travelers, potential criminals, and terrorists.

(b) MONITORING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall monitor usage levels of all expedited travel lanes at United States land border ports of entry.

(2) FUNDING FOR STAFF AND INFRASTRUCTURE.—If the Secretary determines that the usage levels referred to in paragraph (1) exceed the capacity of border facilities to provide expedited entry and exit, the Secretary shall submit to Congress a request for additional funding for increases in staff and improvements in infrastructure, as appropriate, to enhance the capacity of such facilities.

(c) EXPANSION OF EXPEDITED TRAVELER SERVICES.—The Secretary of Homeland Security shall—

(1) open new enrollment centers in States that do not share an international land border with Canada or Mexico but where the Secretary has determined that a large demand for expedited traveler programs exist;

(2) reduce fee levels for the expedited traveler programs to encourage greater participation; and

(3) cooperate with the Secretary of State in the public promotion of benefits of the expedited traveler programs of the Department of Homeland Security.

(d) REPORT ON EXPEDITED TRAVELER PROGRAMS.—The Secretary of Homeland Security shall, on biannually in 2006, 2007, and 2008, submit to Congress a report on participation in the expedited traveler programs of the Department of Homeland Security.

(e) INTEGRATION AND INTEROPERABILITY OF EXPEDITED TRAVELER PROGRAM DATABASES.—Not later than six months after the date of the enactment of this Act, the Secretary of Homeland Security shall develop a plan to full integrate and make interoperable the databases of all of the expedited traveler programs of the Department of Homeland Security, including NEXUS, AIR NEXUS, SENTRI, FAST, and *Register Traveler*.

TITLE VI—ENSURING PROPER SCREENING

SEC. 601. US-VISIT OVERSIGHT TASK FORCE.

(a) IN GENERAL.—In order to assist the Secretary of Homeland Security to complete the planning and expedited deployment of US-VISIT, as described in section 7208 of such Act, and consistent with the findings of the National Commission on Terrorist Attacks upon the United States, the Secretary shall convene a task force.

(b) COMPOSITION.—The task force shall be composed of representatives from private sector groups with an interest in immigration and naturalization, travel and tourism, transportation, trade, law enforcement, national security, the environment, and other affected industries and areas of interest. Members of the task force shall be appointed by the Secretary for the life of the task force.

(c) DUTIES.—The task force shall advise and assist the Secretary regarding ways to make US-VISIT a secure and complete system to track visitors to the United States.

(d) REPORT.—Not later than December 31, 2006, and annually thereafter that the task force is in existence, the task force shall submit to the House Committee on Homeland Security and the Committee on Homeland Security and Government Reform of the Senate a report containing the findings, conclusions, and recommendations of the task force with respect to making US-VISIT a secure and complete system, in accordance with paragraph (3). The report shall also measure and evaluate the progress the task force has made in providing a framework for completion of the US-VISIT program, an estimation of how long any remaining work will take to complete, and an estimation of the cost to complete such work.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this subsection.

SEC. 602. VERIFICATION OF SECURITY MEASURES UNDER THE CUSTOMS–TRADE PARTNERSHIP AGAINST TERRORISM (C–TPAT) PROGRAM AND THE FREE AND SECURE TRADE (FAST) PROGRAM.

(a) GENERAL VERIFICATION.—Not later than one year after the date of the enactment of this Act, and on a biannual basis thereafter,

the Commissioner of the Bureau of Customs and Border Protection of the Department of Homeland Security shall verify on-site the security measures of each individual and entity that is participating in the Customs–Trade Partnership Against Terrorism (C–TPAT) program and the Free And Secure Trade (FAST) program.

(b) POLICIES FOR NONCOMPLIANCE WITH C–TPAT PROGRAM REQUIREMENTS.—The Commissioner shall establish policies for noncompliance with the requirements of the C–TPAT program by individuals and entities participating in the program, including probation or expulsion from the program, as appropriate.

SEC. 603. IMMEDIATE INTERNATIONAL PASSENGER PRESCREENING PILOT PROGRAM.

(a) PILOT PROGRAM.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security shall initiate a pilot program to evaluate the use of automated systems for the immediate prescreening of passengers on flights in foreign air transportation, as defined by section 40102 of title 49, United States Code, that are bound for the United States.

(b) REQUIREMENTS.—At a minimum, with respect to a passenger on a flight described in subsection (a) operated by an air carrier or foreign air carrier, the automated systems evaluated under the pilot program shall—

(1) compare the passenger's information against the integrated and consolidated terrorist watchlist maintained by the Federal Government and provide the results of the comparison to the air carrier or foreign air carrier before the passenger is permitted board the flight;

(2) provide functions similar to the advanced passenger information system established under section 431 of the Tariff Act of 1930 (19 U.S.C. 1431); and

(3) make use of machine-readable data elements on passports and other travel and entry documents in a manner consistent with international standards.

(c) OPERATION.—The pilot program shall be conducted—

(1) in not fewer than 2 foreign airports; and

(2) in collaboration with not fewer than one air carrier at each airport participating in the pilot program.

(d) EVALUATION OF AUTOMATED SYSTEMS.—In conducting the pilot program, the Secretary shall evaluate not more than 3 automated systems. One or more of such systems shall be commercially available and currently in use to prescreen passengers.

(e) PRIVACY PROTECTION.—The Secretary shall ensure that the passenger data is collected under the pilot program in a manner consistent with the standards established under section 552a of title 5, United States Code.

(f) DURATION.—The Secretary shall conduct the pilot program for not fewer than 90 days.

(g) PASSENGER DEFINED.—In this section, the term ''passenger'' includes members of the flight crew.

(h) REPORT.—Not later than 30 days after the date of completion of the pilot program, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the following:

(1) An assessment of the technical performance of each of the tested systems, including the system's accuracy, scalability, and effectiveness with respect to measurable factors, including, at a minimum, passenger throughput, the rate of flight diversions, and the rate of false negatives and positives.

(2) A description of the provisions of each tested system to protect the civil liberties and privacy rights of passengers, as well as a description of the adequacy of an immediate redress or appeals process for passengers denied authorization to travel.

(3) Cost projections for implementation of each tested system, including—

(A) projected costs to the Department of Homeland Security; and

(B) projected costs of compliance to air carriers operating flights described in subsection (a).

(4) A determination as to which tested system is the best-performing and most efficient system to ensure immediate prescreening of international passengers. Such determination shall be made after consultation with individuals in the private sector having expertise in airline industry, travel, tourism, privacy, national security, or computer security issues.

(5) A plan to fully deploy the best-performing and most efficient system tested by not later than January 1, 2007.

TITLE VII—ALIEN SMUGGLING; NORTHERN BORDER PROSECUTION; CRIMINAL ALIENS

Subtitle A—Alien Smuggling

SEC. 701. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 702. REESTABLISHMENT OF THE UNITED STATES BORDER PATROL ANTI-SMUGGLING UNIT.

The Secretary of Homeland Security shall reestablish the Anti-Smuggling Unit within the Office of United States Border Patrol, and shall immediately staff such office with a minimum of 500 criminal investigators selected from within the ranks of the United States Border Patrol. Staffing levels shall be adjusted upward periodically in accordance with workload requirements.

SEC. 703. NEW NONIMMIGRANT VISA CLASSIFICATION TO ENABLE INFORMANTS TO ENTER THE UNITED STATES AND REMAIN TEMPORARILY.

(a) IN GENERAL.—Section 101(a)(15)(S) (8 U.S.C. 1101(a)(15)(S)) is amended

(1) in clause (i), by striking ''or'' at the end;

(2) in clause (ii), by striking the comma at the end and inserting ''; or'';

(3) by inserting after clause (ii) the following:

''(iii) who the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines—

''(I) is in possession of critical reliable information concerning a commercial alien smuggling organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully;

''(II) is willing to supply or has supplied such information to a Federal or State court; or

''(III) whose presence in the United States the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines is essential to the success of an authorized criminal investigation, the successful prosecution of an individual involved in the commercial alien smuggling organization or enterprise, or the disruption of such organization or enterprise or a commercial operation for making or trafficking in documents to be used for entering or remaining in the United States unlawfully.'';

(4) by inserting '', or with respect to clause (iii), the Secretary of Homeland Security, the Secretary of State, or the Attorney General'' after ''jointly''; and

(5) by striking ''(i) or (ii)'' and inserting ''(i), (ii), or (iii)''.

(b) ADMISSION OF NONIMMIGRANTS.—Section 214(k) (8 U.S.C. 1184(k)) is amended

(1) by adding at the end of paragraph (1) the following: ''The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S)(iii) in any fiscal year may not exceed 400.''; and

(2) by adding at the end the following:

''(5) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a nonimmigrant described in clause (iii) of section 101(a)(15)(S), or that of any family member of such a nonimmigrant who is provided nonimmigrant status pursuant to such section, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 704. ADJUSTMENT OF STATUS WHEN NEEDED TO PROTECT INFORMANTS.

Section 245(j) (8 U.S.C. 1255(j)) is amended—

(1) in paragraph (3), by striking ''(1) or (2),'' and inserting ''(1), (2), (3), or (4),'';

(2) by redesignating paragraph (3) as paragraph (5);

(3) by inserting after paragraph (2) the following:

''(3) if, in the opinion of the Secretary of Homeland Security, the Secretary of State, or the Attorney General—

''(A) a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) has supplied information described in subclause (I) of such section; and

''(B) the provision of such information has substantially contributed to the success of a commercial alien smuggling investigation or an investigation of the sale or production of fraudulent documents to be used for entering or remaining in the United States unlawfully, the disruption of such an enterprise, or the prosecution of an individual described in subclause (III) of that section,

the Secretary of Homeland Security may adjust the status of the alien (and the spouse, children, married and unmarried sons and daughters, and parents of the alien if admitted under that section) to that of an alien lawfully admitted for permanent residence if the alien is not described in section 212(a)(3)(E).

''(4) The Secretary of Homeland Security may adjust the status of a nonimmigrant admitted into the United States under section 101(a)(15)(S)(iii) (and the spouse, children, married and unmarried sons and daughters, and parents of the nonimmigrant if admitted under that section) to that of an alien lawfully admitted for permanent residence on the basis of a recommendation of the Secretary of State or the Attorney General.''; and

(4) by adding at the end the following:

''(6) If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that a person whose status is adjusted under this subsection must be protected, such official may take such lawful action as the official considers necessary to effect such protection.''.

SEC. 705. REWARDS PROGRAM.

(a) REWARDS PROGRAM.—Section 274 (8 U.S.C. 1324) is amended by adding at the end the following:

''(e) REWARDS PROGRAM.—

''(1) IN GENERAL.—There is established in the Department of Homeland Security a program for the payment of rewards to carry out the purposes of this section.

''(2) PURPOSE.—The rewards program shall be designed to assist in the elimination of commercial operations to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully and to assist in the investigation, prosecution, or disruption of a commercial alien smuggling operation.

''(3) ADMINISTRATION.—The rewards program shall be administered by the Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State.

''(4) REWARDS AUTHORIZED.—In the sole discretion of the Secretary of Homeland Security, such Secretary, in consultation, as appropriate, with the Attorney General and the Secretary of State, may pay a reward to any individual who furnishes information or testimony leading to—

''(A) the arrest or conviction of any individual conspiring or attempting to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or to commit an act of commercial alien smuggling involving the transportation of aliens;

''(B) the arrest or conviction of any individual committing such an act;

''(C) the arrest or conviction of any individual aiding or abetting the commission of such an act;

''(D) the prevention, frustration, or favorable resolution of such an act, including the dismantling of an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States, or commercial alien smuggling operations, in whole or in significant part; or

''(E) the identification or location of an individual who holds a key leadership position in an operation to produce or sell fraudulent documents to be used for entering or remaining in the United States unlawfully or a commercial alien smuggling operation involving the transportation of aliens.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection. Amounts appropriated under this paragraph shall remain available until expended.

''(6) INELIGIBILITY.—An officer or employee of any Federal, State, local, or foreign government who, while in performance of his or her official duties, furnishes information described in paragraph (4) shall not be eligible for a reward under this subsection for such furnishing.

''(7) PROTECTION MEASURES.—If the Secretary of Homeland Security, the Secretary of State, or the Attorney General determines that an individual who furnishes information or testimony described in paragraph (4), or any spouse, child, parent, son, or daughter of such an individual, must be protected, such official may take such lawful action as the official considers necessary to effect such protection.

''(8) LIMITATIONS AND CERTIFICATION.—

''(A) MAXIMUM AMOUNT.—No reward under this subsection may exceed $100,000, except as personally authorized by the Secretary of Homeland Security.

''(B) APPROVAL.—Any reward under this subsection exceeding $50,000 shall be personally approved by the Secretary of Homeland Security.

''(C) CERTIFICATION FOR PAYMENT.—Any reward granted under this subsection shall be certified for payment by the Secretary of Homeland Security.''.

SEC. 706. OUTREACH PROGRAM.

Section 274 (8 U.S.C. 1324), as amended by subsection (a), is further amended by adding at the end the following:

''(f) OUTREACH PROGRAM.—The Secretary of Homeland Security, in consultation, as appropriate, with the Attorney General and the Secretary of State, shall develop and implement an outreach program to educate the public in the United States and abroad about—

''(1) the penalties for—

''(A) bringing in and harboring aliens in violation of this section; and

''(B) participating in a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully; and

''(2) the financial rewards and other incentives available for assisting in the investigation, disruption, or prosecution of a commercial smuggling operation or a commercial operation for making, or trafficking in, documents to be used for entering or remaining in the United States unlawfully.''.

SEC. 707. ESTABLISHMENT OF A SPECIAL TASK FORCE FOR COORDINATING AND DISTRIBUTING INFORMATION ON FRAUDULENT IMMIGRATION DOCUMENTS.

(a) In General.—The Secretary of Homeland Security shall establish a task force (to be known as the Task Force on Fraudulent Immigration Documents) to carry out the following:

(1) Collect information from Federal, State, and local law enforcement agencies, and Foreign governments on the production, sale, and distribution of fraudulent documents intended to be used to enter or to remain in the United States unlawfully.

(2) Maintain that information in a comprehensive database.

(3) Convert the information into reports that will provide guidance for government officials on identifying fraudulent documents being used to enter or to remain in the United States unlawfully.

(4) Develop a system for distributing these reports on an ongoing basis to appropriate Federal, State, and local law enforcement agencies.

(b) DISTRIBUTION OF INFORMATION.—Distribute the reports to appropriate Federal, State, and local law enforcement agencies on an ongoing basis.

Subtitle B—Northern Border Prosecution Initiative Reimbursement Act

SEC. 711. SHORT TITLE.

This Act may be cited as the ''Northern Border Prosecution Initiative Reimbursement Act''.

SEC. 712. NORTHERN BORDER PROSECUTION INITIATIVE.

(a) INITIATIVE REQUIRED.—From amounts made available to carry out this section, the Attorney General, acting through the Director of the Bureau of Justice Assistance of the Office of Justice Programs, shall carry out a program, to be known as the Northern Border Prosecution Initiative, to provide funds to reimburse eligible northern border entities for costs incurred by those entities for handling case dispositions of criminal cases that are federally initiated but federally declined-referred. This program shall be modeled after the Southwestern Border Prosecution Initiative and shall serve as a partner program to that initiative to reimburse local jurisdictions for processing Federal cases.

(b) PROVISION AND ALLOCATION OF FUNDS.—Funds provided under the program shall be provided in the form of direct reimbursements and shall be allocated in a manner consistent with the manner under which funds are allocated under the Southwestern Border Prosecution Initiative.

(c) USE OF FUNDS.—Funds provided to an eligible northern border entity may be used by the entity for any lawful purpose, including the following purposes:

(1) Prosecution and related costs.

(2) Court costs.

(3) Costs of courtroom technology.

(4) Costs of constructing holding spaces.

(5) Costs of administrative staff.

(6) Costs of defense counsel for indigent defendants.

(7) Detention costs, including pre-trial and post-trial detention.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible northern border entity'' means—

(A) any of the following States: Alaska, Idaho, Maine, Michigan, Minnesota, Montana, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Vermont, Washington, and Wisconsin; or

(B) any unit of local government within a State referred to in subparagraph (A).

(2) The term ''federally initiated'' means, with respect to a criminal case, that the case results from a criminal investigation or an arrest involving Federal law enforcement authorities for a potential violation of Federal criminal law, including investigations resulting from multijurisdictional task forces.

(3) The term ''federally declined-referred'' means, with respect to a criminal case, that a decision has been made in that case by a United States Attorney or a Federal law enforcement agency during a Federal investigation to no longer pursue Federal criminal charges against a defendant and to refer of the investigation to a State or local jurisdiction for possible prosecution. The term includes a decision made on an individualized case-by-case basis as well as a decision made pursuant to a general policy or practice or pursuant to prosecutorial discretion.

(4) The term ''case disposition'', for purposes of the Northern Border Prosecution Initiative, refers to the time between a suspect's arrest and the resolution of the criminal charges through a county or State judicial or prosecutorial process. Disposition does not include incarceration time for sentenced offenders, or time spent by prosecutors on judicial appeals.

SEC. 713. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this section $28,000,000 for fiscal year 2006 and such sums as may be necessary for fiscal years after fiscal year 2006.

Subtitle C—Criminal Aliens

SEC. 721. REMOVAL OF CRIMINAL ALIENS.

(a) IN GENERAL.—Within one year after the date of the enactment of this Act the Department of Homeland Security shall locate

and remove all criminal aliens who have been ordered deported as of such enactment date.

(b) CONTINUATION AND EXPANSION OF INSTITUTIONAL REMOVAL PROGRAM.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, under section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)), which identifies removable criminal aliens serving sentences in Federal and State correctional facilities for crimes set forth in section 238(a)(1) of such Act , ensures such aliens are not released into the community, and removes such aliens from the United States upon completion of their sentences. The Institutional Removal Program shall be designed in accordance with section 238(a)(3) of such Act such that removal proceedings may be initiated and, to the extent possible, completed before completion of a criminal sentence.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States. The Attorney General and Secretary of Homeland Security shall increase the personnel for such program by 750 full-time equivalent personnel for fiscal years 2007 through 2010.

(3) TRAINING AND TECHNICAL ASSISTANCE.—The Secretary of Homeland Security shall provide training and technical assistance to State and local correctional officers about the Institutional Removal Program, the roles and responsibilities of Federal immigration authorities in identifying and removing criminal aliens pursuant to section 238(a)(3) of the Immigration and Nationality Act, and methods for communicating between State and local correctional facilities and the Federal immigration agents responsible for removals.

(4) COOPERATION, IDENTIFICATION, AND NOTIFICATION .—Any State that receives federal funds pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) shall—

(A) cooperate with Federal Institutional Removal Program officials in carrying out criminal alien removals pursuant to section 238(a)(1) of such Act ;

(B) permit Federal agents to expeditiously and systematically identify such aliens designated under such section serving criminal sentences in State and local correctional facilities; and

(C) facilitate the transfer of such aliens to Federal custody as a condition for receiving such funds.

(5) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the extent necessary in order to make the Institutional Removal Program available to facilities in remote locations. The purpose of such technology shall be to ensure inmate access to consular officials, and to permit federal officials to screen inmates for deportability pursuant to section 238(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1228(a)(1)). Use of technology should in no way impede or interfere with an individual's right to access to legal counsel, full and fair immigration proceedings, and due process.

(6) REPORT TO CONGRESS.—The Secretary of Homeland Security shall submit an annual report to Congress on the participation of States in the Institutional Removal Program. The report should also evaluate the extent to which States and localities submit qualified requests for reimbursement pursuant to section 241(i) of the Immigration and National Act, but do not receive compensatory funding for lack of appropriations.

(7) AUTHORIZATION OF APPROPRIATIONS .—There are authorized to be appropriated to carry out the institutional removal program—

(A) $100,000,000 for fiscal year 2007;

(B) $115,000,000 for fiscal year 2008;

(C) $130,000,000 for fiscal year 2000; and

(D) $145,000,000 for fiscal year 2010.

SEC. 722. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

(a) IN GENERAL.—Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting ''charged with or'' before ''convicted''.

(b) AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON USE OF FUNDS.—Section 241(i) of such Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

''(5) There are authorized to be appropriated to carry out this subsection $500,000,000 for fiscal year 2006 and $1,000,000,000 for each of the succeeding ten fiscal years.

''(6) Amounts appropriated pursuant to paragraph (5) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.''.

SEC. 723. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking ''for the costs'' and inserting the following: ''for—

''(1) the costs''; and

(B) by striking ''such State.'' and inserting the following: ''such State; and

''(2) the indirect costs related to the imprisonment described in paragraph (1).''; and

(2) by striking subsections (c) through (e) and inserting the following:

''(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

''(1) shares a border with Mexico or Canada; or

''(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

''(d) DEFINITIONS.—As used in this section:

''(1) INDIRECT COSTS.—The term 'indirect costs' includes—

''(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

''(B) indigent defense costs; and

''(C) unsupervised probation costs.

''(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).''.

SEC. 724. ICE STRATEGY AND STAFFING ASSESSMENT.

(a) IN GENERAL.—Not later than December 31 of each year, the Secretary of Homeland Security shall submit to the Government Accountability Office and the appropriate congressional committees (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written report describing its strategy for deploying human resources (including investigators and support personnel) to accomplish its border security mission.

(b) REVIEW.—Not later than 90 days after receiving any report under subsection (a), the Government Accountability Office shall submit to each appropriate congressional committee (as defined by section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)) a written evaluation of such report, including recommendations pertaining to how U.S. Immigration and Customs Enforcement could better deploy human resources to achieve its border security mission through legislative or administrative action.

SEC. 725. CONGRESSIONAL MANDATE REGARDING PROCESSING OF CRIMINAL ALIENS WHILE INCARCERATED.

The Secretary of Homeland Security shall work with prisons in which criminal aliens are incarcerated to complete their removal or deportation proceeding before such aliens are released from prison and sent to Federal detention.

SEC. 726. INCREASE IN PROSECUTORS AND IMMIGRATION JUDGES AND UNITED STATES MARSHALS.

(a) IMMIGRATION JUDGE INCREASE.—The Executive Office for Immigration Review in the Department of Justice shall increase the number of immigration judges by not less than 75 judges for each of fiscal years 2007 through 2010.

(b) US ATTORNEY OFFICE INCREASE.—The Department of Justice shall dedicate an additional 100 attorney positions at offices of the United States Attorney in the States of Arizona, New Mexico, and Texas for the enforcement of immigration law and create a supervisory staff position to coordinate the enforcement activities in each of fiscal years 2007 through 2010.

(c) US MARSHALL INCREASE.—The Department of Justice shall provide for an increase of 250 United States Marshals to provide support for border patrol agents in each of fiscal years 2007 through 2010.

Subtitle D—Operation Predator

SEC. 731. DIRECT FUNDING FOR OPERATION PREDATOR.

(a) IN GENERAL.—The Operation Predator initiative of the Bureau of Immigration and Customs Enforcement (ICE) of the Department of Homeland Security is responsible for identifying child predators and removing them from the United States if they are subject to deportation.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Operation Predator initiative such funds as may be necessary for fiscal year 2006 through fiscal year 2010.

TITLE VIII—FULFILLING FUNDING COMMITMENTS MADE IN THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004

Subtitle A—Additional Authorizations of Appropriations

SEC. 801. AVIATION SECURITY RESEARCH AND DEVELOPMENT.

In addition to such other sums as are authorized under law, to carry out section 4011(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $20,000,000 for fiscal year 2007 for research and development of advanced biometric technology applications to aviation security, including mass identification technology.

SEC. 802. BIOMETRIC CENTER OF EXCELLENCE.

In addition to such other sums as are authorized under law, to carry out section 4011(d) of the Intelligence Reform and Terrorism Prevention Act of 2004 (118 Stat. 3714), there is authorized to be appropriated $1,000,000 for fiscal year 2007 for the establishment of a competitive center of excellence that will develop and expedite the Federal Government's use of biometric identifiers.

SEC. 803. PORTAL DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 44925 of title 49, United States Code, there is authorized to be appropriated to the Secretary

of Homeland Security for the use of the Transportation Security Administration $250,000,000 for fiscal year 2007 for research, development, and installation of detection systems and other devices for the detection of biological, chemical, radiological, and explosive materials.

SEC. 804. IN-LINE CHECKED BAGGAGE SCREENING.

In addition to such other sums as are authorized under law, to carry out section 4019 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3721), there is authorized to be appropriated for fiscal year 2007 $400,000,000 to carry out the in-line checked baggage screening system installations required by section 44901 of title 49, United States Code.

SEC. 805. CHECKED BAGGAGE SCREENING AREA MONITORING.

In addition to such other sums as are authorized under law, to carry out section 4020 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3722), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Under Secretary for Border and Transportation Security such sums as may be necessary for fiscal year 2007 to provide assistance to airports at which screening is required by section 44901 of title 49, United States Code, and that have checked baggage screening areas that are not open to public view, in the acquisition and installation of security monitoring cameras for surveillance of such areas in order to deter theft from checked baggage and to aid in the speedy resolution of liability claims against the Transportation Security Administration.

SEC. 806. IMPROVED EXPLOSIVE DETECTION SYSTEMS.

In addition to such other sums as are authorized under law, to carry out section 4024 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44913 note; 118 Stat. 3724), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Transportation Security Administration $100,000,000 for fiscal year 2007 for the purpose of research and development of improved explosive detection systems for aviation security under section 44913 of title 49, United States Code.

SEC. 807. MAN-PORTABLE AIR DEFENSE SYSTEMS (MANPADS).

In addition to such other sums as are authorized under law, to carry out section 4026 of the Intelligence Reform and Terrorism Prevention Act of 2004 (22 U.S.C. 2751 note; 118 Stat. 3724), there is authorized to be appropriated such sums as may be necessary for fiscal year 2007.

SEC. 808. PILOT PROGRAM TO EVALUATE USE OF BLAST RESISTANT CARGO AND BAGGAGE CONTAINERS.

In addition to such other sums as are authorized under law, to carry out subsections (a) and (b) of section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated $2,000,000 for fiscal year 2007. Such sums shall remain available until expended.

SEC. 809. AIR CARGO SECURITY.

In addition to such other sums as are authorized under law, to carry out section 4052(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44901 note; 118 Stat. 3728), there is authorized to be appropriated to the Secretary $100,000,000 for fiscal year 2007 for research and development related to enhanced air cargo security technology, as well as for deployment and installation of enhanced air cargo security technology. Such sums shall remain available until expended.

SEC. 810. FEDERAL AIR MARSHALS.

In addition to such other sums as are authorized under law, to carry out section 4016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (49 U.S.C. 44917 note; 118 Stat. 3720), there is authorized to be appropriated to the Secretary of Homeland Security for the use of the Bureau of Immigration and Customs Enforcement $83,000,000 for fiscal year 2007 for the deployment of Federal air marshals under section 44917 of title 49, United States Code. Such sums shall remain available until expended.

SEC. 811. BORDER SECURITY TECHNOLOGIES FOR USE BETWEEN PORTS OF ENTRY.

In addition to such other sums as are authorized under law, to carry out subtitle A of title V of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3732), there is authorized to be appropriated $25,000,000 for fiscal year 2007 for the formulation of a research and development program to test various advanced technologies to improve border security between ports of entry as established in sections 5101, 5102, 5103, and 5104 of the Intelligence Reform and Terrorism Prevention Act of 2004.

SEC. 812. IMMIGRATION SECURITY INITIATIVE.

In addition to such other sums as are authorized under law, to carry out section 7206 of the Intelligence Reform and Terrorism Prevention Act (118 Stat. 3817), there are authorized to be appropriated to the Secretary of Homeland Security to carry out the amendments made by subsection (a) $40,000,000 for fiscal year 2007.

Subtitle B—National Commission on Preventing Terrorist Attacks Upon the United States

SEC. 821. ESTABLISHMENT OF COMMISSION.

There is established in the legislative branch the National Commission on Preventing Terrorist Attacks Upon the United States (in this subtitle referred to as the ''Commission'').

SEC. 822. PURPOSES.

The purposes of the Commission are to examine and report on the changes taken since the terrorist attacks of September 11, 2001 to structure, coordination, management policies, and procedures of the Federal Government, and, if appropriate, State and local governments and nongovernmental entities, relative to detecting, preventing, and responding to future terrorist attacks on the United States.

SEC. 823. COMPOSITION OF COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 10 members, of whom—

(1) 1 member shall be appointed by the President, who shall serve as chairman of the Commission;

(2) 1 member shall be appointed by the leader of the Senate (majority or minority leader, as the case may be) of the Democratic Party, in consultation with the leader of the House of Representatives (majority or minority leader, as the case may be) of the Democratic Party, who shall serve as vice chairman of the Commission;

(3) 2 members shall be appointed by the senior member of the Senate leadership of the Democratic Party;

(4) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Republican Party;

(5) 2 members shall be appointed by the senior member of the Senate leadership of the Republican Party; and

(6) 2 members shall be appointed by the senior member of the leadership of the House of Representatives of the Democratic Party.

(b) QUALIFICATIONS; INITIAL MEETING.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government or any State or local government.

(3) OTHER QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as governmental service, law enforcement, the armed services, law, public administration, intelligence gathering, commerce (including aviation matters), and foreign affairs.

(4) DEADLINE FOR APPOINTMENT.—All members of the Commission shall be appointed on or before January 30, 2006.

(5) INITIAL MEETING.—The Commission shall meet and begin the operations of the Commission as soon as practicable.

(c) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(d) SENSE OF CONGRESS REGARDING APPOINTMENTS.—It is the Sense of Congress that each individual responsible for appointing a member of the Commission should select one of the individuals who previously served as a member of the National Commission on Terrorist Attacks Upon the United States authorized by Public Law 107–306.

SEC. 824. POWERS OF COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) subject to paragraph (2)(A), require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the agreement of the chairman and the vice chairman; or

(II) by the affirmative vote of 6 members of the Commission.

(ii) SIGNATURE.—Subject to clause (i), subpoenas issued under this subsection may be issued under the signature of the chairman or any member designated by a majority of the Commission, and may be served by any person designated by the chairman or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a) the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with

any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under section 610(a) and (b).

(i) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 825. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 826. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 827. REPORTS OF COMMISSION.

Not later than December 31 of each year after the year of enactment of this Act, the Commission shall make a report to Congress containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

SEC. 828. FUNDING.

To fulfill the purposes of this subtitle, $10,000,000 is authorized for each fiscal year.

TITLE IX—FAIRNESS FOR AMERICA'S HEROS

SEC. 901. SHORT TITLE.

This title may be cited as the ''Fairness for America's Heros Act''.

SEC. 902. NATURALIZATION THROUGH COMBAT ZONE SERVICE IN ARMED FORCES.

Section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c)(1) Any person eligible under paragraph (3) who, while an alien or a noncitizen national of the United States, performs active duty in the Armed Forces of the United States in a combat zone (as defined in section 112(c) of the Internal Revenue Code of 1986 (26 U.S.C. 112(c))) shall be admitted to citizenship upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death..

''(2) The executive department issuing the order for the service described in paragraph (1) shall, at the time of such issuance, inform the person of the benefits available under this subsection and of the procedure established by such department for satisfying the requirement of paragraph (3).

''(3) In order to be eligible for naturalization under this subsection, a person shall inform the executive department issuing the order for the service described in paragraph (1) that the person desires to be admitted to citizenship in accordance with this subsection upon the completion of six months of such service or discharge or redeployment resulting from a physical or psychological disability or injury, or posthumous citizenship in the case of death.

''(4) The appropriate executive department shall notify the Secretary of Homeland Security when a person has been naturalized in accordance with this subsection and of the effective date of such naturalization. The Secretary of Homeland Security, not later than 30 days after receipt of such notification, shall issue to the person a certificate of naturalization reflecting such date and any other information the Secretary determines to be appropriate.''.

SEC. 903. IMMIGRATION BENEFITS FOR SURVIVORS OF PERSONS GRANTED POSTHUMOUS CITIZENSHIP THROUGH DEATH WHILE ON ACTIVE-DUTY SERVICE.

Section 329A(e) of the Immigration and Nationality Act (8 U.S.C. 1440–1(e)) is amended to read as follows:

''(e) BENEFITS FOR SURVIVORS.—

''(1) IN GENERAL.—Subject to this subsection, any immigration benefit available under Federal law to a spouse, child, or parent of a citizen of the United States shall be available to a spouse, child, or parent of a person granted posthumous citizenship under this section as if the person's death had not occurred.

''(2) SPOUSE.—For purposes of this Act, a person shall be considered a spouse of a person granted posthumous citizenship under this section if the person was not legally separated from the citizen at the time of the citizen's death.

''(3) CHILDREN.—For purposes of this Act, a person shall be considered a child of a person granted posthumous citizenship under this section if the person would have been considered a child (as defined in section 101(b)(1)) at the time of the citizen's death.

''(4) PARENTS.—For purposes of section 201(b)(2)(A)(i), the requirement that the citizen be at least 21 years of age shall not apply in the case of a parent of a person granted posthumous citizenship under this section.

''(5) SELF-PETITIONS.—For purposes of petitions and applications for immigration benefits required to be filed under this Act on behalf of a spouse, child, or parent by a citizen of the United States, the spouse, child, or parent shall be permitted to self-petition for such benefits as if filed by the person granted posthumous citizenship under this section. Any requirement under this Act for an affidavit of support pursuant to such a petition or application shall be waived.

''(6) NO BENEFITS FOR OTHER RELATIVES.—Nothing in this section or section 319(d) shall be construed as providing for any benefit under this Act for any relative of a person granted posthumous citizenship under this section who is not treated as a spouse, child, or parent under this subsection.''.

SEC. 904. EFFECTIVE DATE.

The amendments made by this title shall take effect as if enacted on September 11, 2001.

TITLE X—NORTHERN MARIANA ISLANDS COVENANT IMPLEMENTATION ACT

SEC. 1001. SHORT TITLE AND PURPOSE.

(a) SHORT TITLE.—This title may be cited as the ''Northern Mariana Islands Covenant Implementation Act''.

(b) STATEMENT OF PURPOSE.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intent of Congress in enacting this legislation—

(1) to ensure effective immigration control by extending the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) in full to the Commonwealth of the Northern Mariana Islands, with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth of the Northern Mariana Islands; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth of the Northern Mariana Islands; and

(2) to minimize, to the maximum extent practicable, potential adverse effects the orderly phase-out might have on the economy

of the Commonwealth of the Northern Mariana Islands by—

(A) encouraging diversification and growth of the economy of the Commonwealth of the Northern Mariana Islands, consistent with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the ''Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America'' through consultation with the Governor and other elected officials of the Government of the Commonwealth of the Northern Mariana Islands by Federal agencies and by considering the views and recommendations of those officials in the implementation and enforcement of Federal law by Federal agencies;

(C) assisting the Commonwealth of the Northern Mariana Islands to achieve a progressively higher standard of living for its citizens through the provision of technical and other assistance;

(D) providing opportunities for persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor; and

(E) ensuring the ability of the locally elected officials of the Commonwealth of the Northern Mariana Islands to make fundamental policy decisions regarding the direction and pace of the economic development and growth of the Commonwealth of the Northern Mariana Islands, consistent with the fundamental national values underlying Federal immigration policy.

SEC. 1002. IMMIGRATION REFORM FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) AMENDMENTS TO JOINT RESOLUTION APPROVING THE COVENANT TO ESTABLISH A COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE UNITED STATES OF AMERICA.—Public Law 94–241 (48 U.S.C. 1801 note; 90 Stat. 263) is amended by adding at the end the following:

''SEC. 6. IMMIGRATION AND TRANSITION.

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

''(1) IN GENERAL.—Subject to paragraph (2), effective on the first day of the first full month beginning 1 year after the date of enactment of the Northern Mariana Islands Covenant Implementation Act (referred to in this section as the 'transition program effective date'), the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall apply to the Commonwealth of the Northern Mariana Islands.

''(2) TRANSITION PERIOD.—

''(A) IN GENERAL.—There shall be a transition period ending December 31, 2014 (except for subsection (d)(3)(D)), following the transition program effective date, during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program for immigration to the Commonwealth of the Northern Mariana Islands provided in subsections (b), (c), (d), (e), (f), and (i) (referred to in this section as the 'transition program').

''(B) IMPLEMENTATION.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by each agency having responsibilities under the transition program.

''(b) EXEMPTION FROM NUMERICAL LIMITATIONS FOR H–2B TEMPORARY WORKERS.—An alien, if otherwise qualified, may seek admission to the Commonwealth of the Northern Mariana Islands as a temporary worker under section 101(a)(15)(H)(ii)(B) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(B)) without counting against the numerical limitations established in section 214(g) of that Act (8 U.S.C. 1184(g)).

''(c) TEMPORARY ALIEN WORKERS.—With respect to temporary alien workers who would otherwise not be eligible for nonimmigrant classification under the Immigration and Nationality Act, the transition program shall conform to the following requirements:

''(1) TREATED AS NONIMMIGRANTS.—Aliens admitted under this subsection shall be treated as nonimmigrants under subparagraph (A), (C), (D), (G), (J), (K), or (S) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of that Act (8 U.S.C. 1258), or adjustment of status, if eligible, under this section and section 245 of that Act (8 U.S.C. 1255).

''(2) PERMIT SYSTEM.—

''(A) IN GENERAL.—The Secretary of Labor shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each temporary alien worker who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(B) REDUCTION IN ALLOCATION OF PERMITS.—The permit system shall—

''(i) provide for a reduction in the allocation of permits for workers described in subparagraph (A) on an annual basis, to zero, over a period not to extend beyond December 31, 2014; and

''(ii) take into account the number of petitions granted under subsection (i).

''(C) VALIDITY OF PERMIT.—A permit shall not be valid beyond the expiration of the transition period.

''(D) BASIS OF PERMIT SYSTEM.—The permit system may be based on any reasonable method and criteria determined by the Secretary of Labor to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, taking into consideration the objective of providing as smooth a transition as possible to the full application of Federal law.

''(E) USER FEES.—

''(i) IN GENERAL.—The Secretary of Labor may establish and collect appropriate user fees for the purposes of this section.

''(ii) DISPOSITION OF AMOUNTS COLLECTED.—Amounts collected pursuant to this section shall—

''(I) be deposited in a special fund of the Treasury;

''(II) be available, to the extent and in the amounts provided in advance in appropriations Acts, for the purposes of administering this section; and

''(III) remain available until expended.

''(3) VISAS FOR NONIMMIGRANT TEMPORARY ALIEN WORKERS.—

''(A) IN GENERAL.—Subject to subparagraph (B)—

''(i) the Secretary of Homeland Security shall set the conditions for admission of nonimmigrant temporary alien workers under the transition program; and

''(ii) the Secretary of State shall authorize the issuance of nonimmigrant visas for aliens to engage in employment only as authorized in this subsection.

''(B) LIMITATION.—Visas described in subparagraph (A) shall not be valid for admission to the United States (as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38))), except the Commonwealth of the Northern Mariana Islands.

''(C) EMPLOYMENT.—An alien admitted to the Commonwealth of the Northern Mariana Islands on the basis of such a nonimmigrant visa may engage in employment only as authorized pursuant to the transition program.

''(D) PROHIBITION.—No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under paragraph (2) have been met.

''(4) TRANSFER BETWEEN EMPLOYERS.—An alien admitted as a nonimmigrant pursuant to this subsection shall be permitted to transfer between employers in the Commonwealth of the Northern Mariana Islands during the period of the authorized stay of the alien in the Commonwealth, without advance permission of the current or prior employer of the employee, to the extent that the transfer is authorized by the Secretary of Homeland Security in accordance with criteria established by the Secretary and the Secretary of Labor.

''(d) IMMIGRANTS.—

''(1) IN GENERAL.—With the exception of immediate relatives (as defined in section 201(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)) and persons granted an immigrant visa under paragraph (2) or (3), aliens shall not be granted initial admission as lawful permanent residents of the United States at a port-of-entry in the Commonwealth of the Northern Mariana Islands or a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands.

''(2) FAMILY-SPONSORED IMMIGRANT VISAS.—For any fiscal year during which the transition program will be in effect, the Secretary of Homeland Security, after consultation with the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, and in consultation with appropriate Federal agencies, may establish a specific number of additional initial admissions as a family-sponsored immigrant at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as authorized by sections 202 and 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152 and 1153(a)).

''(3) EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) EXCEPTIONAL CIRCUMSTANCES.—

''(i) IN GENERAL.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor and the Governor and the leadership of the Legislature of the Commonwealth of the Northern Mariana Islands, finds that exceptional circumstances exist with respect to the inability of employers in the Commonwealth of the Northern Mariana Islands to obtain sufficient work-authorized labor, the Secretary of Homeland Security may establish a specific number of employment-based immigrant visas that will not count against the numerical limitations under section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)).

''(ii) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this paragraph.

''(B) ADMISSION AS LAWFUL PERMANENT RESIDENTS.—

''(i) IN GENERAL.—Persons granted employment-based immigrant visas under the transition program may be admitted initially at a port-of-entry in the Commonwealth of the Northern Mariana Islands, or at a port-of-

entry in Guam for the purpose of immigrating to the Commonwealth of the Northern Mariana Islands, as lawful permanent residents of the United States.

''(ii) ADJUSTMENT OF STATUS.—Persons who would otherwise be eligible for lawful permanent residence under the transition program, and who would otherwise be eligible for an adjustment of status, may have their status adjusted within the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence.

''(C) NO PRECLUSION ON OTHER APPLICATIONS.—Nothing in this paragraph precludes an alien who has obtained lawful permanent resident status pursuant to this paragraph from applying, if otherwise eligible, under this section and under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for an immigrant visa or admission as a lawful permanent resident under that Act.

''(D) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT IN THE TOURISM INDUSTRY AFTER THE TRANSITION PERIOD ENDS.—

''(i) IN GENERAL.—During 2013, and in 2019 if a 5-year extension is granted, the Secretary of Homeland Security and the Secretary of Labor shall consult with the Governor of the Commonwealth of the Northern Mariana Islands and tourism businesses in the Commonwealth of the Northern Mariana Islands to determine—

''(I) the current and future labor needs of the tourism industry in the Commonwealth of the Northern Mariana Islands; and

''(II) whether a 5-year extension of the provisions of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry.

''(ii) LEGITIMATE BUSINESS.—

''(I) IN GENERAL.—For the purpose of this paragraph, a business shall not be considered legitimate if the business engages directly or indirectly in prostitution or any activity that is illegal under Federal or local law.

''(II) DETERMINATION.—The determination of whether a business is legitimate and whether the business is sufficiently related to the tourism industry shall be made by the Secretary of Homeland Security and shall not be reviewable.

''(iii) NOTICE OF EXTENSION.—If the Secretary of Homeland Security, after consultation with the Secretary of Labor, determines that an extension of this paragraph is necessary to ensure an adequate number of workers for legitimate businesses in the tourism industry, the Secretary of Homeland Security shall provide notice by publication in the Federal Register that the provisions of this paragraph will be extended for a 5-year period with respect to the tourism industry only.

''(iv) FURTHER EXTENSION.—The Secretary of Homeland Security may authorize 1 further extension of this paragraph with respect to the tourism industry in the Commonwealth of the Northern Mariana Islands if, after the Secretary of Homeland Security consults with the Secretary of Labor, the Governor of the Commonwealth of the Northern Mariana Islands, and local tourism businesses, the Secretary of Homeland Security determines that a further extension is required to ensure an adequate number of workers for legitimate businesses in the tourism industry in the Commonwealth of the Northern Mariana Islands.

''(v) EXTENSION FOR CERTAIN LEGITIMATE BUSINESSES.—The Secretary of Homeland Security, after consultation with the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Labor and the Secretary of Commerce, may extend the provisions of this paragraph to legitimate businesses in industries outside the tourism industry for a single 5-year period if the Secretary of Homeland Security determines that—

''(I) the extension is necessary to ensure an adequate number of workers in that industry; and

''(II) the industry is important to growth or diversification of the local economy.

''(vi) CONSIDERATIONS.—In making a determination for the tourism industry or for industries outside the tourism industry, the Secretary of Homeland Security shall take into consideration the extent to which a training and recruitment program has been implemented to hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in the industry.

''(vii) PROHIBITION ON ADDITIONAL EXTENSIONS.—No additional extension beyond the initial 5-year period may be granted for any industry outside the tourism industry or for the tourism industry beyond a second extension.

''(viii) REPORT.—If an extension is granted, the Secretary of Homeland Security shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a report describing—

''(I) the reasons for the extension; and

''(II) whether the Secretary believes authority for additional extensions should be enacted.

''(e) NONIMMIGRANT INVESTOR VISAS.—

''(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), the Secretary of Homeland Security may, upon the application of the alien, classify an alien as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth of the Northern Mariana Islands in long-term investor status under the immigration laws of the Commonwealth of the Northern Mariana Islands before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth of the Northern Mariana Islands under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) REGULATIONS.—Not later than 180 days after the transition program effective date, the Secretary of Homeland Security and the Secretary of State shall jointly publish regulations in the Federal Register to implement this subsection.

''(3) INTERIM TREATMENT OF ALIENS.—The Secretary of Homeland Security shall treat an alien who meets the requirements of paragraph (1) as a nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) until the regulations implementing this subsection are published.

''(f) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IMMIGRATION LAW.—

''(1) REMOVAL.—No alien who is lawfully present in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be removed from the United States on the ground that the presence of the alien in the Commonwealth of the Northern Mariana Islands is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of—

''(A) the completion of the period of the admission of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

''(B) the second anniversary of the transition program effective date.

''(2) EMPLOYMENT AUTHORIZATION.—Any alien who is lawfully present and authorized to be employed in the Commonwealth of the Northern Mariana Islands pursuant to the immigration laws of the Commonwealth of the Northern Mariana Islands on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth of the Northern Mariana Islands until the earlier of—

''(A) the expiration of the employment authorization of the alien under the immigration laws of the Commonwealth of the Northern Mariana Islands; or

''(B) the second anniversary of the transition program effective date.

''(3) NO LIMITATION.—Nothing in this subsection prevents or limits the removal under section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of an alien described in paragraph (1) or (2) at any time, if—

''(A) the alien entered the Commonwealth of the Northern Mariana Islands after the date of enactment of the Northern Mariana Islands Covenant Implementation Act; and

''(B) the Secretary of Homeland Security has determined that the Government of the Commonwealth of the Northern Mariana Islands violated section 2(f) of that Act.

''(g) EFFECT ON OTHER LAWS.—The provisions of this section and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), as amended by the Northern Mariana Islands Covenant Implementation Act, shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth of the Northern Mariana Islands relating to the admission of aliens and the removal of aliens from the Commonwealth of the Northern Mariana Islands.

''(h) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(a)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in violation of the immigration laws of the Commonwealth of the Northern Mariana Islands shall, by reason of the violation be counted for purposes of the ground of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(i) 1-TIME GRANDFATHER PROVISION FOR CERTAIN LONG-TERM EMPLOYEES.—

''(1) IN GENERAL.—An alien may be granted an immigrant visa, or have the status of the alien adjusted in the Commonwealth of the Northern Mariana Islands to that of an alien lawfully admitted for permanent residence, without counting against the numerical limitations set forth in sections 202 and 203(b) of the Immigration and Nationality Act (8 U.S.C. 1152, 1153(b)), and subject to the limiting terms and conditions of an alien's permanent residence set forth in paragraphs (B) and (C) of subsection (d)(3), if—

''(A) the alien is employed directly by an employer in a business that the Secretary of Homeland Security has determined is legitimate;

''(B) not later than 180 days after the transition program effective date, the employer has filed a petition for classification of the alien as an employment-based immigrant with the Secretary of Homeland Security pursuant to section 204 of the Immigration and Nationality Act (8 U.S.C. 1154);

''(C) the alien has been lawfully present in the Commonwealth of the Northern Mariana Islands and is authorized to be employed in the Commonwealth of the Northern Mariana Islands for the 4-year period immediately preceding the filing of the petition;

''(D) the alien has been employed continuously in that business by the petitioning employer for the 4-year period immediately preceding the filing of the petition;

''(E) the alien continues to be employed in that business by the petitioning employer as of the date on which—

''(i) the immigrant visa is granted; or

''(ii) the status of the alien is adjusted to permanent resident;

''(F) the business of the petitioner has a reasonable expectation of generating sufficient revenue to continue to employ the alien in that business for the succeeding 4 years; and

''(G) the alien is otherwise eligible for admission to the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

''(2) LABOR CERTIFICATION REQUIREMENTS.—The labor certification requirements of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) shall not apply to an alien seeking immigration benefits under this subsection.

''(3) NONIMMIGRANT STATUS.—The fact that an alien is the beneficiary of an application for a preference status that was filed with the Secretary of Homeland Security under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) for the purpose of obtaining benefits under this subsection, or has otherwise sought permanent residence pursuant to this subsection, shall not render the alien ineligible to obtain or maintain the status of a nonimmigrant under this Joint Resolution or the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), if the alien is otherwise eligible for that nonimmigrant status.

''(j) STATUTORY CONSTRUCTION.—Nothing in this section may be construed to count the issuance of any visa to an alien, or the grant of any admission of an alien, under this section toward any numerical limitation contained in the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).''.

(b) CONFORMING AMENDMENTS.—

(1) DEFINITIONS.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended—

(A) in paragraph (36), by striking ''and the Virgin Islands of the United States.'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.''; and

(B) in paragraph (38), by striking ''and the Virgin Islands of the United States.'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.''.

(2) INADMISSIBLE ALIENS.—Section 212(l) of the Immigration and Nationality Act (8 U.S.C. 1182(l)) is amended—

(A) in paragraph (1)—

(i) by striking ''stay on Guam'', and inserting ''stay on Guam or the Commonwealth of the Northern Mariana Islands'';

(ii) by inserting ''a total of '' after ''exceed'';

(iii) by striking ''after consultation with the Governor of Guam,'' and inserting ''after respective consultation with the Governor of Guam or the Governor of the Commonwealth of the Northern Mariana Islands,''; and

(iv) in subparagraph (A), by striking ''on Guam'', and inserting ''on Guam or the Commonwealth of the Northern Mariana Islands, respectively,'';

(B) in paragraph (2)(A), by striking ''into Guam'', and inserting ''into Guam or the Commonwealth of the Northern Mariana Islands, respectively,''; and

(C) in paragraph (3), by striking ''Government of Guam'' and inserting ''Government of Guam or the Government of the Commonwealth of the Northern Mariana Islands''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the first day of the first full month beginning 1 year after the date of enactment of this Act.

(c) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior and the Secretary of Labor, in consultation with the Governor of the Commonwealth of the Northern Mariana Islands, shall develop a program of technical assistance, including recruitment and training, to aid employers in the Commonwealth of the Northern Mariana Islands in securing employees from among United States authorized labor, including lawfully admissible freely associated state citizen labor.

(2) FUNDING.—For each of the first 5 fiscal years beginning after the date of enactment of this Act, $500,000 shall be made available from funds appropriated to the Secretary of the Interior pursuant to Public Law 104–134 for the Federal-CNMI Immigration, Labor and Law Enforcement Initiative, of which—

(A) $200,000 shall be available to reimburse the Secretary of Commerce for providing additional technical assistance and other support to the Commonwealth of the Northern Mariana Islands to identify opportunities for and encourage diversification and growth of the Commonwealth economy; and

(B) $300,000 shall be available to reimburse the Secretary of Labor for providing additional technical and other support to the Commonwealth of the Northern Mariana Islands to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor, to fill employment vacancies in the Commonwealth of the Northern Mariana Islands.

(3) ECONOMIC GROWTH AND DIVERSIFICATION.—

(A) IN GENERAL.—The Secretary of Commerce shall—

(i) consult with the Government of the Commonwealth of the Northern Mariana Islands, local businesses, the Secretary of the Interior, regional banks, and other experts in the local economy; and

(ii) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the Commonwealth economy.

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(A), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Commerce shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Commerce—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary decides will encourage diversification and growth of the Commonwealth economy.

(E) ADDITIONAL WORKERS.—If the Secretary of Commerce concludes that additional workers may be needed to achieve diversification and growth of the Commonwealth economy, the Secretary shall promptly notify the Secretary of Homeland Security, the Secretary of Labor, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the conclusion of the Secretary with an explanation of—

(i) how many workers may be needed;

(ii) over what period of time the workers will be needed; and

(iii) what efforts are being carried out to train and actively recruit and hire persons authorized to work in the United States, including lawfully admissible freely associated state citizen labor to work in such businesses.

(4) RECRUITMENT.—

(A) IN GENERAL.—The Secretary of Labor shall—

(i) consult with the Governor of the Commonwealth of the Northern Mariana Islands, local businesses, the College of the Northern Marianas, the Secretary of the Interior, and the Secretary of Commerce; and

(ii) assist in the development and implementation of a training program described in paragraph (2)(B).

(B) NON-FEDERAL MATCHING CONTRIBUTION.—All expenditures under paragraph (2)(B), other than expenditures for Federal personnel, shall require a non-Federal matching contribution of 50 percent.

(C) REPORT.—Not later than March 1 of each year, the Secretary of Labor shall provide a report on activities under this paragraph to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Resources and the Committee on Appropriations of the House of Representatives.

(D) SUPPLEMENTAL FUNDS.—The Secretary of Labor—

(i) may supplement the funds provided under this section with other funds and resources available to the Secretary; and

(ii) shall carry out such other activities, pursuant to existing authorities of the Department, as the Secretary determines will assist in such a training program in the Commonwealth of the Northern Mariana Islands.

(d) DEPARTMENT OF JUSTICE AND DEPARTMENT OF LABOR OPERATIONS.—

(1) IN GENERAL.—The Secretary of Homeland Security and the Secretary of Labor may establish and maintain Immigration and Naturalization Service, Executive Office for Immigration Review, and Department of Labor operations in the Commonwealth of the Northern Mariana Islands for the purpose of performing the responsibilities of the Secretaries under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) and the transition program established under section 6 of Public Law 94–241, as added by this Act.

(2) RECRUITMENT OF RESIDENTS.—To the extent practicable and consistent with the satisfactory performance of their assigned responsibilities under applicable law, the Secretary of Homeland Security and the Secretary of Labor shall recruit and hire from among qualified applicants resident in the Commonwealth of the Northern Mariana Islands for staffing operations described in paragraph (1).

(e) REPORT TO CONGRESS.—Not later than 66 months after the date of enactment of this Act, and subsequently, as the President considers appropriate, the President shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, a report that—

(1) evaluates the overall effect of the transition program and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth of the Northern Mariana Islands; and

(2) describes what efforts have been undertaken to diversify and strengthen the local economy, including efforts to promote the Commonwealth of the Northern Mariana Islands as a tourist destination.

(f) LIMITATION ON NUMBER OF ALIEN WORKERS PRIOR TO APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT, AND ESTABLISHMENT OF THE TRANSITION PROGRAM.—During the period between the date of enactment of this Act and the effective date of the transition program established under section 6 of Public Law 94–241, as added by this title, the Government of the Commonwealth of the Northern Mariana Islands shall not permit an increase in the total number of alien workers who are present in the Commonwealth of the Northern Mariana Islands on the date of enactment of this Act.

TITLE XI—MISCELLANEOUS PROVISIONS

SEC. 1101. LOCATION AND DEPORTATION OF CRIMINAL ALIENS.

(a) IN GENERAL.—The Secretary of Homeland Security shall locate and deport all aliens in the United States who are deportable under section 237(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(2), relating to criminal aliens), including such aliens who under a ''catch and release'' policy have been apprehended and released by Border Patrol agents or other immigration officers pending review of their cases.

(b) INCREASE IN PROSECUTORS AND OTHER PERSONNEL.—There are authorized to be appropriated such sums as may be necessary to provide for additional prosecutors and other personnel to effect the deportation of aliens under subsection (a).

SEC. 1102. AGREEMENTS WITH STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO IDENTIFY AND TRANSFER TO FEDERAL CUSTODY CRIMINAL ALIENS.

Not later than one year after the date of the enactment of this Act, the Secretary of Homeland Security shall enter into written agreements under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) with States and political subdivisions of States to train and deputize jail and prison custodial officials—

(1) to identify each individual in their custody who is a alien and who appears to be deportable under section 237(a)(2) of such Act (8 U.S.C. 1227(a)(2));

(2) to contact the Department of Homeland Security concerning each alien so identified; and

(3) to transfer each such identified alien to a Federal law enforcement official for deportation proceedings.

SEC. 1103. DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.

Subsection (d) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253) is amended to read as follows:

''(d) DENYING ADMISSION TO FOREIGN GOVERNMENT OFFICIALS OF COUNTRIES DENYING ALIEN RETURN.—Whenever the Secretary of Homeland Security determines that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed from the United States, the Secretary, in consultation with the Secretary of State, may deny admission to any citizen, subject, national, or resident of that country who has received a nonimmigrant visa pursuant to subparagraphs (A) or (G) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless such denial of admission violates an international treaty in force between the United States and that country.''.

SEC. 1104. BORDER PATROL TRAINING FACILITY.

The Secretary of Homeland Security shall establish a Border Patrol training facility at a location that is centrally and geographically located at United States-Mexico border to assist in the training of additional Border Patrol agents authorized under this Act or any other provision of law.

Mr. REYES (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes on his motion.

Mr. REYES. Mr. Speaker, the bipartisan 9/11 Commission recently released a report grading our government's response to its recommendations of a year ago, and that report is sadly filled with failing marks.

Now, more than 4 years after the terrorist attacks of September 11, 2001, this House is finally getting around to considering legislation that is supposed to address illegal immigration and border security. The only problem is that the bill offered by my Republican colleagues is completely inadequate to do the vitally important job and would surely earn yet another failing grade by the 9/11 Commission.

Mr. Speaker, as the Members may know, before being elected to Congress, I served for 26½ years in the United States Border Patrol, including 13 of those years as sector chief in McAllen and El Paso.

□ 2200

I have years of experience patrolling the tough terrain of the U.S.-Mexico border region, supervising thousands of dedicated Border Patrol agents and doing everything within our power to strengthen our borders and reduce illegal immigration. Unfortunately, Mr. Speaker, it is clear to me that there are some Members of this House who either have no idea of what Congress really needs to do to help keep Americans safe, or they are more interested in scoring political points with voters back home than protecting our country.

This is a bad bill. This bill is being motivated more, in my opinion, by partisan politics than by sound policy. I personally believe that the underlying legislation betrays our heritage as a Nation of immigrants whose rich history has been enhanced by those who have come to this country to share our American dream.

While we can disagree about the motives behind the bill, what is absolutely indisputable is that it fails to provide the Department of Homeland Security with the tools to protect the American people. That is why I am offering this motion to recommit with the support of my colleagues, Mr. CONYERS and Mr. THOMPSON, who are the ranking members of the Judiciary and Homeland Security Committees.

Under this motion, we require DHS to develop a comprehensive border security strategy to establish control of all of our borders and ports. Unlike the base bill, we also provide significant personnel and equipment necessary to apprehend, to process and deport illegal immigrants: 12,000 additional Border Patrol agents are provided for in this motion; 8,000 more immigration and Customs enforcement inspectors; 4,000 additional inspectors at our ports-of-entry; 1,000 additional U.S. Marshals; 1,000 more detention officers; and 300 additional immigration judges.

You see, Mr. Speaker, the effective control of our borders involves a little bit more than proposals for fences or mandatory sentencing. In fact, it is more about listening to and understanding the challenges that are faced by hardworking Federal officers and officials in every phase of the process. That includes Border Patrol agents, detention officers, Customs inspectors, U.S. Marshals, immigration judges and Federal prosecutors.

In this motion, we also provide 100,000 new detention beds to ensure that DHS has the space to detain illegal immigrants so that we can put an end to that absurd policy of catch and release once and for all. Furthermore, we instruct DHS to locate and deal with the 110,000 undocumented immigrants who have already been released so that we can apprehend them and deport them back to their home countries.

In short, Mr. Speaker, this motion to recommit would fulfill and even surpass the recommendations of the 9/11 Commission.

Mr. Speaker, it has been over 4 years since the September 11 attacks. We need real action, not rhetoric. The American people are counting on us, and we cannot continue to fail them. Vote in favor of the motion to recommit and against this terribly misguided underlying underlying bill.

Mr. SENSENBRENNER. Mr. Chairman, I claim the time in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. KIRK). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, securing our Nation's borders is an imperative, and this bill does it. Turning off the magnet that brings people into the United States to work illegally is an imperative. This bill does it.

This 149-page motion to recommit, which we received a couple of minutes before the author made his motion, we have been able to look at enough of this 150 pages to see that it does not provide one bit of enhancement to the employment verification system. That is the big hole in this bill. So there is no way that employers will be able. There are no enhancements to employer verification.

Mr. Speaker, throughout this debate, both yesterday and today, my friends on the minority side have been doing their best to try to make this bill unworkable, one of which was their almost unanimous support for keeping the penalties for illegal presence in the United States as a felony. Let me tell you that even though my amendment to reduce those penalties was voted down largely by people on the other

side of the aisle, when this bill gets to conference, those penalties will be made workable. You can count on that.

Keep immigration reform on track. To secure our borders and to have a secure employer verification system, pass this bill. Vote against the motion to recommit.

Mr. Speaker, I yield to the gentleman from New York.

Mr. KING of New York. Mr. Speaker, I thank the gentleman for yielding. I thank him for his close cooperation and his staff and members of the Judiciary Committee.

Mr. Speaker, I speak out strongly against the motion to recommit. In many ways, it copies what we did in the Homeland Security Committee except it leaves out the most important sections.

There was nothing in the motion to recommit about mandatory detention, expedited removal, and it dramatically weakens the repatriation sanctioning authority. By doing that, it takes away the entire strength of the underlying bill. The bill that came out of the Homeland Security Committee by unanimous vote, unfortunately, the motion to recommit dramatically weakens that.

Mr. SENSENBRENNER. Mr. Speaker, reclaiming my time, I strongly urge defeat of the motion to recommit and passage of the bill.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REYES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and suspending the rules and agreeing to H. Res. 598.

The vote was taken by electronic device, and there were—ayes 198, noes 221, not voting 14, as follows:

[Roll No. 660]

AYES—198

Abercrombie
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
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Oberstar
Obey
Olver
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
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
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

NOES—221

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bartlett (MD)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
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
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
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
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—14

Barrett (SC)
Barton (TX)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Jefferson
Kolbe
LaHood
McCarthy
Napolitano
Nussle
Young (AK)
Young (FL)

□ 2224

Mr. TOM DAVIS of Virginia and Mr. JOHNSON of Illinois changed their vote from ''aye'' to ''no''.

Mr. BAIRD and Mr. GORDON changed their vote from ''no'' to ''aye''.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KIRK). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. ZOE LOFGREN of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 182, not voting 13, as follows:

[Roll No. 661]

AYES—239

Aderholt
Akin
Alexander
Bachus
Baker
Barrow
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Conaway
Costello
Cramer
Crenshaw
Cubin
Culberson
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert

Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hayes
Hefley
Hensarling
Herger
Herseth
Higgins
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schmidt
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (TX)
Sodrel
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Tiahrt
Udall (CO)
Upton
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boehner
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayworth
Hinchey
Hinojosa
Hobson
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (WI)
Moran (VA)
Murtha
Nadler
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Price (NC)
Radanovich
Rahall
Rangel
Reyes
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stupak
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOT VOTING—13

Barrett (SC)
Barton (TX)
Cole (OK)
Davis, Jo Ann
Diaz-Balart, M.
Hyde
Istook
Kolbe
LaHood
McCarthy
Napolitano
Young (AK)
Young (FL)

□ 2233

Mr. RYAN of Ohio changed his vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4437, BORDER PROTECTION, ANTITERRORISM, AND ILLEGAL IMMIGRATION CONTROL ACT OF 2005

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 4437, the Clerk be authorized to make technical and clerical changes to reflect the actions of the House.

The SPEAKER pro tempore (Mr. KIRK). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONDEMNING ACTIONS BY SYRIA REGARDING THE ASSASSINATION OF FORMER PRIME MINISTER OF LEBANON

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 598, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 598, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 5, answered ''present'' 1, not voting 23, as follows:

[Roll No. 662]

YEAS—404

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kucinich
Kuhl (NY)
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Oberstar
Obey
Olver
Ortiz
Osborne

Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schmidt
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NAYS—5

Kaptur
Lantos
McDermott
McKinney
Paul

ANSWERED ''PRESENT''—1

Abercrombie

NOT VOTING—23

Baker
Barrett (SC)
Barton (TX)
Berman
Davis, Jo Ann
Diaz-Balart, M.
Farr
Ford
Hyde
Istook
Kilpatrick (MI)
Kolbe
LaHood
Markey
McCarthy
Murtha
Napolitano
Nussle
Oxley
Radanovich
Walden (OR)
Young (AK)
Young (FL)

□ 2243

So (two-thirds of those voting having responded in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 1281, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. BOEHLERT submitted the following conference report and statement on the Senate bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010:

CONFERENCE REPORT (H. REPT. 109–354)

The Committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281), to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2005''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—GENERAL PRINCIPLES AND REPORTS

Sec. 101. Responsibilities, policies, and plans.
Sec. 102. Reports.
Sec. 103. Baselines and cost controls.
Sec. 104. Prize authority.
Sec. 105. Foreign launch vehicles.
Sec. 106. Safety management.
Sec. 107. Lessons learned and best practices.
Sec. 108. Commercialization plan.
Sec. 109. Study on the feasibility of use of ground source heat pumps.
Sec. 110. Whistleblower protection.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

Sec. 201. Structure of budget accounts.
Sec. 202. Fiscal year 2007.
Sec. 203. Fiscal year 2008.
Sec. 204. ISS research.
Sec. 205. Test facilities.
Sec. 206. Official representation fund.
Sec. 207. ISS cost cap.

TITLE III—SCIENCE

Subtitle A—General Provisions

Sec. 301. Performance assessments.
Sec. 302. Status on Hubble Space Telescope servicing mission.
Sec. 303. Independent assessment of Landsat-NPOESS integrated mission.
Sec. 304. Assessment of science mission extensions.
Sec. 305. Microgravity research.
Sec. 306. Coordination with the National Oceanic and Atmospheric Administration.
Sec. 307. Review and report on Headquarters Earth-Sun System Applied Sciences Program.

Subtitle B—Remote Sensing

Sec. 311. Definitions.
Sec. 312. General responsibilities.
Sec. 313. Pilot projects to encourage public sector applications.
Sec. 314. Program evaluation.
Sec. 315. Data availability.
Sec. 316. Education.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

Sec. 321. George E. Brown, Jr. Near-Earth Object Survey.

TITLE IV—AERONAUTICS

Sec. 401. Definition.

Subtitle A—Governmental Interest in Aeronautics Research and Development

Sec. 411. Governmental interest.

Subtitle B—High Priority Aeronautics Research and Development Programs

Sec. 421. Fundamental research program.
Sec. 422. Research and technology programs.
Sec. 423. Airspace systems research.
Sec. 424. Aviation safety and security research.
Sec. 425. Aviation weather research.
Sec. 426. Assessment of wake turbulence research and development program.
Sec. 427. University-based Centers for Research on Aviation Training.

Subtitle C—Scholarships

Sec. 431. NASA aeronautics scholarships.

Subtitle D—Data Requests

Sec. 441. Aviation data requests.

TITLE V—HUMAN SPACE FLIGHT

Sec. 501. Space Shuttle follow-on.
Sec. 502. Transition.
Sec. 503. Requirements.
Sec. 504. Ground-based analog capabilities.
Sec. 505. ISS completion.
Sec. 506. ISS research.
Sec. 507. National laboratory designation.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

Sec. 601. Orbital debris.
Sec. 602. Secondary payload capability.

Subtitle B—Education

Sec. 611. Institutions in NASA's minority institutions program.
Sec. 612. Program to expand distance learning in rural underserved areas.
Sec. 613. Charles ''Pete'' Conrad Astronomy awards.
Sec. 614. Review of education programs.
Sec. 615. Equal access to NASA's education programs.
Sec. 616. Museums.
Sec. 617. Review of MUST program.
Sec. 618. Continuation of certain education programs.
Sec. 619. Implementation of previous recommendations.

Subtitle C—Technology Transfer

Sec. 621. Commercial technology transfer program.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

Sec. 701. Retrocession of jurisdiction.
Sec. 702. Extension of indemnification.
Sec. 703. NASA scholarships.
Sec. 704. Independent cost analysis.
Sec. 705. Recovery and disposition authority.
Sec. 706. Changes to existing laws on reports.
Sec. 707. Small business contracting.
Sec. 708. NASA healthcare program.
Sec. 709. Offshore performance of contracts for the procurement of goods and services.
Sec. 710. Study on enhanced use leasing.

Subtitle B—National Science Foundation

Sec. 721. Data on specific fields of study.
Sec. 722. National Science Foundation major research equipment and facilities.

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

Sec. 801. Establishment of task force.
Sec. 802. Tasks of the task force.
Sec. 803. Composition of the task force.
Sec. 804. Reporting requirements.
Sec. 805. Sunset.

Subtitle B—Human Space Flight Independent Investigation Commission

Sec. 821. Definitions.
Sec. 822. Establishment of Commission.
Sec. 823. Tasks of the Commission.
Sec. 824. Composition of Commission.
Sec. 825. Powers of Commission.
Sec. 826. Public meetings, information, and hearings.
Sec. 827. Staff of Commission.
Sec. 828. Compensation and travel expenses.
Sec. 829. Security clearances for Commission members and staff.

Sec. 830. Reporting requirements and termination.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Aeronautics and Space Administration.

(2) ISS.—The term ''ISS'' means the International Space Station.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

TITLE I—GENERAL PRINCIPLES AND REPORTS

SEC. 101. RESPONSIBILITIES, POLICIES, AND PLANS.

(a) GENERAL RESPONSIBILITIES.—

(1) PROGRAMS.—The Administrator shall ensure that NASA carries out a balanced set of programs that shall include, at a minimum, programs in—

(A) human space flight, in accordance with subsection (b);

(B) aeronautics research and development; and

(C) scientific research, which shall include, at a minimum—

(i) robotic missions to study the Moon and other planets and their moons, and to deepen understanding of astronomy, astrophysics, and other areas of science that can be productively studied from space;

(ii) earth science research and research on the Sun-Earth connection through the development and operation of research satellites and other means;

(iii) support of university research in space science, earth science, and microgravity science; and

(iv) research on microgravity, including research that is not directly related to human exploration.

(2) CONSULTATION AND COORDINATION.—In carrying out the programs of NASA, the Administrator shall—

(A) consult and coordinate to the extent appropriate with other relevant Federal agencies, including through the National Science and Technology Council;

(B) work closely with the private sector, including by—

(i) encouraging the work of entrepreneurs who are seeking to develop new means to launch satellites, crew, or cargo;

(ii) contracting with the private sector for crew and cargo services, including to the International Space Station, to the extent practicable;

(iii) using commercially available products (including software) and services to the extent practicable to support all NASA activities; and

(iv) encouraging commercial use and development of space to the greatest extent practicable; and

(C) involve other nations to the extent appropriate.

(b) VISION FOR SPACE EXPLORATION.—

(1) IN GENERAL.—The Administrator shall establish a program to develop a sustained human presence on the Moon, including a robust precursor program, to promote exploration, science, commerce, and United States preeminence in space, and as a stepping-stone to future exploration of Mars and other destinations. The Administrator is further authorized to develop and conduct appropriate international collaborations in pursuit of these goals.

(2) MILESTONES.—The Administrator shall manage human space flight programs to strive to achieve the following milestones (in conformity with section 503)—

(A) Returning Americans to the Moon no later than 2020.

(B) Launching the Crew Exploration Vehicle as close to 2010 as possible.

(C) Increasing knowledge of the impacts of long duration stays in space on the human body using the most appropriate facilities available, including the ISS.

(D) Enabling humans to land on and return from Mars and other destinations on a timetable that is technically and fiscally possible.

(c) AERONAUTICS.—

(1) IN GENERAL.—The President of the United States, through an official the President shall designate, and in consultation with appropriate Federal agencies, shall develop a national policy to guide the aeronautics research and development programs of the United States through 2020. The policy shall include national goals for aeronautics research and development and shall describe the role and responsibilities of each Federal agency that will carry out the policy. The development of the policy shall utilize external studies that have been conducted on the state of United States aeronautics and aviation research and development and have suggested policies to ensure continued competitiveness.

(2) CONTENT.—(A) At a minimum, the national aeronautics research and development policy shall describe for NASA—

(i) the priority areas of research for aeronautics through fiscal year 2011;

(ii) the basis on which and the process by which priorities for ensuing fiscal years will be selected;

(iii) the facilities and personnel needed to carry out the aeronautics program through fiscal year 2011; and

(iv) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be the authorized level for aeronautics provided in title II of this Act.

(B) The policy shall be based on the premises that—

(i) the Federal Government has an established interest in conducting research and development programs for improving the usefulness, performance, speed, safety, and efficiency of aeronautical vehicles, as described in section 102(d)(2) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(2)); and

(ii) the Federal Government has an established interest in conducting research and development programs that help preserve the role of the United States as a global leader in aeronautical technologies and in their application, as described in section 102(d)(5) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(5)).

(3) CONSIDERATIONS.—In developing the national aeronautics research and development policy, the President shall consider the following issues, which shall be discussed in the transmittal under paragraph (5):

(A) The extent to which NASA should focus on long-term, high-risk research or more incremental research, and the expected impact of that decision on the United States economy, and the ability to achieve environmental and other public goals related to aeronautics.

(B) The extent to which NASA should address military and commercial needs.

(C) How NASA will coordinate its aeronautics program with other Federal agencies.

(D) The extent to which NASA will conduct research in-house, fund university research, and collaborate on industry research, and the expected impact of that mix of funding on the supply of United States workers for the aeronautics industry.

(E) The extent to which the priority areas of research listed pursuant to paragraph (2)(A) should include the activities authorized by title IV of this Act, the discussion of which shall include a priority ranking of all of the activities authorized in title IV and an explanation for that ranking.

(4) CONSULTATION.—In the development of the national aeronautics research and development policy, the President shall consult widely with academic and industry experts and with other Federal agencies. The Administrator may enter into an arrangement with the National Academy of Sciences to help develop the policy.

(5) SCHEDULE.—(A) Not later than 1 year after the date of enactment of this Act, the President shall transmit the national aeronautics research and development policy to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(B) Not later than 60 days after the transmittal of the policy under subparagraph (A), the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report describing how NASA will carry out the policy.

(C) At the time the President's fiscal year 2007 budget is transmitted to the Congress, the Administrator shall transmit to the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the Committee on Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the proposed NASA aeronautics budget describing—

(i) the rationale for the budget levels and activities in the proposed fiscal year 2007 NASA aeronautics budget;

(ii) the extent to which the program directions proposed for fiscal year 2007 are likely to be consistent with the national policy being prepared under this section; and

(iii) the extent to which the proposed programs for fiscal year 2007 are consistent with past reports and current studies of the National Academy of Sciences, and other relevant reports and studies.

(d) SCIENCE.—

(1) IN GENERAL.—The Administrator shall develop a plan to guide the science programs of NASA through 2016.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall be designed to ensure that NASA has a rich and vigorous set of science activities, and shall describe—

(A) the missions NASA will initiate, design, develop, launch, or operate in space science and earth science through fiscal year 2016, including launch dates;

(B) a priority ranking of all of the missions listed under subparagraph (A), and the rationale for the ranking; and

(C) the budget assumptions on which the policy is based, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act.

(3) CONSIDERATIONS.—In developing the science plan under this subsection, the Administrator shall consider the following issues, which shall be discussed in the transmittal under paragraph (6):

(A) What the most important scientific questions in space science and earth science are.

(B) How to best benefit from the relationship between NASA's space and earth science activities and those of other Federal agencies.

(C) Whether the Magnetospheric Multiscale Mission, SIM-Planet Quest, and missions under the Future Explorers Programs can be expedited to meet previous schedules.

(D) Whether any NASA Earth observing missions that have been delayed or cancelled can be restored.

(E) How to ensure the long-term vitality of Earth observation programs at NASA, including their satellite, science, and data system components.

(F) Whether current and currently planned Earth observation missions should be supplemented or replaced with new satellite architectures and instruments that enable global coverage, and all-weather, day and night imaging of the Earth's surface features.

(G) How to integrate NASA earth science missions with the Global Earth Observing System of Systems.

(4) CONSULTATION.—In developing the plan under this subsection, the Administrator shall draw on decadal surveys and other reports in planetary science, astronomy, solar and space physics, earth science, and any other relevant fields developed by the National Academy of Sciences. The Administrator shall also consult widely with academic and industry experts and with other Federal agencies.

(5) HUBBLE SPACE TELESCOPE.—The plan developed under this subsection shall address plans for a human mission to repair the Hubble Space Telescope consistent with section 302 of this Act.

(6) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act. The Administrator shall make available to those committees any study done by a nongovernmental entity that was used in the development of the plan.

(e) FACILITIES.—

(1) IN GENERAL.—The Administrator shall develop a plan for managing NASA's facilities through fiscal year 2015. The plan shall be consistent with the policies and plans developed pursuant to this section.

(2) CONTENT.—At a minimum, the plan developed under paragraph (1) shall describe—

(A) any new facilities NASA intends to acquire, whether through construction, purchase, or lease, and the expected dates for doing so;

(B) any facilities NASA intends to significantly modify, refurbish, or upgrade, and the expected dates for doing so;

(C) any facilities NASA intends to close, and the expected dates for doing so;

(D) any transactions NASA intends to conduct to sell, lease, or otherwise transfer the ownership of a facility, and the expected dates for doing so;

(E) how each of the actions described in subparagraphs (A), (B), (C), and (D) will enhance the ability of NASA to carry out its programs;

(F) the expected costs or savings expected from each of the actions described in subparagraphs (A), (B), (C), and (D);

(G) the priority order of the actions described in subparagraphs (A), (B), (C), and (D);

(H) the budget assumptions of the plan, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, including the funding levels for maintenance and repairs; and

(I) how facilities were evaluated in developing the plan.

(3) SCHEDULE.—The Administrator shall transmit the plan developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the date on which the President submits the proposed budget for the Federal Government for fiscal year 2008 to the Congress.

(f) WORKFORCE.—

(1) IN GENERAL.—The Administrator shall develop a human capital strategy to ensure that NASA has a workforce of the appropriate size and with the appropriate skills to carry out the programs of NASA, consistent with the policies and plans developed pursuant to this section. Under the strategy, NASA shall utilize current personnel, to the maximum extent feasible, in implementing the vision for space exploration and NASA's other programs. The strategy shall cover the period through fiscal year 2011.

(2) CONTENT.—The strategy developed under paragraph (1) shall describe, at a minimum—

(A) any categories of employees NASA intends to reduce, the expected size and timing of those reductions, the methods NASA intends to use to make the reductions, and the reasons NASA no longer needs those employees;

(B) any categories of employees NASA intends to increase, the expected size and timing of those increases, the methods NASA intends to use to recruit the additional employees, and the reasons NASA needs those employees;

(C) the steps NASA will use to retain needed employees; and

(D) the budget assumptions of the strategy, which for fiscal years 2007 and 2008 shall be consistent with the authorizations provided in title II of this Act, and any expected additional costs or savings from the strategy by fiscal year.

(3) SCHEDULE.—The Administrator shall transmit the strategy developed under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date on which the President submits the proposed budget for the Federal Government for fiscal year 2007 to the Congress. At least 60 days before transmitting the strategy, NASA shall provide a draft of the strategy to its Federal employee unions for a 30-day consultation period after which NASA shall respond in writing to any written concerns provided by the unions.

(4) LIMITATION.—NASA may not implement any Reduction in Force or other involuntary separations (except for cause) prior to March 16, 2007.

(g) CENTER MANAGEMENT.—

(1) IN GENERAL.—The Administrator shall conduct a study to determine whether any of NASA's centers should be operated by or with the private sector by converting a center to a Federally Funded Research and Development Center or through any other mechanism.

(2) CONTENT.—The study conducted under paragraph (1) shall, at a minimum—

(A) make a recommendation for the operation of each center and provide reasons for that recommendation; and

(B) describe the advantages and disadvantages of each mode of operation considered in the study.

(3) CONSIDERATIONS.—In conducting the study, the Administrator shall take into consideration the experiences of other relevant Federal agencies in operating laboratories and centers, and any reports that have reviewed the mode of operation of those laboratories and centers, as well as any reports that have reviewed NASA's centers.

(4) SCHEDULE.—The Administrator shall transmit the study conducted under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than May 31, 2006.

(h) BUDGETS.—

(1) CATEGORIES.—The proposed budget for NASA submitted by the President for each fiscal year shall be accompanied by documents showing—

(A) by program—

(i) the budget for space operations, including the ISS and the Space Shuttle;

(ii) the budget for exploration systems;

(iii) the budget for aeronautics;

(iv) the budget for space science;

(v) the budget for earth science;

(vi) the budget for microgravity science;

(vii) the budget for education;

(viii) the budget for safety oversight; and

(ix) the budget for public relations;

(B) the budget for technology transfer programs;

(C) the budget for the Integrated Enterprise Management Program, by individual element;

(D) the budget for the Independent Technical Authority, both total and by center;

(E) the total budget for the prize program under section 104, and the administrative budget for that program; and

(F) the comparable figures for at least the 2 previous fiscal years for each item in the proposed budget.

(2) SENSE OF CONGRESS REGARDING EVALUATION CRITERIA FOR BUDGET REQUESTS.—It is the sense of the Congress that each budget of the United States submitted to the Congress after the date of enactment of this Act should be evaluated for compliance with the findings and priorities established by this Act and the amendments made by this Act.

(i) ADDITIONAL BUDGET INFORMATION.—NASA shall make available, upon request from the Committee on Science of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate—

(1) information on corporate and center general and administrative costs and service pool costs, including—

(A) the total amount of funds being allocated for those purposes for any fiscal year for which the President has submitted an annual budget request to Congress;

(B) the amount of funds being allocated for those purposes for each center, for headquarters, and for each directorate; and

(C) the major activities included in each cost category; and

(2) the figures on the amount of unobligated funds and unexpended funds, by appropriations account—

(A) that remained at the end of the fiscal year prior to the fiscal year in which the budget is being presented that were carried over into the fiscal year in which the budget is being presented;

(B) that are estimated will remain at the end of the fiscal year in which the budget is being presented that are proposed to be carried over into the fiscal year for which the budget is being presented; and

(C) that are estimated will remain at the end of the fiscal year for which the budget is being presented.

(j) NASA AERONAUTICS TEST FACILITIES AND SIMULATORS.—

(1) REVIEW.—The Director of the Office of Science and Technology Policy shall commission an independent review of the Nation's long-term strategic needs for aeronautics test facilities and shall submit the review to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The review shall include an evaluation of the facility needs described pursuant to subsection (c)(2)(A)(iii). The review shall take into consideration the results of the study conducted pursuant to the instructions on page 582 of the conference report (H. Rept. 108–767) to accompany the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108–375).

(2) LIMITATION.—The Administrator shall not close or mothball any aeronautics test facilities identified in the 2003 independent assessment by the RAND Corporation titled ''Wind Tunnel and Propulsion Test Facilities: An Assessment of NASA's Capabilities to Serve National Needs'' as being part of the minimum set of those facilities necessary to retain and manage to serve national needs, or any aeronautics simulators, that were in use as of January 1, 2004, with the exception of the already closed 16-foot transonic tunnel, until—

(A) the review conducted under paragraph (1) has been transmitted to the Congress; and

(B) 60 days after the Administrator has transmitted to the Committee on Appropriations and the Committee on Science of the House of Representatives and the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate a written certification that the proposed closure will not have an adverse impact on NASA's ability to execute the national policy developed under subsection (c) and to achieve the goals described in that policy.

Subparagraph (B) shall cease to be effective five years after the date the study required by this section has been transmitted to the Congress.

SEC. 102. REPORTS.

(a) NATIONAL AWARENESS CAMPAIGN.—

(1) IN GENERAL.—The Administrator shall implement, beginning not later than May 1, 2006,

a national awareness campaign through various media, including print, radio, television, and the Internet, to articulate missions, publicize recent accomplishments, and facilitate efforts to encourage young Americans to enter the fields of science, mathematics, and engineering to help maintain United States leadership in those fields.

(2) REPORTS.—(A) Not later than April 1, 2006, the Administrator shall transmit a plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the activities that will be undertaken as part of the national awareness campaign required by paragraph (1) and the expected cost of those activities. NASA may undertake activities as part of the national awareness campaign prior to the transmittal of the plan required by this subparagraph, but the plan shall include a description of any activities undertaken prior to the transmittal and the estimated cost of those activities.

(B) Not later than three years after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the impact of the national awareness campaign.

(b) BUDGET INFORMATION.—Not later than April 30, 2006, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report describing—

(1) the expected cost of the Crew Exploration Vehicle through fiscal year 2020, based on the public specifications for that development contract; and

(2) the expected budgets for each fiscal year through 2020 for human spaceflight, aeronautics, space science, and earth science—

(A) first assuming inflationary growth for the budget of NASA as a whole and including costs for the Crew Exploration Vehicle as projected under paragraph (1); and

(B) then assuming inflationary growth for the budget of NASA as a whole and including at least two cost estimates for the Crew Exploration Vehicle that are higher than those projected under paragraph (1), based on NASA's past experience with cost increases for similar programs, along with a description of the reasons for selecting the cost estimates used for the calculations under this subparagraph and the confidence level for each of the cost estimates used in this section.

(c) SPACE COMMUNICATIONS PLAN.—

(1) PLAN.—The Administrator shall develop a plan, in consultation with relevant Federal agencies, for updating NASA's space communications architecture for both low-Earth orbital operations and deep space exploration so that it is capable of meeting NASA's needs over the next 20 years. The plan shall include life-cycle cost estimates, milestones, estimated performance capabilities, and 5-year funding profiles. The plan shall also include an estimate of the amounts of any reimbursements NASA is likely to receive from other Federal agencies during the expected life of the upgrades described in the plan. At a minimum, the plan shall include a description of the following:

(A) Projected Deep Space Network requirements for the next 20 years, including those in support of human space exploration missions.

(B) Upgrades needed to support Deep Space Network requirements.

(C) Cost estimates for the maintenance of existing Deep Space Network capabilities.

(D) Cost estimates and schedules for the upgrades described in subparagraph (B).

(E) Projected Tracking and Data Relay Satellite System requirements for the next 20 years, including those in support of other relevant Federal agencies.

(F) Cost and schedule estimates to maintain and upgrade the Tracking and Data Relay Satellite System to meet projected requirements.

(2) CONSULTATIONS.—The Administrator shall consult with other relevant Federal agencies in developing the plan under this subsection.

(3) SCHEDULE.—The Administrator shall transmit the plan under this subsection to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than February 17, 2007.

(d) JOINT DARK ENERGY MISSION.—The Administrator and the Director of the Department of Energy Office of Science shall jointly transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than July 15, 2006, a report on plans for a Joint Dark Energy Mission. The report shall include the amount of funds each agency intends to expend on the Joint Dark Energy Mission for each of the fiscal years 2007 through 2011, and any specific milestones for the development and launch of the Mission.

(e) OFFICE OF SCIENCE AND TECHNOLOGY POLICY.—

(1) STUDY.—As part of ongoing efforts to coordinate research and development across the Federal agencies, the Director of the Office of Science and Technology Policy shall conduct a study to determine—

(A) if any research and development programs of NASA are unnecessarily duplicating aspects of programs of other Federal agencies; and

(B) if any research and development programs of NASA are neglecting any topics of national interest that are related to the mission of NASA.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Director of the Office of Science and Technology Policy shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that—

(A) describes the results of the study under paragraph (1);

(B) lists the research and development programs of Federal agencies other than NASA that were reviewed as part of the study, which shall include any program supporting research and development in an area related to the programs of NASA, and the most recent budget figures for those programs of other agencies;

(C) recommends any changes to the research and development programs of NASA that should be made in response to the findings of the study required by paragraph (1); and

(D) describes mechanisms the Office of Science and Technology Policy will use to ensure adequate coordination between NASA and Federal agencies that operate related programs.

(3) CONTRACT.—The Director of the Office of Science and Technology Policy may contract with a nongovernmental entity to conduct the study required by paragraph (1).

SEC. 103. BASELINES AND COST CONTROLS.

(a) CONDITIONS FOR DEVELOPMENT.—

(1) IN GENERAL.—NASA shall not enter into a contract for the development of a major program unless the Administrator determines that—

(A) the technical, cost, and schedule risks of the program are clearly identified and the program has developed a plan to manage those risks;

(B) the technologies required for the program have been demonstrated in a relevant laboratory or test environment; and

(B) the program complies with all relevant policies, regulations, and directives of NASA.

(2) REPORT.—The Administrator shall transmit a report describing the basis for the determination required under paragraph (1) to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at least 30 days before entering into a contract for development under a major program.

(3) NONDELEGATION.—The Administrator may not delegate the determination requirement under this subsection, except in cases in which the Administrator has a conflict of interest.

(b) MAJOR PROGRAM ANNUAL REPORTS.—

(1) REQUIREMENT.—Annually, at the same time as the President's annual budget submission to the Congress, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that includes the information required by this section for each major program for which NASA proposes to expend funds in the subsequent fiscal year. Reports under this paragraph shall be known as Major Program Annual Reports.

(2) BASELINE REPORT.—The first Major Program Annual Report for each major program shall include a Baseline Report that shall, at a minimum, include—

(A) the purposes of the program and key technical characteristics necessary to fulfill those purposes;

(B) an estimate of the life-cycle cost for the program, with a detailed breakout of the development cost, program reserves, and an estimate of the annual costs until development is completed;

(C) the schedule for development, including key program milestones;

(D) the plan for mitigating technical, cost, and schedule risks identified in accordance with subsection (a)(1)(A); and

(E) the name of the person responsible for making notifications under subsection (c), who shall be an individual whose primary responsibility is overseeing the program.

(3) INFORMATION UPDATES.—For major programs for which a Baseline Report has been submitted, each subsequent Major Program Annual Report shall describe any changes to the information that had been provided in the Baseline Report, and the reasons for those changes.

(c) NOTIFICATION.—

(1) REQUIREMENT.—The individual identified under subsection (b)(2)(E) shall immediately notify the Administrator any time that individual has reasonable cause to believe that, for the major program for which he or she is responsible—

(A) the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more; or

(B) a milestone of the program is likely to be delayed by 6 months or more from the date provided for it in the Baseline Report of the program.

(2) REASONS.—Not later than 30 days after the notification required under paragraph (1), the individual identified under subsection (b)(2)(E) shall transmit to the Administrator a written notification explaining the reasons for the change in the cost or milestone of the program for which notification was provided under paragraph (1).

(3) NOTIFICATION OF CONGRESS.—Not later than 15 days after the Administrator receives a written notification under paragraph (2), the Administrator shall transmit the notification to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) FIFTEEN PERCENT THRESHOLD.—Not later than 30 days after receiving a written notification under subsection (c)(2), the Administrator shall determine whether the development cost of the program is likely to exceed the estimate provided in the Baseline Report of the program by 15 percent or more, or whether a milestone is likely to be delayed by 6 months or more. If the determination is affirmative, the Administrator shall—

(1) transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, not later than 15 days after making the determination, a report that includes—

(A) a description of the increase in cost or delay in schedule and a detailed explanation for the increase or delay;

(B) a description of actions taken or proposed to be taken in response to the cost increase or delay; and

(C) a description of any impacts the cost increase or schedule delay, or the actions described under subparagraph (B), will have on any other program within NASA; and

(2) if the Administrator intends to continue with the program, promptly initiate an analysis of the program, which shall include, at a minimum—

(A) the projected cost and schedule for completing the program if current requirements of the program are not modified;

(B) the projected cost and the schedule for completing the program after instituting the actions described under paragraph (1)(B); and

(C) a description of, and the projected cost and schedule for, a broad range of alternatives to the program.

NASA shall complete an analysis initiated under paragraph (2) not later than 6 months after the Administrator makes a determination under this subsection. The Administrator shall transmit the analysis to the Committee on Science of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate not later than 30 days after its completion.

(e) THIRTY PERCENT THRESHOLD.—If the Administrator determines under subsection (d) that the development cost of a program will exceed the estimate provided in the Baseline Report of the program by more than 30 percent, then, beginning 18 months after the date the Administrator transmits a report under subsection (d)(1), the Administrator shall not expend any additional funds on the program, other than termination costs, unless the Congress has subsequently authorized continuation of the program by law. An appropriation for the specific program enacted subsequent to a report being transmitted shall be considered an authorization for purposes of this subsection. If the program is continued, the Administrator shall submit a new Baseline Report for the program no later than 90 days after the date of enactment of the Act under which Congress has authorized continuation of the program.

(f) DEFINITIONS.—For the purposes of this section—

(1) the term ''development'' means the phase of a program following the formulation phase and beginning with the approval to proceed to implementation, as defined in NASA's Procedural Requirements 7120.5c, dated March 22, 2005;

(2) the term ''development cost'' means the total of all costs, including construction of facilities and civil servant costs, from the period beginning with the approval to proceed to implementation through the achievement of operational readiness, without regard to funding source or management control, for the life of the program;

(3) the term ''life-cycle cost'' means the total of the direct, indirect, recurring, and nonrecurring costs, including the construction of facilities and civil servant costs, and other related expenses incurred or estimated to be incurred in the design, development, verification, production, operation, maintenance, support, and retirement of a program over its planned lifespan, without regard to funding source or management control; and

(4) the term ''major program'' means an activity approved to proceed to implementation that has an estimated life-cycle cost of more than $250,000,000.

SEC. 104. PRIZE AUTHORITY.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451, et seq.) is amended by inserting after section 313 the following new section:

''PRIZE AUTHORITY

''SEC. 314. (a) IN GENERAL.—The Administration may carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research, technology development, and prototype demonstration that have the potential for application to the performance of the space and aeronautical activities of the Administration. The Administration may carry out a program to award prizes only in conformity with this section.

''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

''(c) ADVERTISING.—The Administrator shall widely advertise prize competitions to encourage participation.

''(d) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Administrator shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

''(e) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

''(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Administrator under subsection (d);

''(2) shall have complied with all the requirements under this section;

''(3) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

''(4) shall not be a Federal entity or Federal employee acting within the scope of their employment.

''(f) LIABILITY.—(1) Registered participants must agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from their participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise. For the purposes of this paragraph, the term 'related entity' means a contractor or subcontractor at any tier, and a supplier, user, customer, cooperating party, grantee, investigator, or detailee.

''(2) Participants must obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Administrator, for claims by—

''(A) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant's insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

''(B) the Federal Government for damage or loss to Government property resulting from such an activity.

''(g) JUDGES.—For each competition, the Administration, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition on the basis described pursuant to subsection (d). Judges for each competition shall include individuals from outside the Administration, including from the private sector. A judge may not—

''(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

''(2) have a familial or financial relationship with an individual who is a registered participant.

''(h) ADMINISTERING THE COMPETITION.—The Administrator may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

''(i) FUNDING.—(1) Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Administrator may accept funds from other Federal agencies for such cash prizes. The Administrator may not give any special consideration to any private sector entity in return for a donation.

''(2) Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

''(3) No prize may be announced under subsection (d) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by a private source. The Administrator may increase the amount of a prize after an initial announcement is made under subsection (d) if—

''(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

''(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

''(4) No prize competition under this section may offer a prize in an amount greater than $10,000,000 unless 30 days have elapsed after written notice has been transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

''(5) No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the Administrator.

''(j) USE OF NASA NAME AND INSIGNIA.—A registered participant in a competition under this section may use the Administration's name, initials, or insignia only after prior review and written approval by the Administration.

''(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws, and related regulations.''.

SEC. 105. FOREIGN LAUNCH VEHICLES.

(a) ACCORD WITH SPACE TRANSPORTATION POLICY.—NASA shall not launch a payload on a foreign launch vehicle except in accordance with the Space Transportation Policy announced by the President on December 21, 2004. This subsection shall not be construed to prevent the President from waiving the Space Transportation Policy.

(b) INTERAGENCY COORDINATION.—NASA shall not launch a payload on a foreign launch vehicle unless NASA commenced the interagency coordination required by the Space Transportation Policy announced by the President on December 21, 2004, at least 90 days before entering into a development contract for the payload.

(c) APPLICATION.—This section shall not apply to any payload for which development has begun prior to the date of enactment of this Act, including the James Webb Space Telescope.

SEC. 106. SAFETY MANAGEMENT.

Section 6 of the National Aeronautics and Space Administration Authorization Act, 1968 (42 U.S.C. 2477) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''There'';

(2) by striking ''to it'' and inserting ''to it, including evaluating NASA's compliance with the

return-to-flight and continue-to-fly recommendations of the Columbia Accident Investigation Board,'';

(3) by inserting ''and the Congress'' after ''advise the Administrator'';

(4) by striking ''and with respect to the adequacy of proposed or existing safety standards and shall'' and inserting ''with respect to the adequacy of proposed or existing safety standards, and with respect to management and culture related to safety. The Panel shall also''; and

(5) by adding at the end the following:

''(b) ANNUAL REPORT.—The Panel shall submit an annual report to the Administrator and to the Congress. In the first annual report submitted after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2005, the Panel shall include an evaluation of NASA's management and culture related to safety. Each annual report shall include an evaluation of the Administration's compliance with the recommendations of the Columbia Accident Investigation Board through retirement of the Space Shuttle.''.

SEC. 107. LESSONS LEARNED AND BEST PRACTICES.

(a) IN GENERAL.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an implementation plan describing NASA's approach for obtaining, implementing, and sharing lessons learned and best practices for its major programs and projects not later than 180 days after the date of enactment of this Act. The implementation plan shall be updated and maintained to ensure that it is current and consistent with the burgeoning culture of learning and safety that is emerging at NASA.

(b) REQUIRED CONTENT.—The implementation plan shall contain at a minimum the lessons learned and best practices requirements for NASA, the organizations or positions responsible for enforcement of the requirements, the reporting structure, and the objective performance measures indicating the effectiveness of the activity.

(c) INCENTIVES.—The Administrator shall provide incentives to encourage sharing and implementation of lessons learned and best practices by employees, projects, and programs, as well as penalties for programs and projects that are determined not to have demonstrated use of those resources.

SEC. 108. COMMERCIALIZATION PLAN.

(a) IN GENERAL.—The Administrator, in consultation with other relevant agencies, shall develop a commercialization plan to support the human missions to the Moon and Mars, to support low-Earth orbit activities and earth science missions and applications, and to transfer science research and technology to society. The plan shall identify opportunities for the private sector to participate in the future missions and activities, including opportunities for partnership between NASA and the private sector in conducting research and the development of technologies and services. The plan shall include provisions for developing and funding sustained university and industry partnerships to conduct commercial research and technology development, to proactively translate results of space research to Earth benefits, to advance United States economic interests, and to support the vision for exploration. The plan shall also emphasize the utilization by NASA of advancements made by the private sector in space launch and orbital hardware, and shall include opportunities for innovative collaborations between NASA and the private sector under existing authorities of NASA for reimbursable and nonreimbursable agreements under the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit a copy of the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 109. STUDY ON THE FEASIBILITY OF USE OF GROUND SOURCE HEAT PUMPS.

(a) IN GENERAL.—The Administrator shall conduct a feasibility study on the use of ground source heat pumps in future NASA facilities or substantial renovation of existing NASA facilities involving the installation of heating, ventilating, and air conditioning systems. Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit the study to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) CONTENTS.—The study shall examine—

(1) the life-cycle costs, including maintenance costs, of the operation of such heat pumps compared to generally available heating, cooling, and water heating equipment;

(2) barriers to installation, such as availability and suitability of terrain; and

(3) such other issues as the Administrator considers appropriate.

(c) DEFINITION.—In this section, the term ''ground source heat pump'' means an electric-powered system that uses the Earth's relatively constant temperature to provide heating, cooling, or hot water.

SEC. 110. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing steps to be taken by NASA to protect from retaliation NASA employees who raise concerns about substantial and specific dangers to public health and safety or about substantial and specific factors that could threaten the success of a mission. The plan shall be designed to ensure that NASA employees have the full protection required by law. The Administrator shall implement the plan not more than 1 year after its transmittal.

(b) GOAL.—The Administrator shall ensure that the plan describes a system that will protect employees who wish to raise or have raised concerns described in subsection (a).

(c) PLAN.—At a minimum, the plan shall include, consistent with Federal law—

(1) a reporting structure that ensures that the officials who are the subject of a whistleblower's complaint will not learn the identity of the whistleblower;

(2) a single point to which all complaints can be made without fear of retribution;

(3) procedures to enable the whistleblower to track the status of the case;

(4) activities to educate employees about their rights as whistleblowers and how they are protected by law;

(5) activities to educate employees about their obligations to report concerns and their accountability before and after receiving the results of the investigations into their concerns; and

(6) activities to educate all appropriate NASA Human Resources professionals, and all NASA managers and supervisors, regarding personnel laws, rules, and regulations.

(d) REPORT.—Not later than February 15 of each year beginning with the year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the concerns described in subsection (a) that were raised during the previous fiscal year. At a minimum, the report shall provide—

(1) the number of concerns that were raised, divided into the categories of safety and health, mission assurance, and mismanagement, and the disposition of those concerns, including whether any employee was disciplined as a result of a concern having been raised; and

(2) any recommendations for reforms to further prevent retribution against employees who raise concerns.

TITLE II—AUTHORIZATION OF APPROPRIATIONS

SEC. 201. STRUCTURE OF BUDGET ACCOUNTS.

Section 313 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2459f) is amended—

(1) by amending subsection (a) to read as follows:

''(a) (1) Appropriations for the Administration for fiscal year 2007 and thereafter shall be made in three accounts, 'Science, Aeronautics, and Education', 'Exploration Systems and Space Operations', and an account for amounts appropriated for the necessary expenses of the Office of the Inspector General.

''(2) Within the Exploration Systems and Space Operations account, no more than 10 percent of the funds for a fiscal year for Exploration Systems may be reprogrammed for Space Operations, and no more than 10 percent of the funds for a fiscal year for Space Operations may be reprogrammed for Exploration Systems. This paragraph shall not apply to reprogramming for the purposes described in subsection (b)(2).

''(3) Appropriations shall remain available for two fiscal years, unless otherwise specified in law. Each account shall include the planned full costs of Administration activities.''; and

(2) in subsection (b)—

(A) by inserting ''(1)'' before ''To ensure''; and

(B) by adding at the end the following new paragraph:

''(2) The Administration may also transfer amounts among accounts for the immediate costs of recovering from damage caused by a major disaster (as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) or by an act of terrorism, or for the immediate costs associated with an emergency rescue of astronauts.''.

SEC. 202. FISCAL YEAR 2007.

There are authorized to be appropriated to NASA for fiscal year 2007 $17,932,000,000, as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,136,800,000, of which $962,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,761,700,000, of which $6,618,600,000 shall be for Space Operations.

(3) For the Office of Inspector General, $33,500,000.

SEC. 203. FISCAL YEAR 2008.

There are authorized to be appropriated to NASA for fiscal year 2008 $18,686,300,000 as follows:

(1) For Science, Aeronautics, and Education (including amounts for construction of facilities), $7,747,800,000, of which $990,000,000 shall be for Aeronautics.

(2) For Exploration Systems and Space Operations (including amounts for construction of facilities), $10,903,900,000, of which $6,546,600,000 shall be for Space Operations

(3) For the Office of Inspector General, $34,600,000.

SEC. 204. ISS RESEARCH.

Beginning with fiscal year 2006, the Administrator shall allocate at least 15 percent of the funds budgeted for ISS research to ground-based, free-flyer, and ISS life and microgravity science research that is not directly related to supporting the human exploration program, consistent with section 305.

SEC. 205. TEST FACILITIES.

(a) CHARGES.—The Administrator shall establish a policy of charging users of NASA's test facilities for the costs associated with their tests at

a level that is competitive with alternative test facilities. The Administrator shall not implement a policy of seeking full cost recovery for a facility until at least 30 days after transmitting a notice to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) FUNDING ACCOUNT.—In planning and budgeting, the Administrator shall establish a funding account that shall be used for all test facilities. The account shall be sufficient to maintain the viability of test facilities during periods of low utilization.

SEC. 206. OFFICIAL REPRESENTATION FUND.

Amounts appropriated pursuant to this Act may be used, but not to exceed a total of $70,000 in any fiscal year, for official reception and representation expenses.

SEC. 207. ISS COST CAP.

(a) REPORT.—The Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report providing the current expected development costs of the ISS and describing any changes to those costs that have occurred because of the grounding of the Space Shuttle after the loss of the Space Shuttle Columbia and because of the implementation of full-cost accounting.

(b) REPEAL.—Thirty days after the transmittal of the report described in subsection (a), section 202 of the National Aeronautics and Space Administration Act of 2000 (42 U.S.C. 2451 note) is repealed.

TITLE III—SCIENCE

Subtitle A—General Provisions

SEC. 301. PERFORMANCE ASSESSMENTS.

(a) IN GENERAL.—The performance of each division in the Science directorate of NASA shall be reviewed and assessed by the National Academy of Sciences at 5-year intervals.

(b) TIMING.—Beginning with the first fiscal year following the date of enactment of this Act, the Administrator shall select at least one division for review under this section. The Administrator shall select divisions so that all disciplines will have received their first review within six fiscal years of the date of enactment of this Act.

(c) REPORTS.—Not later than March 1 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) setting forth in detail the results of any external review under subsection (a);

(2) setting forth in detail actions taken by NASA in response to any external review; and

(3) including a summary of findings and recommendations from any other relevant external reviews of NASA's science mission priorities and programs.

SEC. 302. STATUS ON HUBBLE SPACE TELESCOPE SERVICING MISSION.

It is the sense of the Congress that the Hubble Space Telescope is an extraordinary instrument that has provided, and should continue to provide, answers to profound scientific questions. In accordance with the recommendations of the National Academy of Sciences study titled ''Assessment of Options for Extending the Life of the Hubble Space Telescope'', all appropriate efforts should be expended to complete the Space Shuttle servicing mission. Upon successful completion of the planned return-to-flight schedule of the Space Shuttle, the Administrator shall determine the schedule for a Space Shuttle servicing mission to the Hubble Space Telescope, unless such a mission would compromise astronaut safety. Not later than 60 days after the landing of the second Space Shuttle mission for return-to-flight certification, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a status report on plans for a Hubble Space Telescope servicing mission.

SEC. 303. INDEPENDENT ASSESSMENT OF LANDSAT-NPOESS INTEGRATED MISSION.

(a) ASSESSMENT.—In view of the importance of ensuring continuity of Landsat data and in view of the challenges facing the National Polar-Orbiting Operational Environmental Satellite System program, the Administrator shall seek an independent assessment of the costs as well as the technical, cost, and schedule risks associated with incorporating the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft compared with undertaking various alternatives, including a dedicated Landsat data ''gap-filler'' mission followed by the incorporation of the Landsat instrument on the second National Polar-Orbiting Operational Environmental Satellite System spacecraft. The assessment shall also include an evaluation of the budgetary requirements of each of the options under consideration.

(b) REPORT.—

(1) DEADLINE.—The Administrator shall transmit the independent assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act unless, prior to that date, NASA cancels plans to fly the Landsat instrument on the first National Polar-Orbiting Operational Environmental Satellite System spacecraft.

(2) CANCELLATION.—If NASA cancels such plans, the Administrator shall—

(A) not later than 7 days after a cancellation decision, inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, in writing, of the cancellation; and

(B) not later than 90 days after the transmittal of the cancellation notice, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for undertaking a dedicated gap filler mission or alternative means for ensuring the continuity of Landsat data, which shall include consideration of a low-cost constellation of small satellites.

SEC. 304. ASSESSMENT OF SCIENCE MISSION EXTENSIONS.

(a) ASSESSMENT.—The Administrator shall carry out biennial reviews within each of the Science divisions to assess the cost and benefits of extending the date of the termination of data collection for those missions that have exceeded their planned mission lifetime. In addition—

(1) not later than 60 days after the date of enactment of this Act, the Administrator shall carry out such an assessment for at least the following missions: FAST, TIMED, Cluster, Wind, Geotail, Polar, TRACE, Ulysses, and Voyager; and

(2) for those missions that have an operational component, the National Oceanic and Atmospheric Administration or any other affected agency shall be consulted and the potential benefits of instruments on missions that are beyond their planned mission lifetime taken into account.

(b) REPORT.—Not later than 30 days after completing each assessment required by subsection (a)(1), the Administrator shall transmit a report on the assessment to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 305. MICROGRAVITY RESEARCH.

The Administrator shall—

(1) transmit the report required by section 506;

(2) ensure the capacity to support ground-based research leading to space-based basic and applied scientific research in a variety of disciplines with potential direct national benefits and applications that can be advanced significantly from the uniqueness of microgravity and the space environment; and

(3) carry out, to the maximum extent practicable, basic, applied, and commercial ISS research in fields such as molecular crystal growth, animal research, basic fluid physics, combustion research, cellular biotechnology, low-temperature physics, and cellular research at a level that will sustain the existing United States scientific expertise and research capability in microgravity research.

SEC. 306. COORDINATION WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) JOINT WORKING GROUP.—The Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall appoint a Joint Working Group, which shall review and monitor missions of the two agencies to ensure maximum coordination in the design, operation, and transition of missions where appropriate. The Joint Working Group shall also prepare the plans required by subsection (c).

(b) COORDINATION REPORT.—Not later than February 15 of each year, beginning with the first fiscal year after the date of enactment of this Act, the Administrator and the Administrator of the National Oceanic and Atmospheric Administration shall jointly transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on how the earth science programs of the National Oceanic and Atmospheric Administration and NASA will be coordinated during the fiscal year following the fiscal year in which the report is transmitted.

(c) COORDINATION OF TRANSITION PLANNING AND REPORTING.—The Administrator, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration and in consultation with other relevant agencies, shall evaluate relevant NASA science missions for their potential operational capabilities and shall prepare transition plans for the existing and future Earth observing systems found to have potential operational capabilities.

(d) LIMITATION.—The Administrator shall not transfer any NASA earth science mission or Earth observing system to the National Oceanic and Atmospheric Administration until the plan required under subsection (c) has been approved by the Administrator and the Administrator of the National Oceanic and Atmospheric Administration and until financial resources have been identified to support the transition or transfer in the President's budget request for the National Oceanic and Atmospheric Administration.

SEC. 307. REVIEW AND REPORT ON HEADQUARTERS EARTH-SUN SYSTEM APPLIED SCIENCES PROGRAM.

(a) REVIEW.—The Administrator shall review the policies, processes, and procedures in the planning and management of applications research and development implemented in calendar years 2001 to 2005 within the Headquarters Earth-Sun System Applied Sciences Program and former Earth Science Applications Program. This review shall include—

(1) the program planning and analysis process used to formulate applied science research and development requirements, priorities, and solicitation schedules, including changes to the process within the period under review, and the effects of such planning on the quality and clarity of applied sciences research announcements;

(2) the peer review process including, but not limited to—

(A) membership selection, determination of qualifications, and use of NASA and non-NASA reviewers;

(B) management of conflicts of interest, including reviewers funded by the program with a significant consulting or contractual relationship with NASA, and individuals who both review proposals and participate in the submission

of proposals under the same solicitation announcement; and

(C) compensation of non-NASA proposal reviewers;

(3) the process for assigning or allocating applied research to NASA researchers and to non-NASA researchers; and

(4) alternative models for NASA planning and management of applied science and applications research, including an evaluation of the relevance for NASA of—

(A) National Institutes of Health intramural and extramural research program structure, peer review process, management of conflicts of interests, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(B) Department of Agriculture Cooperative State Research Education and Extension Service program and structure, peer review process, management of conflicts of interest, compensation of reviewers, and the effects of compensation on reviewer efficiency and quality;

(C) National Institutes of Health and Department of Agriculture best practices in the planning, selection, and management of applied sciences research and development; and

(D) any other relevant models.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the results of the review conducted under subsection (a). The report shall include a plan to ensure that the peer review process is transparent and selects proposals in a manner that instills public and stakeholder confidence.

Subtitle B—Remote Sensing

SEC. 311. DEFINITIONS.

In this subtitle—

(1) the term ''geospatial information'' means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data;

(2) the term ''high resolution'' means resolution better than five meters; and

(3) the term ''institution of higher education'' has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 312. GENERAL RESPONSIBILITIES.

The Administrator shall—

(1) develop a sustained relationship with the United States commercial remote sensing industry and, consistent with applicable policies and law, to the maximum practicable, rely on their services; and

(2) in conjunction with United States industry and universities, research, develop, and demonstrate prototype earth science applications to enhance Federal, State, local, and tribal governments' use of government and commercial remote sensing data, technologies, and other sources of geospatial information for improved decision support to address their needs.

SEC. 313. PILOT PROJECTS TO ENCOURAGE PUBLIC SECTOR APPLICATIONS.

(a) IN GENERAL.—The Administrator shall establish a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Administrator shall give preference to projects that—

(1) make use of commercial data sets, including high resolution commercial satellite imagery and derived satellite data products, existing public data sets where commercial data sets are not available or applicable, or the fusion of such data sets;

(2) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(3) include funds or in-kind contributions from non-Federal sources;

(4) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(5) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Administrator shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for growth management.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period not to exceed 3 years.

(e) REPORT.—Each recipient of a grant under subsection (a) shall transmit a report to the Administrator on the results of the pilot project within 180 days of the completion of that project.

(f) WORKSHOP.—Each recipient of a grant under subsection (a) shall, not later than 180 days after the completion of the pilot project, conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(g) REGULATIONS.—The Administrator shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 314. PROGRAM EVALUATION.

(a) ADVISORY COMMITTEE.—The Administrator shall establish an advisory committee, consisting of individuals with appropriate expertise in State, local, regional, and tribal agencies, the university research community, and the remote sensing and other geospatial information industries, to monitor the program established under section 313. The advisory committee shall consult with the Federal Geographic Data Committee and other appropriate industry representatives and organizations. Notwithstanding section 14 of the Federal Advisory Committee Act, the advisory committee established under this subsection shall remain in effect until the termination of the program under section 313.

(b) EFFECTIVENESS EVALUATION.—Not later than December 31, 2009, the Administrator shall transmit to the Congress an evaluation of the effectiveness of the program established under section 313 in exploring and promoting the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs. Such evaluation shall have been conducted by an independent entity.

SEC. 315. DATA AVAILABILITY.

The Administrator shall ensure that the results of each of the pilot projects completed under section 313 shall be retrievable through an electronic, Internet-accessible database.

SEC. 316. EDUCATION.

The Administrator shall establish an educational outreach program to increase awareness at institutions of higher education and State, local, regional, and tribal agencies of the potential applications of remote sensing and other geospatial information and awareness of the need for geospatial workforce development.

Subtitle C—George E. Brown, Jr. Near-Earth Object Survey

SEC. 321. GEORGE E. BROWN, JR. NEAR-EARTH OBJECT SURVEY.

(a) SHORT TITLE.—This section may be cited as the ''George E. Brown, Jr. Near-Earth Object Survey Act''.

(b) FINDINGS.—The Congress makes the following findings:

(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.

(2) Similar objects have struck the Earth or passed through the Earth's atmosphere several times in the Earth's history and pose a similar threat in the future.

(3) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth, and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.

(4) The efforts taken to date by NASA for detecting and characterizing the hazards of near-Earth objects are not sufficient to fully determine the threat posed by such objects to cause widespread destruction and loss of life.

(c) DEFINITIONS.—For purposes of this section the term ''near-Earth object'' means an asteroid or comet with a perihelion distance of less than 1.3 Astronomical Units from the Sun.

(d) NEAR-EARTH OBJECT SURVEY.—

(1) SURVEY PROGRAM.—The Administrator shall plan, develop, and implement a Near-Earth Object Survey program to detect, track, catalogue, and characterize the physical characteristics of near-Earth objects equal to or greater than 140 meters in diameter in order to assess the threat of such near-Earth objects to the Earth. It shall be the goal of the Survey program to achieve 90 percent completion of its near-Earth object catalogue (based on statistically predicted populations of near-Earth objects) within 15 years after the date of enactment of this Act.

(2) AMENDMENTS.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(A) by redesignating subsection (g) as subsection (h);

(B) by inserting after subsection (f) the following new subsection:

''(g) The Congress declares that the general welfare and security of the United States require that the unique competence of the National Aeronautics and Space Administration be directed to detecting, tracking, cataloguing, and characterizing near-Earth asteroids and comets in order to provide warning and mitigation of the potential hazard of such near-Earth objects to the Earth.''; and

(C) in subsection (h), as so redesignated by subparagraph (A) of this paragraph, by striking ''and (f)'' and inserting ''(f), and (g)''.

(3) FIFTH-YEAR REPORT.—The Administrator shall transmit to the Congress, not later than February 28 of the fifth year after the date of enactment of this Act, a report that provides the following:

(A) A summary of all activities taken pursuant to paragraph (1) since the date of enactment of this Act.

(B) A summary of expenditures for all activities pursuant to paragraph (1) since the date of enactment of this Act.

(4) INITIAL REPORT.—The Administrator shall transmit to Congress not later than 1 year after the date of enactment of this Act an initial report that provides the following:

(A) An analysis of possible alternatives that NASA may employ to carry out the Survey program, including ground-based and space-based alternatives with technical descriptions.

(B) A recommended option and proposed budget to carry out the Survey program pursuant to the recommended option.

(C) Analysis of possible alternatives that NASA could employ to divert an object on a likely collision course with Earth.

TITLE IV—AERONAUTICS

SEC. 401. DEFINITION.

For purposes of this title, the term ''institution of higher education'' has the meaning

given that term by section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

Subtitle A—Governmental Interest in Aeronautics Research and Development

SEC. 411. GOVERNMENTAL INTEREST.

Congress reaffirms the national commitment to aeronautics research made in the National Aeronautics and Space Act of 1958. Aeronautics research and development remains a core mission of NASA. NASA is the lead agency for civil aeronautics research. Further, the government of the United States shall promote aeronautics research and development that will expand the capacity, ensure the safety, and increase the efficiency of the Nation's air transportation system, promote the security of the Nation, protect the environment, and retain the leadership of the United States in global aviation.

Subtitle B—High Priority Aeronautics Research and Development Programs

SEC. 421. FUNDAMENTAL RESEARCH PROGRAM.

(a) OBJECTIVE.—In order to ensure that the Nation maintains needed capabilities in fundamental areas of aeronautics research, the Administrator shall establish a program of long-term fundamental research in aeronautical sciences and technologies that is not tied to specific development projects.

(b) OPERATION.—The Administrator shall conduct the program under this section, in part by awarding grants to institutions of higher education. The Administrator shall encourage the participation of institutions of higher education located in States that participate in the Experimental Program to Stimulate Competitive Research. All grants to institutions of higher education under this section shall be awarded through merit review.

(c) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of the Nation's future requirements for fundamental aeronautics research and whether the Nation will have a skilled research workforce and research facilities commensurate with those requirements. The assessment shall include an identification of any projected gaps, and recommendations for what steps should be taken by the Federal Government to eliminate those gaps.

(d) REPORT.—The Administrator shall transmit the assessment, along with NASA's response to the assessment, to Congress not later than 2 years after the date of enactment of this Act.

SEC. 422. RESEARCH AND TECHNOLOGY PROGRAMS.

(a) ENVIRONMENTAL AIRCRAFT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing, and demonstrating in a relevant environment, technologies to enable the following commercial aircraft performance characteristics:

(1) NOISE.—Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate.

(2) ENERGY CONSUMPTION.—Twenty-five percent reduction in the energy required for medium- to long-range flights, compared to aircraft in commercial service as of the date of enactment of this Act.

(3) EMISSIONS.—Nitrogen oxides on take-off and landing that are significantly reduced, without adversely affecting hydrocarbons and smoke, relative to aircraft in commercial service as of the date of enactment of this Act.

(b) SUPERSONIC TRANSPORT RESEARCH AND DEVELOPMENT.—The Administrator may establish an initiative with the objective of developing and demonstrating, in a relevant environment, airframe and propulsion technologies to enable efficient, economical overland flight of supersonic civil transport aircraft with no significant impact on the environment.

(c) ROTORCRAFT AND OTHER RUNWAY-INDEPENDENT AIR VEHICLES.—The Administrator may establish a rotorcraft and other runway-independent air vehicles initiative with the objective of developing and demonstrating improved safety, noise, and environmental impact in a relevant environment.

(d) HYPERSONICS RESEARCH.—The Administrator may establish a hypersonics research program with the objective of exploring the science and technology of hypersonic flight using air-breathing propulsion concepts, through a mix of theoretical work, basic and applied research, and development of flight research demonstration vehicles. The program may also include the transition to the hypersonic range of Mach 3 to Mach 5.

(e) REVOLUTIONARY AERONAUTICAL CONCEPTS.—The Administrator may establish a research program which covers a unique range of subsonic, fixed wing vehicles and propulsion concepts. This research is intended to push technology barriers beyond current subsonic technology. Propulsion concepts include advanced materials, morphing engines, hybrid engines, and fuel cells.

(f) FUEL CELL-POWERED AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a fuel-cell powered aircraft research program whose objective shall be to develop and test concepts to enable a hydrogen fuel cell-powered aircraft that would have no hydrocarbon or nitrogen oxide emissions into the environment.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

(g) MARS AIRCRAFT RESEARCH.—

(1) OBJECTIVE.—The Administrator may establish a Mars Aircraft project whose objective shall be to develop and test concepts for an uncrewed aircraft that could operate for sustained periods in the atmosphere of Mars.

(2) APPROACH.—The Administrator may establish a program of competitively awarded grants available to teams of researchers that may include the participation of individuals from universities, industry, and government for the conduct of this research.

SEC. 423. AIRSPACE SYSTEMS RESEARCH.

(a) OBJECTIVE.—The Airspace Systems Research program shall pursue research and development to enable revolutionary improvements to and modernization of the National Airspace System, as well as to enable the introduction of new systems for vehicles that can take advantage of an improved, modern air transportation system.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Airspace Systems Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 424. AVIATION SAFETY AND SECURITY RESEARCH.

(a) OBJECTIVE.—The Aviation Safety and Security Research program shall pursue research and development activities that directly address the safety and security needs of the National Airspace System and the aircraft that fly in it. The program shall develop prevention, intervention, and mitigation technologies aimed at causal, contributory, or circumstantial factors of aviation accidents.

(b) ALIGNMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall align the projects of the Aviation Safety and Security Research program so that they directly support the objectives of the Joint Planning and Development Office's Next Generation Air Transportation System Integrated Plan.

SEC. 425. AVIATION WEATHER RESEARCH.

The Administrator may carry out a program of collaborative research with the National Oceanic and Atmospheric Administration on convective weather events, with the goal of significantly improving the reliability of 2-hour to 6-hour aviation weather forecasts.

SEC. 426. ASSESSMENT OF WAKE TURBULENCE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ASSESSMENT.—The Administrator shall enter into an arrangement with the National Research Council for an assessment of Federal wake turbulence research and development programs. The assessment shall address at least the following questions:

(1) Are the Federal research and development goals and objectives well defined?

(2) Are there any deficiencies in the Federal research and development goals and objectives?

(3) What roles should be played by each of the relevant Federal agencies, such as NASA, the Federal Aviation Administration, and the National Oceanic and Atmospheric Administration, in wake turbulence research and development?

(b) REPORT.—A report containing the results of the assessment conducted pursuant to subsection (a) shall be provided to Congress not later than 2 years after the date of enactment of this Act.

SEC. 427. UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.

(a) IN GENERAL.—The Administrator may award grants to institutions of higher education (or consortia thereof) to establish one or more Centers for Research on Aviation Training under cooperative agreements with appropriate NASA Centers.

(b) PURPOSE.—The purpose of the Centers shall be to investigate the impact of new technologies and procedures, particularly those related to the aircraft flight deck and to the air traffic management functions, on training requirements for pilots and air traffic controllers.

(c) APPLICATION.—An institution of higher education (or a consortium of such institutions) seeking funding under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require, including, at a minimum, a 5-year research plan.

(d) AWARD DURATION.—An award made by the Administrator under this section shall be for a period of 5 years and may be renewed on the basis of—

(1) satisfactory performance in meeting the goals of the research plan proposed by the Center in its application under subsection (c); and

(2) other requirements as specified by the Administrator.

Subtitle C—Scholarships

SEC. 431. NASA AERONAUTICS SCHOLARSHIPS.

(a) ESTABLISHMENT.—The Administrator shall establish a program of scholarships for full-time graduate students who are United States citizens and are enrolled in, or have been accepted by and have indicated their intention to enroll in, accredited Masters degree programs in aeronautical engineering or equivalent programs at institutions of higher education. Each such scholarship shall cover the costs of room, board, tuition, and fees, and may be provided for a maximum of 2 years.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the Administrator shall publish regulations governing the scholarship program under this section.

(c) COOPERATIVE TRAINING OPPORTUNITIES.—Students who have been awarded a scholarship under this section shall have the opportunity for paid employment at one of the NASA Centers engaged in aeronautics research and development during the summer prior to the first year of the student's Masters program, and between the first and second year, if applicable.

Subtitle D—Data Requests

SEC. 441. AVIATION DATA REQUESTS.

The Administrator shall make available upon request satellite imagery and aerial photography

of remote terrain that NASA owns at the time of the request to the Administrator of the Federal Aviation Administration, or the Director of the Five Star Medallion Program, to assist and train pilots in navigating challenging topographical features of such terrain.

TITLE V—HUMAN SPACE FLIGHT

SEC. 501. SPACE SHUTTLE FOLLOW-ON.

(a) POLICY STATEMENT.—It is the policy of the United States to possess the capability for human access to space on a continuous basis.

(b) PROGRESS REPORT.—Not later than 180 days after the date of enactment of this Act and annually thereafter, the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the progress being made toward developing the Crew Exploration Vehicle and the Crew Launch Vehicle and the estimated time before they will demonstrate crewed, orbital spaceflight.

(c) COMPLIANCE REPORT.—If, 1 year before the final planned flight of the Space Shuttle orbiter, the United States has not demonstrated a replacement human space flight system, and the United States cannot uphold the policy described in subsection (a), the Administrator shall transmit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing—

(1) strategic risks to the United States associated with the failure to uphold the policy described in subsection (a);

(2) the estimated length of time during which the United States will not have its own human access to space;

(3) what steps will be taken to shorten that length of time; and

(4) what other means will be used to allow human access to space during that time.

SEC. 502. TRANSITION.

(a) IN GENERAL.—The Administrator shall, to the fullest extent possible consistent with a successful development program, use the personnel, capabilities, assets, and infrastructure of the Space Shuttle program in developing the Crew Exploration Vehicle, Crew Launch Vehicle, and a heavy-lift launch vehicle.

(b) PLAN.—Not later than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how NASA will proceed with its human space flight programs, which, at a minimum, shall describe—

(1) how NASA will deploy personnel from, and use the facilities of, the Space Shuttle program to ensure that the Space Shuttle operates as safely as possible through its final flight and to ensure that personnel and facilities from the Space Shuttle program are used in NASA's exploration programs in accordance with subsection (a);

(2) the planned number of flights the Space Shuttle will make before its retirement;

(3) the means, other than the Space Shuttle and the Crew Exploration Vehicle, including commercial vehicles, that may be used to ferry crew and cargo to and from the ISS;

(4) the intended purpose of lunar missions and the architecture for those missions; and

(5) the extent to which the Crew Exploration Vehicle will allow for the escape of the crew in an emergency.

(c) PERSONNEL.—The Administrator shall consult with other appropriate Federal agencies and with NASA contractors and employees to develop a transition plan for any Federal and contractor personnel engaged in the Space Shuttle program who can no longer be retained because of the retirement of the Space Shuttle. The plan shall include actions to assist Federal and contractor personnel in taking advantage of training, retraining, job placement and relocation programs, and any other actions that NASA will take to assist the employees. The plan shall also describe how the Administrator will ensure that NASA and its contractors will have an appropriate complement of employees to allow for the safest possible use of the Space Shuttle through its final flight. The Administrator shall transmit the plan to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than March 31, 2006.

SEC. 503. REQUIREMENTS.

The Administrator shall—

(1) construct an architecture and implementation plan for NASA's human exploration program that is not critically dependent on the achievement of milestones by fixed dates;

(2) implement an exploration technology development program to enable lunar human and robotic operations consistent with section 101(b)(2), including surface power to use on the Moon and other locations;

(3) conduct an in-situ resource utilization technology program to develop the capability to use space resources to increase independence from Earth, and sustain exploration beyond low-Earth orbit; and

(4) pursue aggressively automated rendezvous and docking capabilities that can support the ISS and other mission requirements.

SEC. 504. GROUND-BASED ANALOG CAPABILITIES.

(a) IN GENERAL.—The Administrator may establish a ground-based analog capability in remote United States locations in order to assist in the development of lunar operations, life support, and in-situ resource utilization experience and capabilities.

(b) ENVIRONMENTAL CHARACTERISTICS.—The Administrator shall select locations for the activities described in subsection (a) that—

(1) are regularly accessible;

(2) have significant temperature extremes and range; and

(3) have access to energy and natural resources (including geothermal, permafrost, volcanic, or other potential resources).

(c) INVOLVEMENT OF LOCAL POPULATIONS; PRIVATE SECTOR PARTNERS.—In carrying out this section, the Administrator shall involve local populations, academia, and industrial partners as much as possible to ensure that ground-based benefits and applications are encouraged and developed.

SEC. 505. ISS COMPLETION.

(a) POLICY.—It is the policy of the United States to achieve diverse and growing utilization of, and benefits from, the ISS.

(b) ELEMENTS, CAPABILITIES, AND CONFIGURATION CRITERIA.—The Administrator shall ensure that the ISS will—

(1) be assembled and operated in a manner that fulfills international partner agreements, as long as the Administrator determines that the Shuttle can safely enable the United States to do so;

(1) be used for a diverse range of microgravity research, including fundamental, applied, and commercial research, consistent with section 305;

(2) have an ability to support a crew size of at least 6 persons, unless the Administrator transmits to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 60 days after the date of enactment of this Act, a report explaining why such a requirement should not be met, the impact of not meeting the requirement on the ISS research agenda and operations and international partner agreements, and what additional funding or other steps would be required to have an ability to support crew size of at least 6 persons;

(3) support Crew Exploration Vehicle docking and automated docking of cargo vehicles or modules launched by either heavy-lift or commercially-developed launch vehicles;

(4) support any diagnostic human research, on-orbit characterization of molecular crystal growth, cellular research, and other research that NASA believes is necessary to conduct, but for which NASA lacks the capacity to return the materials that need to be analyzed to Earth; and

(5) be operated at an appropriate risk level.

(c) CONTINGENCIES.—

(1) POLICY.—The Administrator shall ensure that the ISS can have available, if needed, sufficient logistics and on-orbit capabilities to support any potential period during which the Space Shuttle or its follow-on crew and cargo systems are unavailable, and can have available, if needed, sufficient surge delivery capability or prepositioning of spares and other supplies needed to accommodate any such hiatus.

(2) PLAN.—Not later than 60 days after the date of enactment of this Act, and before making any change in the ISS assembly sequence in effect on the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to carry out the policy described in paragraph (1).

SEC. 506. ISS RESEARCH.

The Administrator shall—

(1) carry out a program of microgravity research consistent with section 305;

(2) consider the need for a life sciences centrifuge and any associated holding facilities; and

(3) not later than 90 days after the date of enactment of this Act, transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the research plan for NASA utilization of the ISS and the proposed final configuration of the ISS, which shall include an identification of microgravity research that can be performed in ground-based facilities and then validated in space and an assessment of the impact of having or not having a life science centrifuge aboard the ISS.

SEC. 507. NATIONAL LABORATORY DESIGNATION.

(a) DESIGNATION.—To further the policy described in section 501(a), the United States segment of the ISS is hereby designated a national laboratory.

(b) MANAGEMENT.—

(1) PARTNERSHIPS.—The Administrator shall seek to increase the utilization of the ISS by other Federal entities and the private sector through partnerships, cost-sharing agreements, and other arrangements that would supplement NASA funding of the ISS.

(2) CONTRACTING.—The Administrator may enter into a contract with a nongovernmental entity to operate the ISS national laboratory, subject to all applicable Federal laws and regulations.

(c) PLAN.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan describing how the national laboratory will be operated. At a minimum, the plan shall describe—

(1) any changes in the research plan transmitted under section 506(3) and any other changes in the operation of the ISS resulting from the designation;

(2) any ground-based NASA operations or buildings that will be considered part of the national laboratory;

(3) the management structure for the laboratory, including the rationale for contracting or not contracting with a nongovernmental entity to operate the ISS national laboratory;

(4) the workforce that will be considered employees of the national laboratory;

(5) how NASA will seek the participation of other parties described in subsection (b)(1); and

(6) a schedule for implementing any changes in ISS operations, utilization, or management described in the plan.

(d) UNITED STATES SEGMENT DEFINED.—In this section the term ''United States segment of the ISS'' means those elements of the ISS manufactured—

(1) by the United States; or

(2) for the United States by other nations in exchange for funds or launch services.

TITLE VI—OTHER PROGRAM AREAS

Subtitle A—Space and Flight Support

SEC. 601. ORBITAL DEBRIS.

The Administrator, in conjunction with the heads of other Federal agencies, shall take steps to develop or acquire technologies that will enable NASA to decrease the risks associated with orbital debris.

SEC. 602. SECONDARY PAYLOAD CAPABILITY.

(a) IN GENERAL.—In order to provide more routine and affordable access to space for a broad range of scientific payloads, the Administrator is encouraged to provide the capabilities to support secondary payload flight opportunities on United States launch vehicles, or free flyers, for satellites or scientific payloads weighing less than 500 kilograms.

(b) FEASIBILITY STUDY.—The Administrator shall initiate a feasibility study for designating a National Free Flyer Launch Coordination Center as a means of coordinating, consolidating, and integrating secondary launch capabilities, launch opportunities, and payloads.

(c) ASSESSMENT.—The feasibility study required by subsection (b) shall include an assessment of the feasibility of integrating a National Free Flyer Launch Coordination Center within the operations and facilities of an existing nonprofit organization such as the Inland Northwest Space Alliance in Missoula, Montana, or a similar entity, and shall include an assessment of the potential utilization of existing launch and launch support facilities and capabilities, including but not limited to those in the States of Montana and New Mexico and their respective contiguous States, and the State of Alaska, for the integration and launch of secondary payloads, including an assessment of the feasibility of establishing cooperative agreements among such facilities, existing or future commercial launch providers, payload developers, and the designated Coordination Center.

Subtitle B—Education

SEC. 611. INSTITUTIONS IN NASA'S MINORITY INSTITUTIONS PROGRAM.

The matter appearing under the heading ''NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, SMALL AND DISADVANTAGED BUSINESS'' in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1990 (42 U.S.C. 2473b; 103 Stat. 863) is amended by striking ''Historically Black Colleges and Universities and'' and inserting ''Historically Black Colleges and Universities that are part B institutions (as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2))), Hispanic-serving institutions (as defined in section 502(a)(5) of that Act (20 U.S.C. 1101a(a)(5))), Tribal Colleges or Universities (as defined in section 316(b)(3) of that Act (20 U.S.C. 1059c(b)(3))), Alaskan Native-serving institutions (as defined in section 317(b)(2) of that Act (20 U.S.C. 1059d)(b)(2))), Native Hawaiian-serving institutions (as defined in section 317(b)(4) of that Act (20 U.S.C. 1059d(b)(4))), and''.

SEC. 612. PROGRAM TO EXPAND DISTANCE LEARNING IN RURAL UNDERSERVED AREAS.

(a) IN GENERAL.—The Administrator shall develop or expand programs to extend science and space educational outreach to rural communities and schools through video conferencing, interpretive exhibits, teacher education, classroom presentations, and student field trips.

(b) PRIORITIES.—In carrying out subsection (a), the Administrator shall give priority to existing programs, including Challenger Learning Centers—

(1) that utilize community-based partnerships in the field;

(2) that build and maintain video conference and exhibit capacity;

(3) that travel directly to rural communities and serve low-income populations; and

(4) with a special emphasis on increasing the number of women and minorities in the science and engineering professions.

SEC. 613. CHARLES "PETE" CONRAD ASTRONOMY AWARDS.

(a) SHORT TITLE.—This section may be cited as the ''Charles 'Pete' Conrad Astronomy Awards Act''.

(b) DEFINITIONS.—For the purposes of this section—

(1) the term ''amateur astronomer'' means an individual whose employer does not provide any funding, payment, or compensation to the individual for the observation of asteroids and other celestial bodies, and does not include any individual employed as a professional astronomer;

(2) the term ''Minor Planet Center'' means the Minor Planet Center of the Smithsonian Astrophysical Observatory;

(3) the term ''near-Earth asteroid'' means an asteroid with a perihelion distance of less than 1.3 Astronomical Units from the Sun; and

(4) the term ''Program'' means the Charles ''Pete'' Conrad Astronomy Awards Program established under subsection (c).

(c) PETE CONRAD ASTRONOMY AWARD PROGRAM.—

(1) IN GENERAL.—The Administrator shall establish the Charles ''Pete'' Conrad Astronomy Awards Program.

(2) AWARDS.—The Administrator shall make awards under the Program based on the recommendations of the Minor Planet Center.

(3) AWARD CATEGORIES.—The Administrator shall make one annual award, unless there are no eligible discoveries or contributions, for each of the following categories:

(A) The amateur astronomer or group of amateur astronomers who in the preceding calendar year discovered the intrinsically brightest near-Earth asteroid among the near-Earth asteroids that were discovered during that year by amateur astronomers or groups of amateur astronomers.

(B) The amateur astronomer or group of amateur astronomers who made the greatest contribution to the Minor Planet Center's mission of cataloguing near-Earth asteroids during the preceding year.

(4) AWARD AMOUNT.—An award under the Program shall be in the amount of $3,000.

(5) GUIDELINES.—(A) No individual who is not a citizen or permanent resident of the United States at the time of his discovery or contribution may receive an award under this section.

(B) The decisions of the Administrator in making awards under this section are final.

SEC. 614. REVIEW OF EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall enter into an arrangement with the National Research Council of the National Academy of Sciences to conduct a review and evaluation of NASA's precollege science, technology, and mathematics education program. The review and evaluation shall be documented in a report to the Administrator and shall include such recommendations as the National Research Council determines will improve the effectiveness of the program.

(b) REVIEW.—The review and evaluation under subsection (a) shall include—

(1) an evaluation of the effectiveness of the overall program in meeting its defined goals and objectives;

(2) an assessment of the quality and educational effectiveness of the major components of the program, including an evaluation of the adequacy of assessment metrics and data collection requirements available for determining the effectiveness of individual projects;

(3) an evaluation of the funding priorities in the program, including a review of the funding level and funding trend for each major component of the program and an assessment of whether the resources made available are consistent with meeting identified goals and priorities; and

(4) a determination of the extent and the effectiveness of coordination and collaboration between NASA and other Federal agencies that sponsor science, technology, and mathematics education activities.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of the review and evaluation required under subsection (a).

SEC. 615. EQUAL ACCESS TO NASA'S EDUCATION PROGRAMS.

(a) IN GENERAL.—The Administrator shall strive to ensure equal access for minority and economically disadvantaged students to NASA's education programs.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit a report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts by the Administrator to ensure equal access for minority and economically disadvantaged students under this section and the results of such efforts. As part of the report, the Administrator shall provide—

(1) data on minority participation in NASA's education programs, at a minimum in the following categories: elementary and secondary education, undergraduate education, and graduate education; and

(2) the total value of grants NASA made to Historically Black Colleges and Universities and to Hispanic Serving Institutions through education programs during the period covered by the report.

(c) PROGRAM.—The Administrator shall establish the Dr. Mae C. Jemison Grant Program to work with Minority Serving Institutions to bring more women of color into the field of space and aeronautics.

SEC. 616. MUSEUMS.

The Administrator may provide grants to, and enter into cooperative agreements with, museums and planetariums to enable them to enhance programs related to space exploration, aeronautics, space science, earth science, or microgravity.

SEC. 617. REVIEW OF MUST PROGRAM.

Not later than 60 days after the date of enactment of this Act, the Administrator shall transmit a report to Congress on the legal status of the Motivating Undergraduates in Science and Technology program. If the report concludes that the program is in compliance with the laws of the United States, NASA shall implement the program, as planned in the July 5, 2005, NASA Research Announcement.

SEC. 618. CONTINUATION OF CERTAIN EDUCATION PROGRAMS.

From amounts appropriated to NASA for education programs, the Administrator shall ensure the continuation of the Space Grant Program, the Experimental Program to Stimulate Competitive Research, and, consistent with the results of the review under section 614, the NASA Explorer School program, to motivate and develop the next generation of explorers.

SEC. 619. IMPLEMENTATION OF PREVIOUS RECOMMENDATIONS.

(a) GAO REPORT.—Not more than 180 days after the date of enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate a report describing action taken by NASA to implement the recommendations contained in the Government Accountability Office's Report No. 04–639.

(b) COMPLIANCE.—To comply with title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Administrator shall conduct compliance reviews of at least 2 grantees annually.

Subtitle C—Technology Transfer

SEC. 621. COMMERCIAL TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—The Administrator shall execute a commercial technology transfer program with the goal of facilitating the exchange of services, products, and intellectual property between NASA and the private sector. This program shall place at least as much emphasis on encouraging the transfer of NASA technology to the private sector (''spinning out'') as on encouraging use of private sector technology by NASA. This program shall be maintained in a manner that provides clear benefits for the agency, the domestic economy, and the research community.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the Administrator shall provide program participants with at least 45 days notice of any proposed changes to the structure of NASA's technology transfer and commercialization organizations that is in effect as of the date of enactment of this Act.

TITLE VII—MISCELLANEOUS PROVISIONS

Subtitle A—National Aeronautics and Space Administration

SEC. 701. RETROCESSION OF JURISDICTION.

The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by adding at the end of title III the following new section:

''RETROCESSION OF JURISDICTION

''SEC. 316. (a) Notwithstanding any other provision of law, the Administrator may relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under the control of the Administrator in that State.

''(b) For purposes of this section, the term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.''.

SEC. 702. EXTENSION OF INDEMNIFICATION.

Section 309 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2458c) is amended in subsection (f)(1) by striking ''December 31, 2002'' and all that follows and inserting ''December 31, 2010.''.

SEC. 703. NASA SCHOLARSHIPS.

(a) AMENDMENTS.—Section 9809 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by striking ''Act.'' and inserting ''Act (42 U.S.C. 1885a or 1885b).'';

(2) in subsection (c) by striking ''require.'' and inserting ''require to carry out this section.'';

(3) in subsection (f)(1) by striking the last sentence; and

(4) in subsection (g)(2) by striking ''Treasurer of the'' and all that follows through ''by 3'' and inserting ''Treasurer of the United States''.

(b) REPEAL.—The Vision 100-Century of Aviation Reauthorization Act is amended by striking section 703 (42 U.S.C. 2473e).

SEC. 704. INDEPENDENT COST ANALYSIS.

Section 301 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2459g) is amended—

(1) by striking ''Phase B'' in subsection (a) and inserting ''implementation'';

(2) by striking ''$150,000,000'' and inserting ''$250,000,000'';

(3) by striking ''Chief Financial Officer'' each place it appears in subsection (a) and inserting ''Administrator'';

(4) by inserting ''and consider'' in subsection (a) after ''shall conduct''; and

(5) by striking subsection (b) and inserting the following:

''(b) IMPLEMENTATION DEFINED.—In this section, the term 'implementation' means all activity in the life cycle of a project after preliminary design, independent assessment of the preliminary design, and approval to proceed into implementation, including critical design, development, certification, launch, operations, disposal of assets, and, for technology programs, development, testing, analysis, and communication of the results.''.

SEC. 705. RECOVERY AND DISPOSITION AUTHORITY.

Title III of the National Aeronautics and Space Act of 1958, as amended by section 701 of this Act, is further amended by adding at the end the following:

''SEC. 317. RECOVERY AND DISPOSITION AUTHORITY.

''(a) IN GENERAL.—

''(1) CONTROL OF REMAINS.—Subject to paragraphs (2) and (3), when there is an accident or mishap resulting in the death of a crewmember of a NASA human space flight vehicle, the Administrator may take control over the remains of the crewmember and order autopsies and other scientific or medical tests.

''(2) TREATMENT.—Each crewmember shall provide the Administrator with his or her preferences regarding the treatment accorded to his or her remains and the Administrator shall, to the extent possible, respect those stated preferences.

''(3) CONSTRUCTION.—This section shall not be construed to permit the Administrator to interfere with any Federal investigation of a mishap or accident.

''(b) DEFINITIONS.—In this section:

''(1) CREWMEMBER.—The term 'crewmember' means an astronaut or other person assigned to a NASA human space flight vehicle.

''(2) NASA HUMAN SPACE FLIGHT VEHICLE.—The term 'NASA human space flight vehicle' means a space vehicle, as defined in section 308(f)(1), that

''(A) is intended to transport 1 or more persons;

''(B) is designed to operate in outer space; and

''(C) is either owned by NASA, or owned by a NASA contractor or cooperating party and operated as part of a NASA mission or a joint mission with NASA.''.

SEC. 706. CHANGES TO EXISTING LAWS ON REPORTS.

(a) Section 201 of the National Aeronautics and Space Administration Authorization Act of 2000 (42 U.S.C. 2451 note) is amended—

(1) by striking ''and not later than the first day of every second month thereafter until October 1, 2006'' and inserting ''and semiannually thereafter until December 31, 2011''; and

(2) by adding at the end the following: ''Each such report shall also identify each Russian entity or person to whom NASA has, since the date of the enactment of the Iran Nonproliferation Amendments Act of 2005, made a payment in cash or in-kind for work to be performed or services to be rendered under the Agreement Concerning Cooperation on the Civil International Space Station, with annex, signed at Washington January 29, 1998, and entered into force March 27, 2001, or any protocol, agreement, memorandum of understanding, or contract related thereto. Each report shall include the specific purpose of each payment made to each entity or person identified in the report.''.

(b) Section 304(b) of the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992 (49 U.S.C. 47508 note) is amended by striking ''2000'' and inserting ''2010''.

(c) Section 323 of the National Aeronautics and Space Administration Authorization Act of 2000 is amended by striking subsection (a).

SEC. 707. SMALL BUSINESS CONTRACTING.

(a) PLAN.—In consultation with the Small Business Administration, the Administrator shall develop a plan to maximize the number and amount of contracts awarded to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)) and to meet established contracting goals for such concerns.

(b) PRIORITY.—The Administrator shall establish as a priority meeting the contracting goals developed in conjunction with the Small Business Administration to maximize the amount of prime contracts, as measured in dollars, awarded in each fiscal year by NASA to small business concerns (within the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632)).

SEC. 708. NASA HEALTHCARE PROGRAM.

The Administrator shall develop a plan to better understand the longitudinal health effects of space flight on humans. In the development of the plan, the Administrator shall consider the need for the establishment of a lifetime healthcare program for NASA astronauts and their families or other methods to obtain needed health data from astronauts and retired astronauts.

SEC. 709. OFFSHORE PERFORMANCE OF CONTRACTS FOR THE PROCUREMENT OF GOODS AND SERVICES.

The Administrator shall submit to Congress, not later than 120 days after the end of each fiscal year beginning with the first fiscal year after the date of enactment of this Act, a report on the contracts and subcontracts performed overseas and the amount of purchases directly or indirectly by NASA from foreign entities in that fiscal year. The report shall separately indicate—

(1) the contracts and subcontracts and their dollar values for which the Administrator determines that essential goods or services under the contract are available only from a source outside the United States; and

(2) the items and their dollar values for which the Buy American Act was waived pursuant to obligations of the United States under international agreements.

SEC. 710. STUDY ON ENHANCED USE LEASING.

Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of NASA's enhanced use leasing pilot program established by section 315 of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j). At a minimum the review shall analyze—

(1) the financial impact of the program, taking into account revenue foregone by the United States, whether such revenue would have been realized in the absence of the program, and any revenue that accrued to NASA because of the program;

(2) the use and effectiveness of the program; and

(3) whether the arrangements made under the program would have been made in the absence of the program.

Subtitle B—National Science Foundation

SEC. 721. DATA ON SPECIFIC FIELDS OF STUDY.

The National Science Foundation shall continue to collect statistically reliable data on the field of degree of college-educated individuals to fulfill obligations under section 4(j)(1) of the National Science Foundation Act of 1950 (42 U.S.C. 1863(j)(1)) and the Science and Engineering Equal Opportunities Act (42 U.S.C. 1885 et. seq.). If the Director of the Foundation determines that there is a legal impediment to the continued collection of this data, he shall inform the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.

SEC. 722. NATIONAL SCIENCE FOUNDATION MAJOR RESEARCH EQUIPMENT AND FACILITIES.

(a) ASTRONOMICAL SCIENCES SENIOR REVIEW.—

(1) REVIEW.—The Director of the National Science Foundation shall charge the Mathematical and Physical Sciences Advisory Committee with conducting a review of the astronomical facilities supported by the Foundation to determine the appropriate balance between supporting the operation of existing facilities and supporting the design, development, and eventual operation of new facilities. The review shall recommend actions that would enable the Foundation to support priorities recommended in the National Academy of Sciences reports ''Astronomy and Astrophysics in the New Millennium'' and ''Connecting Quarks with the Cosmos''.

(2) TRANSMITTAL.—The Director shall transmit the review, along with a schedule for implementing any recommendations the Director accepts and an explanation for rejecting any recommendations, to the Committee on Science of the House of Representatives and the Committee of Commerce, Science, and Transportation of the Senate no later than June 30, 2006.

(b) PLAN FOR FUNDING DESIGN AND DEVELOPMENT FOR MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION PROJECTS.—

(1) IN GENERAL.—The Director of the National Science Foundation shall develop a plan to facilitate more thorough design and development of facilities that can be considered for funding through the Major Research Equipment and Facilities Construction account.

(2) CONSIDERATIONS.—In developing the plan, the Director shall consider—

(A) steps to encourage and ease cross-directorate collaboration;

(B) ways to ensure that a Directorate that will eventually support the operation of a facility is fully committed to that facility from the outset;

(C) providing funding for the design and development of facilities from new sources within the Foundation; and

(D) ways to enable and encourage entities proposing facilities projects to receive design and development funding from nongovernmental sources.

(3) TRANSMITTAL.—No later than June 30, 2006, the Director of the National Science Foundation shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan, along with a statement from the Director describing how the plan addresses the considerations described in paragraph (2).

TITLE VIII—TASK FORCE AND COMMISSION

Subtitle A—International Space Station Independent Safety Task Force

SEC. 801. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Administrator shall establish an independent task force to review the International Space Station program with the objective of discovering and assessing any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

(b) DEADLINE FOR ESTABLISHMENT.—The Administrator shall establish the independent task force within 60 days after the date of enactment of this Act.

SEC. 802. TASKS OF THE TASK FORCE.

The independent task force established under section 801 shall, to the extent possible, undertake the following tasks:

(1) Catalogue threats to and vulnerabilities of the ISS, including design flaws, natural phenomena, computer software or hardware flaws, sabotage or terrorist attack, number of crewmembers, inability to adequately deliver replacement parts and supplies, and management or procedural deficiencies.

(2) Make recommendations for corrective actions.

(3) Provide any additional findings or recommendations related to ISS safety.

(4) Prepare a report to the Administrator, Congress, and the public.

SEC. 803. COMPOSITION OF THE TASK FORCE.

(a) EXTERNAL ORGANIZATIONS.—The independent task force shall include at least one representative from each of the following external organizations:

(1) The Aerospace Safety Advisory Panel.

(2) The Task Force on International Space Station Operational Readiness of the NASA Advisory Council, or its successor.

(3) The Aeronautics and Space Engineering Board of the National Research Council.

(c) INDEPENDENT ORGANIZATIONS WITHIN NASA.—The independent task force shall also include at least the following individuals from within NASA:

(1) NASA's Chief Engineer.

(2) The head of the Independent Technical Authority.

(3) The head of the Safety and Mission Assurance Office.

(4) The head of the NASA Engineering and Safety Center.

SEC. 804. REPORTING REQUIREMENTS.

(a) INTERIM REPORTS.—The independent task force may transmit to the Administrator and Congress, and make concurrently available to the public, interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of the task force members.

(b) FINAL REPORT.—The task force shall transmit to the Administrator and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of task force members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) APPROVAL.—The independent task force shall not be required to seek the approval of the contents of any of the reports submitted under subsection (a) or (b) by the Administrator or by any person designated by the Administrator prior to the submission of the reports to the Administrator and Congress and to their being made concurrently available to the public.

SEC. 805. SUNSET.

The independent task force established under this subtitle shall transmit its final report to the Administrator and to Congress and make it available to the public not later than 1 year after the independent task force is established and shall cease to exist after the transmittal.

Subtitle B—Human Space Flight Independent Investigation Commission

SEC. 821. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Commission'' means a Commission established under this title; and

(2) the term ''incident'' means either an accident or a deliberate act.

SEC. 822. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—The President shall establish an independent, nonpartisan Commission within the executive branch to investigate any incident that results in the loss of—

(1) a Space Shuttle;

(2) the International Space Station or its operational viability;

(3) any other United States space vehicle carrying humans that is owned by the Federal Government or that is being used pursuant to a contract with the Federal Government; or

(4) a crew member or passenger of any space vehicle described in this subsection.

(b) DEADLINE FOR ESTABLISHMENT.—The President shall establish a Commission within 7 days after an incident specified in subsection (a).

SEC. 823. TASKS OF THE COMMISSION.

A Commission established pursuant to this subtitle shall, to the extent possible, undertake the following tasks:

(1) Investigate the incident.

(2) Determine the cause of the incident.

(3) Identify all contributing factors to the cause of the incident.

(4) Make recommendations for corrective actions.

(5) Provide any additional findings or recommendations deemed by the Commission to be important, whether or not they are related to the specific incident under investigation.

(6) Prepare a report to Congress, the President, and the public.

SEC. 824. COMPOSITION OF COMMISSION.

(a) NUMBER OF COMMISSIONERS.—A Commission established pursuant to this subtitle shall consist of 15 members.

(b) SELECTION.—The members of a Commission shall be chosen in the following manner:

(1) The President shall appoint the members, and shall designate the Chairman and Vice Chairman of the Commission from among its members.

(2) The majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each provide to the President a list of candidates for membership on the Commission. The President may select one of the candidates from each of the 4 lists for membership on the Commission.

(3) No officer or employee of the Federal Government or Member of Congress shall serve as a member of the Commission.

(4) No member of the Commission shall have, or have pending, a contractual relationship with NASA.

(5) The President shall not appoint any individual as a member of a Commission under this section who has a current or former relationship with the Administrator that the President determines would constitute a conflict of interest.

(6) To the extent practicable, the President shall ensure that the members of the Commission include some individuals with experience relative to human carrying spacecraft, as well as some individuals with investigative experience and some individuals with legal experience.

(7) To the extent practicable, the President shall seek diversity in the membership of the Commission.

(c) DEADLINE FOR APPOINTMENT.—All members of a Commission established under this subtitle shall be appointed no later than 30 days after the incident.

(d) INITIAL MEETING.—A Commission shall meet and begin operations as soon as practicable.

(e) QUORUM; VACANCIES.—After its initial meeting, a Commission shall meet upon the call of the Chairman or a majority of its members. Eight members of a Commission shall constitute a quorum. Any vacancy in a Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 825. POWERS OF COMMISSION.

(a) HEARINGS AND EVIDENCE.—A Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this subtitle—

(1) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents,

as the Commission or such designated subcommittee or designated member may determine advisable.

(b) CONTRACTING.—A Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this subtitle.

(c) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—A Commission may secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this subtitle. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman, the chairman of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(d) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to a Commission on a reimbursable basis administrative support and other services for the performance of the Commission's tasks.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(3) NASA ENGINEERING AND SAFETY CENTER.—The NASA Engineering and Safety Center shall provide data and technical support as requested by the Commission.

SEC. 826. PUBLIC MEETINGS, INFORMATION, AND HEARINGS.

(a) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—A Commission shall—

(1) hold public hearings and meetings to the extent appropriate; and

(2) release public versions of the reports required under this subtitle.

(b) PUBLIC HEARINGS.—Any public hearings of a Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable statute, regulation, or Executive order.

SEC. 827. STAFF OF COMMISSION.

(a) APPOINTMENT AND COMPENSATION.—The Chairman, in consultation with Vice Chairman, in accordance with rules agreed upon by a Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions.

(b) DETAILEES.—Any Federal Government employee, except for an employee of NASA, may be detailed to a Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—A Commission may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code. Any consultant or expert whose services are procured under this subsection shall disclose any contract or association it has with NASA or any NASA contractor.

SEC. 828. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of a Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of a Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 829. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate Federal agencies or departments shall cooperate with a Commission in expeditiously providing to the Commission members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements. No person shall be provided with access to classified information under this subtitle without the appropriate security clearances.

SEC. 830. REPORTING REQUIREMENTS AND TERMINATION.

(a) INTERIM REPORTS.—A Commission may submit to the President and Congress interim reports containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members.

(b) FINAL REPORT.—A Commission shall submit to the President and Congress, and make concurrently available to the public, a final report containing such findings, conclusions, and recommendations for corrective actions as have been agreed to by a majority of Commission members. Such report shall include any minority views or opinions not reflected in the majority report.

(c) TERMINATION.—

(1) IN GENERAL.—A Commission, and all the authorities of this subtitle with respect to that Commission, shall terminate 60 days after the date on which the final report is submitted under subsection (b).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—A Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the final report.

And the House agree to the same.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE,

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,
Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1281) to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, and the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clerical changes.

This legislation authorizes the appropriations of funds for the National Aeronautics and Space Administration (NASA), for the fiscal years 2007 and 2008. In addition, it sets forth a framework of policy guidance, program management authorities and requirements, and means for ensuring accountability in program management and oversight.

U.S. CIVIL SPACE GOALS/VISION FOR SPACE EXPLORATION

The conferees endorse the President's Vision for Space Exploration and outline the rationale for it in section 101(b) of the Conference Report. The conferees believe that the Conference Report provides a strong legislative foundation for the pursuit of the nation's continued exploration of space in a manner that both preserves the important legacy of accomplishments in science, aeronautics and human space flight and provides NASA with the authority to move its new program of exploration forward.

SCIENCE

In an increasingly technological age, scientific and technical excellence is fundamental to securing the nation's economic and security interests and to inspiring and educating the next generation of scientists, engineers, astronauts, and entrepreneurs. The conferees agree that a continued strong and diverse array of programs in the areas of space science, earth science and education is essential, and the Conference Report combines important elements of the Senate- and House-passed legislation in order to ensure that such activities continue to represent a major portion of NASA's programs and priorities and that such activities are judged on their own merits.

HUMAN SPACE FLIGHT AND SPACE TRANSPORTATION

The conferees agree that it is important for the United States to have continuing, safe and reliable human access to space. The conferees further acknowledge the need to provide the smoothest possible transition between the eventual retirement of the space shuttle and the development of the new Crew Exploration Vehicle (CEV) and Crew Launch Vehicle (CLV). Section 502 of the Conference Report lays out an approach for an effective transition. At the same time, the Conference Report provides important oversight guidance, in terms of planning, funding projections and accountability, designed to ensure the success of these new systems' development.

The conferees also recognize the importance of the International Space Station

(ISS) in sections 505 and 506 of the Conference Report. The conferees recognize the research potential of the ISS beyond its contribution to long-duration human spaceflight in support of the Vision for Space Exploration in several sections, including section 305. The conferees adopt language that requires a minimum percentage of ISS research to be directed toward a range of science disciplines not directly related to supporting the Vision for Space Exploration. Furthermore, the conferees agree to provisions based on the Senate-passed bill that designate the U.S. segment of the ISS as a National Laboratory, paving the way for the addition of non-NASA resources and non-Government resources to support space station-based research.

AERONAUTICS POLICY

The conferees agree to provisions included in both Senate- and House-passed bills that require the development of a national aeronautics research policy to guide future investments in this important segment of NASA's mission. A healthy and vibrant aeronautics research capability and aerospace industry are vital to the nation's economic security. The plans and priorities required and highlighted by the Conference Report should serve to ensure the vitality of aeronautics research within the framework of a clear set of national policy objectives to be developed under the provisions of the Conference Report.

ADDITIONAL SIGNIFICANT PROVISIONS

In addition to the major policy areas noted above, the conferees agree to a number of significant provisions contained in both the House- and Senate-passed bills. Among these are provisions for workforce management, the encouragement and authorization of significant commercial participation in a full range of science, aeronautics, and exploration activities, enhanced program fiscal and management accountability, and significant measures providing for independent oversight of NASA programs and management. A number of these provisions are further described in the balance of the explanatory statement.

EXPLANATION OF SELECTED PROVISIONS

Sec. 101(d). Science

Section 101(d) directs the Administrator to develop a plan to guide the space science and earth science programs of NASA through 2016. The priority ranking required by this subsection is a single ranking of all the missions that NASA lists pursuant to paragraph (2)(A), not a ranking categorized by theme or any other category.

The conferees understand that NASA will have to update and revise the plans and priorities periodically. The conferees do not intend that NASA be bound by this plan until 2016. But the plan should be based on the best possible current assessment of what NASA will be able to do between now and 2016.

The conferees are aware that the National Academy of Sciences is continuing to work on an Earth Science and Applications from Space Decadal Survey which is due to be completed in 2006. In preparing the science plan, NASA should, to the greatest extent possible, take into consideration information available from the Decadal Survey. The conferees expect NASA to notify the authorizing committees if the completed Decadal Survey would change any of the information provided in the science plan.

Sec. 101(e). Facilities

Section 101(e) directs the Administrator to develop a facilities plan through fiscal year 2015. While the facilities plan does not have to be transmitted to the Committees until the date on which the President submits the fiscal year 2008 budget to the Congress, the conferees urge NASA to provide notification to the authorizing committees prior to mothballing or closing any significant facilities before the transmittal of the facilities plan.

The budget assumptions used to develop the facilities plan and descriptions of the costs and the type of work that are planned to maintain, modify or upgrade each facility, must be described in the plan.

Sec. 101(h). Budgets

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109–173) and in the Senate Report that accompanied S.1281 (Senate Report 109–108) regarding the lack of detail provided by NASA in the fiscal year 2006 budget justification and previous inconsistency in identifying major program budget requests. As required by subparagraph 101(h)(1)(A) NASA is to provide proposed budgets for each of the areas (i) through (ix) ''by program''. For the purposes of this section a program is a major activity proposed in the budget that is contained within each of the categories (i) through (ix). For example, programs within the budget for Space Operations would include the Space Shuttle and the International Space Station. However, nothing in this section should be construed as allowing NASA to provide less detail than was contained in the fiscal year 2006 budget justification.

Sec. 101(j). Aeronautics test facilities and simulators

The aeronautics simulators to be reviewed under section 101(j) include at least the following:

- Research Aircraft Simulation Facility at the Dryden Flight Research Center
- Cockpit Motion Facility at the Langley Research Center
- Differential Maneuvering Simulator at the Langley Research Center
- Visual Motion Simulator at the Langley Research Center
- Vertical Motion Simulator at the Ames Research Center
- Crew Vehicle Systems Research Facility at the Ames Research Center
- Future Flight Central at the Ames Research Center
- Virtual Airspace Simulation Tool at the Ames Research Center
- Arc Jet facilities at the Ames Research Center.

Sec. 102(b). Budget information

Congress needs to understand fully the implications of building the CEV before NASA commits to this major project. This is a recognition of how central CEV development will be to NASA's activities and budget in the coming years and the need to ensure that adequate resources likely will be available for this development.

For that reason, absolutely no later than April 1, 2006, NASA must report the expected development cost to the authorizing committees. This is not a transmittal of the development contract itself or a detailed description of a yet-to-be-signed contract. What the committees are seeking is a realistic estimate for the total cost of the program that includes contract costs, government costs, and reserves.

Along with the estimate of expected costs, the Conference Report requires NASA to calculate two other cost estimates for the CEV based on historic experience with cost growth in relevant programs. NASA should consult the September 2004 Congressional Budget Office report, *A Budgetary Analysis of NASA's New Vision for Space Exploration*, in developing the cost estimates.

The Conference Report then requires NASA to prepare new 'sand charts' covering the period through 2020 that show the expected figures for NASA's primary program areas using each of the CEV cost estimates required by this subsection. All three sand charts should assume inflationary growth for NASA's total funding throughout the period.

Sec. 102(e). Office of Science and Technology Policy

The study required by section 102(e) is designed to provide Congress with additional information in reviewing NASA's programs. Therefore, in carrying out the study, the Office of Science and Technology Policy should give deference to Congressional directives, and should assume that any program mandated by Congress is intended to be carried out as authorized. Also, the study should not be used to make any changes in program directions, funding or locations without further consultation with the Congress.

Sec. 103. Baselines and cost controls

The conferees support the views expressed in the House report that accompanied H.R. 3070 (House Report 109–173) on Baselines and Cost Controls. The conferees have amended the House language to consolidate the reports into a single document to be provided at the time of the President's annual budget submission and have raised the threshold for the definition of a major program to $250 million. The conferees do not want NASA to lump separate development programs together into a single program for reporting purposes under this provision. For example, NASA may not aggregate the various programs and projects for the mission to return humans to the Moon as a single program. The conferees expect that the CEV, CLV, and other elements of the initiative will be reported as separate activities with their own baselines and annual updates. The conferees also expect the same treatment be provided in reporting major program activities within the Science, Aeronautics, and Education budget account.

For programs in the development phase at the time this Conference Report is enacted, reports shall reflect the current baseline for cost, schedule and technical content, not the baseline that may have existed at the time the program was approved to proceed to the development phase.

Sec. 104. Prize authority

The Conference Report is silent on how intellectual property should be handled as part of the prize program in section 104. NASA should announce the intellectual property policy for each prize in the notice required by subsection (d). The policy should be designed to ensure that the government gets the greatest benefit possible from the prize program, meaning that it should enable the prize program to attract as many contestants as possible and that it should enable the government to make use of any winning ideas. In developing the policy, NASA should review the advantages and disadvantages of all options including having all intellectual property reside with the contestants and the option of requiring the prize winner to give NASA a royalty-free license as a condition of receiving prize money. If NASA informs Congress of the intent to award a very large prize under subsection (i)(4), the written notice should include a description of how NASA will handle intellectual property in the contest.

Sec. 105. Foreign launch vehicles

This section should not be construed to prevent a consolidated approval of the planned ISS logistical and utilization flights; that is, the section does not require that each planned launch to the ISS trigger a separate interagency review. Additionally, this section is intended to support Presidential policy and timely notification, not

inhibit the use of foreign launch vehicles where the Agency feels it helps to meet program goals.

Sec. 110. Whistleblower protection

Given that concerns have been expressed about the reporting systems available within NASA and the potential for retaliation against whistleblowers, the conferees want to ensure that NASA develops and implements a plan, consistent with existing law, that provides for the protection of the rights of its employees and prevents retaliation against its employees who raise concerns (1) about substantial and specific dangers to public health or safety or (2) about substantial and specific factors that could threaten the success of a mission. The conferees intend for the phrase ''public health or safety'' to include matters that would affect the health or safety of NASA employees, but not the larger public.

Sec. 201. Budget structure

Section 201 establishes a budgetary structure for NASA for fiscal year 2007 and thereafter that consists of the following three appropriation accounts: ''Science, Aeronautics, and Education'', ''Exploration Systems and Space Operations'', and ''Inspector General''.

The Science, Aeronautics, and Education appropriation account shall include all of the programs in the current Science (including both space science and earth science), Aeronautics, and Education lines proposed in the fiscal year 2006 request, except that the Robotic Lunar Exploration Program shall be transferred to the Exploration Systems and Space Operations appropriation account, as NASA has proposed.

The Exploration Systems and Space Operations appropriation account shall include all programs currently in the Exploration Systems and the Space Operations budgets in the fiscal year 2006 budget request. In addition, the ISS Crew and Cargo Services and the Robotic Lunar Exploration Program shall be included in the Exploration Systems budget, as NASA has proposed. The Space Operations budget shall include the International Space Station and Space Shuttle programs and the Space and Flight Support line.

The conferees encourage synergy between the Exploration and Space Operations programs to take advantage of common resources and capabilities, when appropriate. Taking advantage of such synergies between the programs should not require the reprogramming of funds because such synergies would merely require charging work related to exploration to the exploration budget and charging work related to space operations to the space operations budget.

The conferees have included additional funding above the request for the Space Shuttle program in the Space Operations budget to address funding shortfalls in previous projections for Space Shuttle funding.

While the conferees did not include authorization levels for fiscal year 2009, the conferees believe that NASA should continue to receive in fiscal year 2009 funding sufficient to allow it to pursue robust science, aeronautics and human space flight programs, including sufficient funding to enable the Space Shuttle to operate safely, to complete the assembly of the International Space Station, and to ensure a smooth transition to the CEV and CLV programs. The conferees note that the fiscal year 2006 Budget Request outyear projections did not adequately address Space Shuttle requirements.

The conferees understand that NASA may not be able to adapt its internal accounting systems to the new appropriation account structure before submitting its fiscal year 2007 budget request. NASA should adapt its systems to the new appropriation accounts as swiftly as possible. NASA must have completed the transition by the start of fiscal year 2007. The conferees expect that the Authorizing Committees will work with the Appropriations Committees to ensure that NASA has clear and uniform guidance from the Congress on which to base its transition.

The conferees have granted limited transfer authority to NASA so that it will have the wherewithal to address the immediate costs to the agency of major disasters, acts of terrorism, or emergency rescues of astronauts. It is intended that such transfer authority be used sparingly, and that the affected accounts be restored to the maximum extent practicable by subsequent supplementary funding. The conferees wish to emphasize that the provision of such transfer authority should not be construed as obviating the need to have supplementary funding provided to the agency once the immediate crisis has passed.

The conferees expect that if any funds authorized by this Act are subject to a reprogramming action (within an account) that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

In addition, the conferees wish to discourage reprogramming actions that would further reduce the funding available to those programs for which the amount appropriated is less than the amount authorized in this Act. At a minimum, the conferees expect that notice will be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains a full and complete statement of the proposed action, its rationale, and the expected impact of such an action.

In view of the importance of fundamental research both to the education of the next generation of scientists and engineers as well as to the advancement of knowledge, the conferees urge the Administrator, when reprogramming funds to cover cost growth within a program, to protect funds intended for fundamental and applied research and analysis activities to the maximum extent practicable.

Sec. 304. Assessment of science mission extensions

The assessments performed under this section may be provided as a single report. The conferees encourage NASA to include all missions within the Sun-Earth Connections division that have exceeded their planned mission lifetime as part of the assessment required in section 304(a)(1), not just the minimum mandatory set of missions identified in that paragraph.

Sec. 305. Microgravity research

The conferees believe the United States needs to sustain a viable life and microgravity sciences research capability.

Sec. 316. Education

The conferees agree that NASA's education and public outreach programs can contribute to the availability of trained scientists, technologists, engineers, and educators to support U.S. technical geospatial workforce needs in the 21st century.

Title IV. Aeronautics

Title IV outlines NASA's aeronautics research program. In recent years, this program has been recast several times. The authorization provided, in concert with the national aeronautics policy developed under section 101(c), should help NASA engage in an aeronautics program that is not radically reformed each fiscal year.

The conferees recognize that over the past several years technological and operational breakthroughs in Unmanned Aerial Vehicles (UAVs) have greatly advanced the capabilities and utility of this class of aircraft. The conferees further note that integrating long endurance UAVs into regulated U.S. airspace safely, seamlessly and securely, will be beneficial to our future in aviation, security, and commerce. The conferees urge NASA to share its data and policy recommendations from NASA's UAVs in the National Airspace System project to other relevant, federal agencies that ask for them. The conferees assume NASA will continue to fund this project in fiscal year 2006 and direct NASA to provide a report to the Committee on Science of the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate, not later than February 15, 2006, on the results and policy recommendations to date of the UAVs in the National Airspace System project.

The conferees consider NASA's aeronautics research and development capabilities to be an important national asset that, when appropriate, can be employed effectively to address challenges facing the nation in ensuring the security of the homeland. However, nothing in section 424 should be construed as requiring NASA to duplicate efforts underway at other agencies of the government. Rather, the conferees assume that any NASA activities in this area will be properly aligned with national requirements.

Sec. 503. Requirements

The conferees are concerned about the individuals and organizations who in good faith entered into contracts with NASA for Exploration Systems Research and Technology (ESR&T) and Human Systems Research and Technology (HSR&T) projects that NASA is now terminating in order to redirect funding to activities that it believes are of higher priority in its implementation of the new Exploration Systems Architecture. The conferees believe that NASA should work with the affected contractors to determine the extent to which the scope of the existing work plans might be altered to better comport with the goals of the new Exploration Systems Architecture, with emphasis on applications of enabling technologies to enhance exploration mission success. The conferees would urge NASA to notify affected contractors of the new Exploration Systems Architecture, and as part of the planned contract termination activities, provide them with a timetable and appropriate NASA technical assistance to determine whether an appropriate modification of their contract scope would enable them to conform to the new priorities resulting from the Exploration Systems Architecture.

Sec. 616. Museums

The conferees recognize the important role that informal science education can play in capturing the imagination of the young and inspiring future scientists, mathematicians and engineers. The conferees encourage NASA to continue to look for opportunities to help science museums improve their offerings, particularly their programs to educate students and to attract more students from under-represented groups into scientific fields. As with other education programs, NASA should ensure that it is evaluating the impact of any grants it provides to help museums reach more students through new exhibits or programs.

Sec. 618. Continuation of certain educational programs

The National Space Grant College and Fellowship Program is a highly successful national network of colleges and universities

that is supporting and enhancing science, technology, and mathematics education, research, and public outreach programs. The network includes over 850 affiliates in academia, business, museums and science centers, as well as state and local agencies. The Space Grant program provides scholarship and fellowship opportunities to students in every state, Puerto Rico, and the District of Columbia. Space Grant is an established and demonstrably effective national mechanism for attracting and retaining students in science, technology, and mathematics. The conferees strongly support its continuation at robust levels within NASA's education program.

The Experimental Program to Stimulate Competitive Research (EPSCoR) provides States of modest research infrastructure with funding to develop a more competitive research base within their State and member academic institutions. A total of seven Federal agencies conduct EPSCoR programs which build infrastructure and broaden the participation of states in the Federal research enterprise. The conferees strongly support its continuation at robust levels within NASA's education program.

Sec. 703. NASA scholarships

Current law has two slightly different versions of law providing NASA with the authority to provide scholarships. Section 703 corrects this disparity.

ADDITIONAL CONCERNS

The conferees are aware of the issues surrounding NASA's use of its Mission Management aircraft. Therefore, the conferees request that NASA transmit a report to the authorizing committees by April 1, 2006, describing current policies concerning the use of NASA aircraft, the source of those policies, the extent of any adverse impact to the Agency and its ability to fulfill its mandates as prescribed in the Space Act, as amended, and any recommended changes to those policies that would assist NASA in carrying out its operations in fulfillment of those mandates.

From the Committee on Science, for consideration of the Senate bill and the House amendment, and modifications committed to conference:

SHERWOOD BOEHLERT,
KEN CALVERT,
RALPH M. HALL,
LAMAR SMITH,
BART GORDON,
MARK UDALL,
MICHAEL M. HONDA,

Ms. Jackson-Lee of Texas is appointed in lieu of Mr. Honda for consideration of secs. 111 and 615 of the House amendment, and modifications committed to conference.

SHEILA JACKSON-LEE

For consideration of the Senate bill and House amendment, and modifications committed to conference:

TOM DELAY,
Managers on the Part of the House.

TED STEVENS,
TRENT LOTT,
KAY BAILEY HUTCHISON,
DANIEL K. INOUYE,
BILL NELSON,
Managers on the Part of the Senate.

□ 2245

IN SUPPORT OF MOTION TO INSTRUCT ON DOD AUTHORIZATION BILL

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I rise today to express my support for the motion to instruct conferees on H.R. 1815, the DOD authorization bill that was offered earlier today by the distinguished ranking member of the Armed Services Committee (Mr. SKELTON).

Mr. Speaker, for over 3 years now, the Congress has failed to oversee the administration's policy regarding the detention of enemy combatants. We know very little about the criteria used to designate an American as an enemy combatant, even less about the due process afforded foreign nationals in Guantanamo and almost nothing about the reported existence of clandestine detention facilities operated by the U.S. Government.

The motion that passed the House overwhelmingly today instructs the conferees to insist on a Senate-passed provision that would require the DNI to submit to Congress a report on any clandestine prison or detention prison currently or formerly operated by the U.S. Government, regardless of location, where the detainees in the global war on terrorism are or were being held.

The conferees should retain this important provision in the Defense Authorization Bill.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–355) on the resolution (H. Res. 623) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF CONFEREE AND APPOINTMENT OF CONFEREE ON S. 1932, DEFICIT REDUCTION ACT OF 2005

The SPEAKER pro tempore (Mr. KIRK). Without objection and pursuant to clause 11 of rule I, the Chair removes the gentleman from Michigan (Mr. UPTON) as a conferee on S. 1932 and appoints the gentleman from Texas (Mr. BARTON) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

GUIDELINES AND REQUIREMENTS IN SUPPORT OF THE INFORMATION SHARING ENVIRONMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–76)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Permanent Select Committee on Intelligence and ordered to be printed:

To the Congress of the United States:

The robust and effective sharing of terrorism information is vital to protecting Americans and the Homeland from terrorist attacks. To ensure that we succeed in this mission, my Administration is working to implement the Information Sharing Environment (ISE) called for by section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The ISE is intended to enable the Federal Government and our State, local, tribal, and private sector partners to share appropriate information relating to terrorists, their threats, plans, networks, supporters, and capabilities while, at the same time, respecting the information privacy and other legal rights of all Americans.

Today, I issued a set of guidelines and requirements that represent a significant step in the establishment of the ISE. These guidelines and requirements, which are consistent with the provisions of section 1016(d) of IRTPA, are set forth in a memorandum to the heads of executive departments and agencies. The guidelines and requirements also address collateral issues that are essential to any meaningful progress on information sharing. In sum, these guidelines will:

Clarify roles and authorities across executive departments and agencies;

Implement common standards and architectures to further facilitate timely and effective information sharing;

Improve the Federal Government's terrorism information sharing relationships with State, local, and tribal governments, the private sector, and foreign allies;

Revamp antiquated classification and marking systems, as they relate to sensitive but unclassified information;

Ensure that information privacy and other legal rights of Americans are protected in the development and implementation of the ISE; and

Ensure that departments and agencies promote a culture of information sharing by assigning personnel and dedicating resources to terrorism information sharing.

The guidelines build on the strong commitment that my Administration and the Congress have already made to strengthening information sharing, as evidenced by Executive Orders 13311 of July 27, 2003, and 13388 of October 25, 2005, section 892 of the Homeland Security Act of 2002, the USA PATRIOT Act, and sections 1011 and 1016 of the IRTPA. While much work has been done by executive departments and agencies, more is required to fully develop and implement the ISE.

To lead this national effort, I designated the Program Manager (PM) responsible for information sharing across the Federal Government, and directed that the PM and his office be part of the Office of the Director of National Intelligence (DNI), and that the

DNI exercise authority, direction, and control over the PM and ensure that the PM carries out his responsibilities under section 1016 of IRTPA. I fully support the efforts of the PM and the Information Sharing Council to transform our current capabilities into the desired ISE, and I have directed all heads of executive departments and agencies to support the PM and the DNI to meet our stated objectives.

Creating the ISE is a difficult and complex task that will require a sustained effort and strong partnership with the Congress. I know that you share my commitment to achieve the goal of providing decision makers and the men and women on the front lines in the War on Terror with the best possible information to protect our Nation. I appreciate your support to date and look forward to working with you in the months ahead on this critical initiative.

GEORGE W. BUSH.

THE WHITE HOUSE, *December 16, 2005*.

DISINTEGRATION OF IRAQ

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute.)

Mr. MCDERMOTT. Mr. Speaker, in the glow after the election, I come to the floor really to caution this House with the words of an old colleague of mine who says it is always too soon to congratulate yourself.

The New York Times on the 11th of December carried an editorial which is entitled Present at the Disintegration.

What he says, and he is an Iraqi, is that the government that has been established by the constitution and has now been elected is fatally flawed in three ways, and what we are going to get is continued civil war in that country because it is not possible to resolve the problems, given the people who have been elected.

The first is, we have created a parliament that can override the executive. We, secondly, created an executive that is divided between a president and a council of ministers, so there will be constant tension between the two factions that will control the government, the Shia and the Kurds. The Sunnis, everybody knows, are not going to be one of the controlling parties.

Finally, it encourages local governments to break off and become sovereign. What we are watching is the disintegration of Iraq.

[From the New York Times, Dec. 11, 2005]

PRESENT AT THE DISINTEGRATION

(By Kanan Makiya)

Washington and Baghdad will be tempted, with the adoption of a new Constitution and the election on Thursday for a four-year government, to declare victory in Iraq. In one sense, they are right to do so. The emerging Iraqi polity undoubtedly represents a radical break not only with the country's past but also with the whole Arab state system established by Britain and France after the collapse of the Ottoman Empire.

But in the larger sense, such optimism is misguided, for none of the problems associated with Iraq's monumental change have been sorted out. Worse, profound tensions and contradictions have been enshrined in the Constitution of the new Iraq, and they threaten the very existence of the state.

How did we get here? Much has been said about American failures in Iraq. And rightly so. But, as I've seen as a participant in political discussions both before and after the war, we Iraqis have also failed to lay the ground for a new order. For the new political elite cast into power by the elections last January has been unable even to begin to create a stable and strong Iraqi state to replace the one overthrown in April 2003. The increasing daily casualty rate for Iraqis, from 26 in early 2004 to an average of 64 in this fall, is only the most glaring sign that something has gone terribly wrong, and not for lack of any American effort to turn the situation around.

Unfortunately, we cannot expect the situation to change following Thursday's election. There is little chance that the winner will command the authority inside Parliament to reverse the decline, for a simple reason: the Constitution.

All signs suggest that this Constitution, if it is not radically amended, will further weaken the already failing central Iraqi state. In spite of all the rhetoric in that document about the unity of the ''homeland of the apostles and prophets'' and the ''values and ideals of the heavenly messages and findings of science'' that have played a role in ''preserving for Iraq its free union,'' it is disunity, diminished sovereignty and years of future discord that lie in store for Iraq if the Constitution is not overhauled.

Any government that emerges from the coming elections will be fatally undermined in at least three ways.

First, the Constitution establishes a supremely powerful Parliament, which can ride roughshod over the executive. While that Parliament, as it is designed in the Constitution, looks like a democratic institution, it doesn't work like one. Rather, it is an artificially constructed collection of ethnic and sectarian voting blocs. If the experience of the interim government is any guide, the few people who control those blocs are the ones who will wield real power, and they will do so largely through handpicked committees and backroom wheeling and dealing. Because this cabal of powerbrokers also chooses the president and the prime minister and can dismiss them with a simple majority, there will be no check on the tyranny of majorities operating under the aegis of the legislature.

Second, executive power is divided between the president and the council of ministers, guaranteeing that major decisions will be met with the same tension and paralysis that have plagued the present government. Both the president and the prime minister (it is assumed, though not explicitly stated, that these two posts will be apportioned out to a Kurd and a Shiite Arab, as they are at present) can separately present bills to Parliament—a sure recipe for conflict. And both the president and the prime minister can be fired after a no-confidence motion endorsed by a parliamentary majority. At a time of civil war and pervasive violence, in other words, no one person or institution can be said to be in charge of the executive branch of the federal government.

Third, the Constitution encourages the transformation of governorates and local administrations into powerful, nearly sovereign regions that, with the exception of Kurdistan, have no underlying basis for unity. And while the articles dealing with the functioning of the federal government are poorly worded and intended to dissipate executive power, the 10 articles of Section 5, on the powers and manner of formation of new regions, are a model of clarity and have been drafted with the sole purpose of encouraging new regions to be created at the expense of the federal union.

This guarantees that the more Iraqi provinces opt for regional status, and get it, the more the federal state will shrivel up and die. Moreover, with the exception of those who reside in provinces without oil (or in Baghdad, which cannot join a region), it is in the interest of every populist demagogue to press for regional status, because it is at that level that the lawmaking that truly affects day-to-day life will take place.

The powers of the new regions will be enormous. Not even the Iraqi Army can travel through one without the permission of the regional Parliament. And should there be any doubt about where the whip hand will lie on any issue not explicitly addressed in the Constitution, Article 122 states: ''Articles of the Constitution may not be amended if such amendment takes away from the power of the regions . . . except by the consent of the legislative authority of the concerned region and the approval of the majority of its citizens.''

An Iraqi wit known only as Shalash al-Iraqi has lampooned this devolution of power in an imaginary constitution, called ''The Federalism of the city of Thawra and its Environs,'' posted on the Internet. Its preamble reads:

Congruent with the wave of federalisms that is sweeping Iraq, the city of Thawra and its surrounding neighborhoods have decided to constitute themselves as a federal region . . . For this purpose a Constituent Assembly of the representatives of the most important and influential tribes in the City has been established . . . [and it] has noted that the City of Thawra [is well suited to become a region because it] floats on a lake of oil, and possesses a huge labor force along with an independent army and police force . . . In addition the city is bounded by a canal, which is its water link to the cities of the adjoining sisterly Republic of Iraq . . .

''We, people of the valley east of the canal, . . . have of our own volition and free will decided to separate from the people of Baghdad and all the other irritating governorates like Ramadi, Diwaniya, Tikrit, Darbandikhan, Samawa and all the rest . . . The adoption of this, our constitution, will free us from all the headaches and problems of Iraq.''

There is nothing wrong with having strong regions within a federal union. Unfortunately the new Iraqi Constitution fails to inject the glue that would hold such a union together: the federal government. It sets up a regional system with big short-term winners (Shiite Arabs and Kurds) and big short-term losers (Sunni Arabs). It even allocates extra oil and gas revenues to the regions that generate them, on the implicit assumption that because of the political inequities of the past, the state owes the Sunnis of the resource-poor western provinces less than it does the Shiites and Kurds. But these provinces are not significantly better off than other parts of Iraq.

Iraq's Sunni Arabs voted solidly against the Constitution not because they are Saddam Hussein loyalists, nor because they hate the Kurds and Shiites (as some of the insurgents do); they voted against it because by doing away with the central state, which they had championed during the previous 80 years, and penalizing them for living in regions without oil, the Constitution became a punitive document—one that began to seem as if it was written to punish them for the sins of the Baath.

What is wrong with pursuing the Constitution to its logical conclusion: the breakup of

Iraq? Nothing, if that breakup is consensual and does not entail an escalation in the violence tearing the country apart. But such is not the case. The debate in Parliament over the Constitution was extremely polarized and artificially cut short by the majority. Moreover, if a mere 83,283 people in the province of Nineveh had voted no instead of yes, the draft constitution would have been defeated.

Sunni opposition to the new order will continue. Crushing it by force, as some Shiite hotheads in the Parliament's majority bloc are calling for, will be an extremely bloody business. Even if the long-term outcome of an all-out Iraqi civil war is not in doubt, the body count and destruction would make Lebanon's war look like a picnic. No moral person can condone the parliamentary majority that makes this happen.

The 2003 Iraq war has indeed brought about an irreversible transformation of politics and society in Iraq. But this transformation has not consolidated power, as the great revolutions of the past have tended to do (in France, Russia and even Iran), nor is it distributing power on an agreed upon and equitable basis, as happened after the American Revolution and as Iraqi liberal democrats like myself had hoped would happen after the fall of Saddam Hussein. Rather, it is dissipating it. And that is a terrifying prospect for a population whose primary legacy from the Saddam Hussein era is a profound mistrust of government in all its forms.

By ceding and dismissing centralized power, Iraqis may end by ceding all their power. Iran in the short run, and the Arab world in the long run, will fill the vacuum with proxies, turning the dream of a democratic and reborn Iraq into a dystopia of warring militias and rampant hopelessness.

The reaction against tyranny in Iraq was always going to take the form of a new kind of state in the Middle East, one that in the minds of those who struggled against the regime of Saddam Hussein had to be profoundly decentralized. And federalism did not have to entail the dissipation of power. As it was first envisioned, a federal Iraq promised to safeguard against despotism while furnishing a framework both strong and flexible enough to reconcile the competing demands of its citizens.

Federalism first entered the lexicon of the Iraqi opposition in 1992, when the newly created Kurdish Parliament voted in favor of it as a way of governing the relation of Kurdistan to the rest of the country. That vote was ratified a few months later by a conference of the Iraqi opposition in Salahuldin, in northern Iraq.

Remarkably, the idea of federalism survived the bitter infighting among Iraqi exiles in months before the 2003 war, becoming one of the few common denominators in the discourse of the opposition about the future of Iraq. The fact that there was no literature in Arabic on federalism to speak of, and that Iraqi parties and organizations did not know or agree upon what federalism meant, and that Iraqi politicians did not bother themselves with thinking about what it might mean, did not deter individuals, parties and organizations from continuing to advocate it.

I was one of the idea's most ardent Arab advocates. In Salahuldin, I delivered the keynote speech on the subject, not only endorsing the Kurdish Parliament's decision, but presenting federalism as a general solution to the problems of the Iraqi state. A federalism based on Iraq's existing 18 governorates broke the rotten mold of Iraqi and Arab politics, I argued. No Iraqi political organization could afford not to be for it, especially not one that called itself democratic. Without a system of government in which real power devolved away from Baghdad, the autonomous, predominantly Kurdish north must sooner or later opt for separation. And how could any Iraqi expect otherwise, after all the terrible things that had been done to the Kurds in the name of Arabism?

Some Arabs argued that one must concede federalism in the interest of getting rid of Saddam Hussein and because the Kurds are in a position to force it upon us. And we must accept federalism, some Kurds said, not because we really want it, but because the regional situation does not allow us to secede. But utilitarian calculation did not lie behind the democratic argument.

Federalism in Iraq would both separate and divide powers. Painstakingly negotiated arrangements would distinguish the powers of the parts from those of the center, taking care to leave important functions in the hands of the federal government.

We thought it wise to define regions territorially, according to the relative distribution of the population, and to include in the constitution the claim that the country's resources (in particular oil revenues, the only real source of income for the foreseeable future), would belong to all Iraqis equally and would be managed by the federal government. Different ethnicities and sects would almost certainly form majorities in particular regions. The point was not to change such distributions, but to emphasize the equality of citizenship.

Such a federalism, Iraqi democrats said, was the logical extension of the principle of human rights. It was based on the notion that the rights of the part—whether that part was a single person or a group—should not be sacrificed to the will of the majority. What people like myself failed to appreciate, or understand, before 2003, were the powerful forces driving toward purely ethnic and sectarian criteria for the definition of the ''parts'' of the new federal idea. The consequence of those forces has been a tremendous weakening of the political idea of Iraq, which the new Constitution has converted into hostility toward central government per se.

A decentralized, federal state system that devolves power to the regions is not the same as a dysfunctional one in which power at the federal level has been eviscerated. The former preserves power while distributing it; the latter destroys it. At the moment Iraqis have a dysfunctional and powerless state. The Constitution does not fix this; it makes it worse.

What began as an American problem is today an Iraqi one. To steer the country away from anarchy and manage the furies that have been unleashed, the following measures need to be undertaken by the new Iraqi Parliament the moment it reconvenes after the elections:

Recognize that at the moment only Kurdistan fulfills the conditions for being a region. Using the Kurdish experience as a model, the Constitution must define the minimum conditions that need to be met by any group of provinces that desire to form themselves into a region. Then set a moratorium of 10 years on the establishment of new regions, this being the time necessary to crush the insurgency, establish properly accountable institutions of law and order and ensure that those applying for such status have met the criteria.

Limit the size of any new region formed after the 10-year period to a maximum of three governorates and fix the existing unmodified boundaries of the 18 governorates of Iraq as the basis for the establishment of new regions.

Delete Article 109, which allocates extra oil revenues to the regions that generate them. There is no defensible case for imposing special reparations on the Sunni populace for the crimes of Iraq's former leaders.

Appoint a committee of expert constitutional lawyers to make the necessary amendments reconciling the legislature with the executive and the different parts of the executive with each other. This is not a matter that can be resolved by the politicians alone.

Democracy is not reducible to placing an Iraqi seal of approval upon a situation that is manifestly worsening by the day. The 79 percent of people who voted in favor of a constitution that promotes ethnic and sectarian divisions are unwittingly paving the way for a civil war that will cost hundreds of thousands of Iraqi lives. Nothing is worth that.

Without the return of real power to the center, the ascent of sectarian and ethnic politics in Iraq to the point of complete societal breakdown cannot be checked. We cannot fight the insurgency, rebuild Iraq and live in any meaningful sense as part of the modern world without a state. There are no human rights, no law, and no democracy without the state; there is only anarchy and a state of insecurity potentially much worse than what Iraqis are experiencing today. For democracy to emerge out of the current chaos in Iraq, the state must be saved from the irresponsibility of the Iraqi parties and voting blocs that are today killing it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

(Mr. ENGLISH of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING MAJOR GENERAL DAVID E. TANZI

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Pennsylvania (Mr. ENGLISH).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, it is my great pleasure to introduce to this body Major General David Tanzi, the Vice Commander of the United States Air Force Reserve, and to honor him on his forthcoming retirement, which will be January 11, 2006, at Robins Air Force Base in Georgia.

In his duties as Vice Commander, General Tanzi is responsible for the daily operations of the Command, which consists of 76,000 Citizen Airmen, 400 aircraft, guiding 36 wings, three flying groups, one space group, 620 mission support units and two draft

choices to be named later. He manages $20 billion in assets, a $3.9 billion annual budget and has successfully led this command through major transformational changes in force structure and in organization.

General Tanzi is a command pilot with over 4,055 hours in various types of planes. He has been honored with numerous awards and decorations, including two Distinguished Service Medals, two Legion of Merit Awards, the Meritorious Service Medal, and the Air Medal.

General Tanzi is a native of New Hampshire and a graduate of Ohio State University. And although he has been stationed throughout the United States in his tenure in the military, we in Utah claim him and his family as our own. Since the year 1993 through 1999, when he was the Commander of the 419th Fighter Wing at Hill Air Force in Utah, he has maintained a home in Utah only minutes away from that base.

We warmly welcome General Tanzi and his wife Deb and their new son, Anthony, back home to Utah on a permanent basis. For, indeed, the Air Reserve Command's loss will be my State's gain.

General Tanzi's contributions to our Nation's security, his years of sacrifice on behalf of others, his superior leadership have paved the way for Air Force Reserve excellence and innovations for generations to come.

MEAN-SPIRITED CUTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, earlier tonight, I was asked by a reporter if perhaps I and other Members were upset that this close to Christmas and on a weekend night that the House was still working and the year was dragging on. And I said, no, that did not bother me a bit; I would be happy to work all night and through the holidays. But what bothered me was the substance of what we are working on and why we are still here.

It can be distilled down to three simple reasons: We are here because the Republicans have a package of mean-spirited cuts they want to make just before Christmas. They want to hack $14 billion out of student financial aid; billions of dollars out of food assistance, school lunch, food stamps; dump the Medicaid burden for underinsured or uninsured people back onto the States; cut foster care; and cut long-term care. And they say they have to do that because of the deficit.

But then they have bated it with tax cuts for the wealthy. That is the present they want to put under the tree before we leave. They want to push through, after the $50 billion in cuts in student financial aid, food assistance, medical assistance, foster care and long-term care, they want to give tax cuts to the wealthiest among us.

Disproportionately, their cuts will go to people who invest for a living and earn over $300,000 a year. They have a theory that values investors over wage and salary earners. It is called trickle-down economics. What they say is, if we enrich those people, those who earn over $300,000 a year, particularly those who earn over $1 million a year, if we give them more tax cuts and if we borrow money to give them tax cuts, they will trickle down on the rest of America and put people to work. They will float their yachts on a sea of red ink, and they will hire people to wash the yachts and cut the lawn, and therefore, America benefits.

Unfortunately, they would increase the deficit even after their mean-spirited cuts. So that is their pre-Christmas agenda: To stick it to the working families and the struggling and the young in America so that the wealthiest among us, who are already doing quite well, will have yet a merrier Christmas.

And then they have one last thing: They want to drill in the Alaska National Wildlife Refuge. The entire Congress is being held captive by one Senator from Alaska. He is going to stick that on one bill or another before he lets Congress go home.

Substitute for a comprehensive energy policy for the United States of America, something that might free us from the oil companies and OPEC, something that might break through into the 21st century in terms of new technologies, they want to push through drilling in the Alaska National Wildlife Refuge.

So that is their troika: Cuts to Americans in need and Americans trying to make better of their lives; tax cuts for those who are already doing phenomenally well; and then, finally, yet another gift to the oil industry, on top of the subsidies they provided in the energy bill.

It is a pretty sad policy, but perhaps they will at least give a lump of coal to every American to put in the fireplace to try to keep warm because they cannot afford their natural gas or electric heat or their oil for their furnace this year.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. PRICE) is recognized for 5 minutes.

(Mr. PRICE of Georgia addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED STATES SHOULD NOT BE NATION BUILDING

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Georgia (Mr. PRICE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the Pentagon, 3 days ago, issued a directive which should be of great concern to any traditional conservative. The Washington Times on its front page reported it this way: ''The Pentagon yesterday announced a landmark change in the use of combat troops, elevating stability missions, commonly called nation-building, to an equal status with major combat operations.''

Conservatives used to be opposed to world government. Conservatives used to believe in the United States of America rather than the United States of the New World Order. Conservatives used to oppose turning the Department of Defense into the Department of Foreign Aid.

Probably well over half of what we have spent in Iraq is just pure foreign aid, building roads, power plants, water systems, new schools, railroads, ports, new prisons, training their police and military, and giving free medical care, among other things.

President Bush, when he campaigned in 2000, in many speeches came out strongly against nation-building. We have so many needs in this country, especially with our aging clean water and wastewater systems. We also have a national debt that will soon reach $9 trillion. We simply cannot afford to build or rebuild nations all over this world.

Georgie Ann Geyer, the nationally syndicated columnist, wrote a couple years ago: ''Critics of the war against Iraq have said since the beginning of the conflict that Americans, still strangely complacent about overseas wars being waged by a minority in their name, will eventually come to a point where they see they have to have a government that provides services at home or one that seeks empire across the globe.''

But this is not primarily about Iraq. It is about whether we want a Department of Defense or a Department of Foreign Aid. We are not going to be able to pay all of our military pensions, civil service pensions, Social Security, Medicare, Medicaid, the new prescription drug benefit, the 44 million private pensions we have guaranteed through the PBGC, in just a few years with money that means anything if we do not stop all this nation-building around the world.

I have nothing at all against anyone from any other country, but the first obligation of the U.S. Congress should be to the American people. The first thing that is said about anyone who opposes spending mega billions in other countries is that he must be an isolationist. But the isolationist charge means the person who says it is resorting to childish name-calling rather than a discussion on the merits.

Our interventionist foreign policy has caused great resentment and animosity against us all over the world.

There is another way, a better way than intervening in almost every major political, ethnic, religious or military dispute around the world. The middle way between isolation and intervention is to have trade and tourism, cultural and educational exchanges, help out during humanitarian crises, give technical advice by government agencies and try to be friends with all nations but maintain an enlightened neutrality on disputes that really are none of our business.

This new directive is more about money than it is about security. Like any gigantic bureaucracy, the Pentagon and its Defense contractors always want more money. One of the most common ways any government agency uses to get more money is by expanding its mission. You can never satisfy any government's appetite for money or land. They always want more.

President Eisenhower warned us many years ago of what he called the military-industrial complex. I have great respect for anyone who serves in the military. I believe in having a strong national defense. But I do not believe in the U.S. providing international defense, and it is certainly not a traditional conservative position to make those in our military the policemen of the world or take on the defense needs of the whole world.

And it is certainly not conservative, nor is it constitutional, for the U.S. to do nation-building all over the world, whether it is done by the Defense Department or any other department.

□ 2300

A NEW DAY FOR IRAQ

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, the initial reports of yesterday's Iraqi election all point to it having been a remarkable day for the Iraqi people. Although Iraq's security situation remains precarious and the country's economy and much of the infrastructure have yet to be repaired, the past year has seen important progress in the country's political development.

More than 11 million Iraqis went to the polls to cast their votes for a new parliament and a new future. Iraq Sunnis who boycotted the polling in January, turned out in force to ensure their voices would be heard in the new legislature. For weeks, Sunni imams had been imploring their congregants to vote and their calls were heeded. Election observers estimated that turnout was in excess of 70 percent nationwide and the turnout was matched by preelection polling that showed a high degree of enthusiasm for and optimism about the elections and what they mean for the future of Iraq.

Perhaps the most remarkable aspect of yesterday's voting was the absence of violence. Across the country, only 52 attacks were recorded, and there were no mass casualty incidents. This stands in marked contrast to the January election when voters in polling stations were hit by more than 300 insurgent attacks.

Yesterday's relative calm was due to the men and women of our Armed Forces. Our troops and their commanders did a magnificent job over the past months to prepare the country for this crucial election. Even as we celebrate the success of the voting, we cannot overlook the incredible sacrifice of our military men and women. They have performed magnificently, but at an enormous cost.

While the election itself was a remarkable achievement, we, our coalition partners and the international community, must move quickly to ensure that Iraq's fragile, nascent democracy is able to flourish.

Two days ago I was invited to the White House, along with a number of my Democratic colleagues, to meet with the President and senior administration officials on preparations for the elections and next steps in Iraq. I appreciated the President's efforts to reach across the aisle for unity, and we had a far-reaching discussion on how best to move forward in Iraq. I hope that the President's recent willingness to engage with Members of Congress, and especially Democrats, augers more consultations with the Hill on Iraq and the broader array of national security challenges that confront us.

Counting the votes will take days and perhaps weeks, given the sheer number of ballots cast for the more than 300 political parties that registered to compete in the election, as well as the bifurcated nature of allocating seats by province and nationwide.

As we move forward, I see a series of five steps as crucial to Iraq's future.

First, Ambassador Zalmay Khalilzad, who has done a remarkable job in Kabul and in Baghdad, must work with the Iraqis to assemble a new government that will include the diverse array of Iraqi voices in order to maximize the legitimacy of the government in the eyes of the Iraqi people while minimizing the prospects for the dissolution of Iraq. The apparently strong showing by the secular Iraqi National List, headed by former interim Prime Minister Iyad Allawi, may be an early indicator that a broad-based government may be possible.

Second, we must work with a new parliament and help them execute the revisions to Iraq's Constitution that were promised in the days leading up to the October referendum. Constitutional changes that strengthen the power of the central government and ensure that the Sunnis are able to share in the nation's oil wealth will do much to allay the concerns of Iraq's Sunnis.

Third, we must ramp up our efforts to train and equip Iraq security forces so that a significant portion of American forces can be redeployed from Iraq with the remainder of American troops adopting a much lower profile. This will allow us to better safeguard the lives of our troops even as we continue to act as the ultimate guarantor for the new Iraqi state.

Fourth, we must fracture the insurgency in order to weaken it. The Iraqi insurgents are made up of three distinctly different groups. The first group, the foreign jihadis, must be destroyed. The second group, which is made up of the hard-core Baathists, is also likely to fight to the bitter end. The third wing of the insurgency is composed of disaffected Sunnis who are motivated primarily by the loss of their status in Iraqi society.

Yesterday's election and the consolidation of a broad-based government should be instrumental in diminishing the threat from this faction.

Finally, we must redouble our efforts to reconstruct Iraq. While there has been some progress in restoring basic services and providing opportunities for Iraqis, there is much work yet to be done. This is an area where we should make a new effort to reach out to the international community and engage them in Iraq's future.

Mr. Speaker, yesterday's voting was a triumph for the Iraqi people, for the cause of democracy in the Arab world, and for our Armed Forces; but now we must act quickly and effectively to solidify these political gains.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3963. An act to amend the Federal Water Pollution Control Act to extend the authorization of appropriations for Long Island Sound.

H.R. 4508. An act to commend the outstanding efforts in response to Hurricane Katrina by members and employees of the Coast Guard, to provide temporary relief to certain persons affected by such hurricane with respect to certain laws administered by the Coast Guard, and for other purposes.

H.J. Res. 38. Joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2520. An act to provide for the collection and maintenance of human cord blood stem cells for the treatment of patients and research, and to amend the Public Health Service Act to authorize the C.W. Bill Young Cell Transplantation Program.

H.R. 3402. An act to authorize appropriations for the Department of Justice for fiscal years 2006 through 2009, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes.

The message also announced that the Senate concurred on a House Amendment with an amendment to Senate bill:

S. 467. An act to extend the applicability of the Terrorism Risk Insurance Act of 2002.

IRAQ ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. FORTENBERRY) is recognized for 5 minutes.

Mr. FORTENBERRY. Mr. Speaker, we have just witnessed one of the freest elections ever held in the Middle East. It is important to recognize that independent multinational election monitors have confirmed that yesterday's Iraqi elections, in which a remarkably large number of Sunnis turned out to vote, met international standards. It is estimated that 10 to 12 million Iraqis renounced fear and defied those who seek to demoralize them and to undermined U.S. and international support for their noble commitment to rebuilding a civil society.

As we seek to encourage our friends in the Middle East on their journey of self-determination, let us take a moment to recall with an appropriate level of humility that our own democratic journey was neither quick nor easy and no less worthwhile for the difficulties endured.

Mr. Speaker, this historic moment inspires me to highlight an outstanding bipartisan initiative here in the House which is making a significant impact to strengthen fledgling democratic institutions throughout the world.

I want to commend Speaker HASTERT for his foresight in launching the House Democracy Assistance Commission on which I serve along with 15 of my colleagues. I wish to thank my colleague, Congressman DAVID DREIER, for his leadership on this initiative and his dedication to see it through to fruition.

I also wish to acknowledge Representative DAVID PRICE and my predecessor, Congressman Doug Bereuter, for their hard work since 2003 to move this initiative and to make it a reality.

Since the establishment of the commission in March 2005, Members and staff have worked diligently to identify countries and legislative bodies in need of technical assistance. The House Democracy Assistance Commission has established an exemplary framework to help elected legislators develop badly needed parliamentary infrastructures to foster just and thriving civil society based upon democratic principles.

In his second inaugural address, President Bush issued a global call to freedom, the heritage of all mankind. Through the commission, Members of Congress have answered the President's call to move the principles of democracy around the world. And beginning next year, Democratic and Republican Members alike will join together to support and encourage our counterparts in Indonesia, the world's largest Muslim country; in East Timor, the world's newest country which hungered for independence and now hungers for working democratic institutions; in Georgia, where the 2003 Rose Revolution ushered in peaceful change; in Macedonia, which emerged from the brink of civil war to a new day of freedom; and also in Kenya, a regional African power in the forefront of the war on terror.

Through technical assistance missions, material assistance and exchange programs that bring legislators to the U.S. and allow our Members to share their knowledge and experiences with members of parliaments in partner countries, the House of Representatives is working directly with legislators around the world to provide expertise and parliamentary best practices. This assistance will emphasize committee operations, budgetary issues, defense oversight, specialized legislation and oversight, legislative procedures, research services, information services, as well as constituent services.

The commission also plans to support emerging legislative institutions in Iraq, Afghanistan, Ukraine and Lebanon, countries where governments had imposed unspeakable hardships on their own people previously. It is staggering to realize that just a few short years ago the brutal Taliban regime held all of Afghanistan hostage.

On December 19, thanks in great measure to the perseverance and dedication of our men and women in uniform, Afghans are inaugurating their first parliament in over 30 years.

Khalid Farooqi, a legislator in Afghanistan's Lower House of Parliament, was recently quoted as saying, ''We want to build our country, we do not want to destroy it again.''

For the first time since Saddam Hussein began his savage reign, and despite factional tensions and the threats of nihilistic insurgents, an astounding 70 percent of Iraqis courageously rose yesterday to determine their own future and held elections for a new National Assembly and government.

We also look to a new dawn of hope in Lebanon, where, tragically, Gibran Tueni, a publisher and deputy at Lebanon's Parliament, was assassinated this Monday in a bombing by those who fear the freedom that comes from self-determination.

Just as our troops and over 22,000 soldiers from 30 coalitions nations stood strong to help make yesterday's victory possible in Iraq, I am proud of my fellow Democrats and Republicans as we stand together to provide hope, encouragement, and vital technical assistance to the work of the House Democracy Assistance Commission.

FEMA TRAILERS, BUT NOBODY'S HOME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ROSS) is recognized for 5 minutes.

Mr. ROSS. Mr. Speaker, on August 29, 2005, Hurricane Katrina slammed the gulf coast as a category 4 storm. Due to the massive damage caused by one of the most costly natural disasters in our Nation's history, thousands of Louisiana and Mississippi residents whose homes were destroyed were forced to relocate to areas such as my home State of Arkansas. Many are still there today.

As a result of Hurricane Katrina, the Federal Emergency Management Agency, commonly referred to as FEMA, purchased at least 20,000 brand-new manufactured homes; and thousands of these homes, nearly 4 months later, have not reached those who need them, citizens of this country who lost their homes and everything that they owned on August 29, 2005.

Instead, these homes are being stored by FEMA in five different so-called staging areas, including staging areas in my congressional district near my hometown at the Hope Municipal Airport in Hope, Arkansas, at Red River Army Depot and Lone Star Army Ammunition Plant near Texarkana, all of these staging areas some 450 miles from where the eye of the storm hit the gulf coast.

Due to the inability of FEMA to provide displaced families with manufactured homes in a timely manner, staging areas are overflowing. For instance, at Hope Airport, the inactive runways and tarmacs are overloaded with manufactured homes, forcing the excess homes to be placed in the surrounding fields and pastures. These pastures and fields were not effectively prepared by FEMA for staging or storage, if you will. When the winter rains hit the inadequately prepared sites, many of the trailers carrying the manufactured homes will sink. This will result in even more unnecessary delays and additional work for a system that is badly flawed.

I have written a letter to the acting FEMA director, David Paulson, requesting that he immediately review the apparently ineffective process of distributing the FEMA-purchased manufactured homes to the Hurricane Katrina evacuees who so desperately need them.

As I drive throughout Arkansas's Fourth Congressional District, and in my very hometown of Prescott, Arkansas, I see these manufactured homes sitting empty; and I am appalled at the waste of taxpayer money and the lack of a timely response on behalf of FEMA and the Federal Government for those who desperately need housing for their families, with many residents literally still living in tents on the gulf coast nearly 4 months after the detrimental hurricane hit our gulf coast.

As winter approaches and deadlines for all displaced residents from Louisiana and Mississippi living in hotel rooms to be moved into temporary housing quickly approaching, this process must be streamlined. It is unacceptable for American citizens who lost their homes and everything they owned in the hurricane to still be sleeping in tents when FEMA has thousands of brand-new empty manufactured homes for occupancy.

Take a look here, Mr. Speaker. This is not in Hope, Arkansas. In fact, this is in my hometown of Prescott, Arkansas, some 16 miles away.

□ 2315

Here is what is going on. They deliver the homes to this staging area in Hope, Arkansas, 450 miles from the gulf coast. And as they deliver them down the interstate, they have got a banner on the back that says, Urgent, FEMA delivery. Urgent for what? To deliver it to a cow pasture?

And a shingle blows off in transit. If one shingle is missing, they will not accept it at the FEMA staging area in Hope, Arkansas. So they turn around, drive back to my home town of Prescott, and they are leasing, literally leasing cow pastures, as you can see here, to store these homes until they can be repaired, while at the same time we have got families, we have got families, as Christmas approaches, as the holidays approach, sleeping in tents in Louisiana and Mississippi.

Dennis Ramsey, the Mayor of Hope, Arkansas, was quoted in the Texarkana Gazette, December 15, saying FEMA estimated that 12,000 mobile homes would be staged at the Hope site while FEMA leases the land at $25,000 a month for the next 2 years.

The Associated Press said a FEMA spokesman said last week that 5,840 mobile homes and 80 travel trailers are at Hope and the Texarkana sites along with more than 4,400 mobile homes and 4,200 travel trailers at the other staging areas.

Mr. Speaker, I am asking this body, I am asking the acting director of FEMA: Please come to my home town, get these mobile homes and get them moved 450 miles down the road to the families who are living in tents and who so desperately need them in Mississippi and Louisiana.

TEXAS ARMY NATIONAL GUARD

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, a National Guard unit is coming back to Texas, because tomorrow, Saturday, December 17, the First Battalion, 133rd field artillery will be welcomed back to Beaumont, Texas, after serving the past year in Iraq.

In August 2004, the Texas Army National Guard deployed the 56th Brigade Combat Team of the 36th Infantry Division to go to Iraq. They trained for 4 months in Ft. Hood, Texas, and got to Iraq in December of 2004. The 133rd Field Artillery has a longstanding history in this country. This was the first and famous Texas Army National Guard that served in France in World War I.

General John J. Pershing, the commander-in-chief of the American Expeditionary Forces in World War I made this comment about those Texans in World War I: He said, the bearing of the division in this its very first experience in battle showed the mettle of the officers and men and gave promise of what it would become. Members of this division who returned home can be proud of the record of their services.

Mr. Speaker, this was the first American combat unit to land in Europe in World War II. They landed on the beaches of Italy during World War II. They liberated Rome, then they went and landed on the beaches of France, went on to free the hostages of the concentration camps of Dachau, Germany.

Probably the most famous member of the 36th Texas is a person by the name of Audie Murphy. You may remember him, Mr. Speaker; he is from Hunt, Texas. And when he was a youngster, he joined the Army, the Army National Guard of Texas and became the first decorated soldier in the history of the American Army, winning among many other things the Congressional Medal of Honor.

And yet, the Texas 36th has continued that longstanding tradition in Iraq where they conducted offensive operations, deny and destroy operations, combat logistic patrols and civil military affair operations.

They built schools and hospitals and won the hearts of the Iraqi kids that they met along the way. They operated in the Sunni Triangle, Tikrit, Tillal, on the Jordanian border and in Bagdad. It is my pleasure to welcome them back when they come back home tomorrow.

I would like to extend a sincere thank you to all of the members of the 133rd, the men and women of the United States Armed Forces. They honor us with their commitment to Texas and the Nation, and the citizens of America and Iraq owe them a debt of gratitude. They are America's best. They are the sons and daughters of liberty. They are freedom fighters, and they make us proud.

I join the citizens of Texas Congressional District number two in paying the utmost respect for the 1st Battalion, 133rd Field Artillery. Through their service, Iraq has become a free democracy, and America remains the land of the free and the home of the brave.

Mr. Speaker, I had the chance in January of this year to go to Iraq to visit the very first elections, and I, with our military, and saw firsthand the accomplishments in their fight for freedom. You know, Mr. Speaker, freedom does have a price. Our troops are paying that sacrificial price for the Iraqi people and for world freedom. Unfortunately, the 133rd lost six members during their fight for freedom, and I extend my prayers and our condolences to the family and friends. They were making a difference in the world when they gave their lives.

Their bravery and dedication and patriotism shall not be forgotten. That success is evident with the successful election of a new government in Iraq yesterday. President John Kennedy once said: The cost of freedom is always high. But Americans have always paid it. And one path we shall never choose, and that is the path of surrender or submission.

Mr. Speaker, we have chosen the right path. The hard path. The freedom path. We will persevere with the freedom-loving people of Iraq until the journey down this path is successfully completed.

The citizen soldiers of America, the Texas Army National Guard, have been warriors on the long hard sacrificial path of liberty. The world should never underestimate the resolve of America, the resolve and determination and will of the American soldier. Regardless of their mission for freedom, they always get it done. That is just the way it is.

AMERICA'S IMMIGRATION POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometime ago, Mr. Speaker, President John F. Kennedy, himself the grandson of Irish immigrants, summed up this blend of the old and the new when he called America a society of immigrants, each of whom had begun life anew on an equal footing.

This is the secret of America, a Nation of people with a fresh memory of old traditions who dare to explore new frontiers. He further said: Everywhere immigrants have enriched and strengthened the fabric of American life.

And then Franklin Delano Roosevelt reminded us, remember, remember always, that all of us are descended from immigrants. I had hoped as we began our journey on a very important task, as reflected in the work we have done over the last 2 days, on border security and immigration reform, that we would have returned to our values, recognizing that this Nation is a Nation of immigrants as well as a Nation of laws.

I would have hoped that we would have constructed a piece of legislation that garnered the very essence of the instructions of the 9/11 Commission; that we would have taken this time to move from the Ds and Fs of which this Nation was graded some 10 days by the 9/11 Commission and actually incurred the appreciation of the Nation by doing real border security, real border enforcement and real immigration reform.

But, unfortunately, the legislative initiative that has just passed, the Border Protection Act, really does not answer the question of the need for immigration reform.

In fact, unlike the words of President John F. Kennedy where we recognize that immigration can enrich this country and where we recognize the contributions of immigrants, we seek now to shut the door for a pathway of earned access to legalization. We ignore the fact that immigrants who are working in a variety of jobs have homes and pay taxes, have children in school, and have the hopes and dreams of the immigrants of yesteryear.

I think it is important that we turn back the clock and start immigration reform again; that we remember that we cannot demonize or make criminal every single undocumented immigrant, that we must provide our border patrol resources what they need, the helicopters, power boats, laptop computers, night goggles in order to enforce the border.

We must enforce the laws that are already on the books. For example, it is a criminal act to enter the country without inspection. We have to have the resources to enforce those laws. But it does not make sense to deny those individuals within our borders due process.

And then I would have hoped that a real immigration reform bill would have had a singular piece of protecting American jobs, realizing that the heart of this country's economy and the heart of America is in America's working people.

And we could have taken this particular legislation and provided, as the Save America Comprehensive Legislation H.R. 2092, a vehicle to garner the fees that are paid by immigrants and invest them in the educational training of America and the protecting of American jobs and the securing of American jobs. I believe there should be employer sanctions, but there cannot be effective employer sanctions unless we develop a singular database that is integrated, consistent and accurate.

Many of the amendments would suggest that an employer verify who he or she hired. That is the right thing to do. In fact, I voted for the Gonzalez amendment which would fine certain employers $50,000 so that those dollars could be used to reinvest in our community hospitals and schools to pay for some of the services that are used by those that may not be in status.

But, frankly, we cannot have that verification system without an even database. And so it is important to note that, if we do border enforcement or immigration reform, we must have the dollars and the commitment, and that is not here in the present administration and the present structure that we are in.

This legislation is, I think, falling on its own weight. As it makes its way to the United States Senate, it is clear that other body is not moving on such legislation at this time. And, in fact, there is great conflict between a pathway to legalization and the question of enforcement. We believe in enforcement, but not enforcement only.

And you can ask any American who looks at the question of immigration, Mr. Speaker, and they want comprehensive immigration reform that understands that there are immigrants who come here for economic reasons, but we must keep those out that come here to do us harm.

Find a way for pathways to legalization, and find a way to enforce the Nation's borders.

IRAQ AND AMERICA'S IMMIGRATION POLICIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Iowa (Mr. KING) is recognized for half the time until midnight as the designee of the majority leader.

Mr. KING of Iowa. Thank you, Mr. Speaker. And again, I appreciate the privilege to address you, Mr. Speaker, and in turn, address the House of Representatives.

This has been a huge week here on the floor of the House of Representatives. We processed a lot of legislation this week. Much of it has been legislation that has been in the works for a number of years. And I think what I will try to do is maybe unravel this coming backwards across the way we passed it and work my way back into the legislation a little bit.

But I want to take up first the immigration reform and point out that in this debate that we heard today in this resolution that came forward, which was H. Res. 612, the continuous message from the other side was about being anti-immigrant, anti-immigrant.

But it confuses the difference between an immigrant and an illegal immigrant. In fact, I know of no one in this Congress that is anti-immigrant. I know of many Members of this Congress that are pro the rule of law.

And that is the distinction that we need to draw the line with. And I take us back to where would be if we went back even 10 years, but say go back 25 years, in a time when we did not have very much illegal immigration. It was a smaller percentage of our overall population; it was smaller in numbers, smaller in percentage, and it was not a very significant problem. It was something that was somewhat manageable back then.

And back in that period of time, if we had been able to control our borders and watched as we needed more employees in certain sectors of the economy, we would have seen a number of things happen that would have resolved this need that we keep hearing from business about labor.

They say that if we deported all of the illegals, our economy would collapse, and we cannot get along without them when perhaps 4 percent of our workforce in America is an illegal workforce. And if we lose 4 percent and retain 96 percent, I cannot believe that this resilient country could not find a way to bounce back from that and accommodate the difference.

So I take us back 25 years and ask, what would we do if we respected the rule of law? What would we do if we had borders that were controlled? How would we adjust to demands in a growing economy if illegal labor, cheap labor that pours in from overseas just were not available?

What if the United States of America, instead of being a large portion of an entire continent, what if we were an island? What if you drew the line on the 49th parallel on the north and our southern border on the south and envisioned the United States sitting out alone where illegal labor does not flow across our borders just because of the jobs magnet but in fact has to find an expensive way of transportation to get across a broad ocean?

□ 2330

Think, for example, of a country like Australia that finds itself in that kind of a circumstance. I take you back to a policy that they had up until 1971. Actually, they did not have a very good name for it. They called it White Australia, and some would be embarrassed about the name for that now. But that was the phrase that they used to describe their immigration policy, which is they were advancing the idea of European descendents populating the continent of Australia.

In fact, I graduated from high school in 1967, and I remember during those years that I was in college, I saw advertisements come from Australia saying this is a great place to move to. We really need you to come down here. There is a wealth of opportunity in Australia. And I thought about it. And so that advertisement that was there was because they needed more people to grow their economy.

In about 1971, they gave up on this mission to some degree, and they changed their policy to allow immigrants to come in from Southeast Asia. Now, how does this work politically? We can learn from these lessons here in the United States of America, and that is that it was big business that wanted the labor to come in, and it was labor unions that wanted to keep the labor out because they understood something in Australia as far as back as 1971 that there was a law of supply and demand.

That law of supply and demand seems to be missing from the rationale of the people who oppose enforcement of our rule of law with regard to immigration. They do not seem to understand that when we have an oversupply of labor, that drives the price down and that labor is a commodity, like where I come from, corn and beans or cattle and hogs, or gold or oil if you come from another part of the world, or currency. It fluctuates in the marketplace according to supply and demand.

So the island, or I should call it the large continent, and it actually is, the large continent of Australia did not have that option of being able to run open borders and let millions come in to drive their wage price down. They actually had to fight the politics out inside Australia and adopt a policy that brought in immigrants from Southeast Asia and other parts of the world to fill their labor supply. The pressure got great enough that they came up with an economic solution.

Well, I submit, Mr. Speaker, that in the United States of America, had we respected the rule of law, had we controlled our borders, the pressure would have been brought politically to do the things necessary to bring in the amount of labor in a legal and a rational fashion.

We would have done some other things, too. Some of these sectors of the economy would have seen their wages go up, and they would have decided they could not afford to pay those kinds of wages; so they would have gotten innovative and they would have used technology. We use robotics today. We use a lot of different techniques to cut down on the amount of labor we need to produce a product. We would do more of that if labor were higher. We would be more innovative. When labor is lower, we are less innovative. In a country where labor is cheap, they do not have much innovation at all. So the pressure of high wages would drive technology, and that would replace some of the labor, and that labor that could be replaced by more technology would then transfer to places where labor could not be replaced as well by technology.

Another thing that happened, and is a little joke here in Congress the last couple of days, is Southern California ran out of Okies that went there to do that hard work from the Dust Bowl. They did. They went over there and they were willing to do the hard work and work in the fields. They were glad to get in anywhere where they could get a job. But they transferred themselves from Oklahoma to California for the opportunity.

I take you to an article that I read in the Des Moine Register maybe 10 or 12 years ago, and it was about a section in Milwaukee that was six blocks by six blocks, 36 square blocks, and in that section for every single dwelling that was there, there was not a single male head of household that had a job and was working. And as I read through the article, I tuned myself to the ear of the writer, who said that it was too bad that they lost their jobs in the breweries in Milwaukee. The automation that came in so they could make beer with a lot less labor caused the good jobs that were there, some of them, to disappear. That caused people to be laid off. And so they went back to their homes and sat inside their homes, and when they went around to do the interviews and to survey, 36 square blocks, not a single working male head of household.

The people had come up from the South, from the gulf coast, from southern Mississippi, Alabama, down in that region, moved up there for those good jobs. They went up to access the good jobs in the breweries and other types of industry that was up there in Milwaukee; and they raised their families there and then, in a matter of a generation or two, found themselves laid off, and their children or their children's children could not get jobs in the breweries the same way that they had. So they sat in their household and did not go somewhere to find a job.

We know why that is. And that is in one of the better States with regard to welfare reform. But it is because the safety net of welfare had become a hammock for everyone in that entire 36-block area. They totally missed the point, though, that the same people's predecessors, that this was the progeny of their predecessors who had transferred themselves all the way from the gulf coast to Milwaukee, Wisconsin for what? For a job, Mr. Speaker.

And now we look at this economy in the United States as if labor cannot be transferred from one region to another to fill the demand. So there is a demand for some 5,000 roughneck workers out in the oil fields in Wyoming, in that area, that I happened to read an article on just yesterday; and we have got 15 to 18 million workforce sitting there unemployed in the United States of America, and we want to do a guest worker/amnesty plan for 11 million illegals in this country. What country in their right mind would pay 15 to 18 million people not to work and then bring in 11 million, or I would say closer to 22 million, people who do want to work at a cheap rate? That does not make economic sense, Mr. Speaker. And that is one of the supply and demand rationales that I would like to point out with regard to the immigration policy.

So if we were a rational Nation, if we were a Nation that did not have this convenience of opening up our borders and allowing the illegals to come in, we would have done these things: we would have transferred labor from one part of the country to another; we would have squeezed down the welfare so that some of the people, and, in fact, I would like it if most of the people, would get up and go to work. That would be two things.

And the third thing we would have done is what Singapore is doing right now. They are advertising to their people, saying have more babies. What is wrong with a fertility plan? That is a natural way to replace labor. Those three things would have happened within our borders, and then within our borders we would have been under political pressure to negotiate a rational immigration policy that was legal.

And, Mr. Speaker, I object to the idea that we would bring in third-class people. People who come to America, I want them to have a path to citizenship. I want them to access the American Dream. I want them to do it the legal way.

So we have addressed this immigration issue, and I actually did not come to the floor to talk about immigration, but it sparked me when I listened to the gentlewoman from Texas.

I came to the floor to talk about another subject matter, and that is the subject matter of Iraq. We have made significant progress there. This is a day of celebration. The reports are continuing to come in from the aftermath of the closing of the polls of their December 15 election. And the ink is fading on my finger and on the fingers of many of us here on this floor of Congress who have in solidarity dipped our fingers in ink. And it helps me, when I see my finger, to look at that and remember what they have all done, risked their lives to go vote, 11 million strong and more. The most people ever to vote in Iraq, the most purple fingers ever maybe anytime in the world.

So today we brought a resolution to the floor of the House of Representatives, Mr. Speaker, H. Res. 612, and that is a resolution to honor the troops, to declare our dedication and our unshaking will to see this through to a final victory in Iraq. And this resolution was written in a clear fashion, in a rational and a logical fashion. And we had a debate on this floor.

And Member after Member from the other side of the aisle came down, and they said, I honor and support our troops and request an open debate on the Iraq war on the House floor. Member after Member after Member: I honor and support our troops and request an open debate on the Iraq war on the House floor. One Member said, In opposition to our policy in Iraq, he also requested an open debate on the House floor.

Well, we had an open debate on the House floor. I do not know why we had 20 or so Members or several more come down and say they honored and respected our troops and requested an open debate on the House floor, because that was what we had scheduled was an open debate on the House floor. We had the debate. The question after I heard that I had was when I saw the vote go up on the board. If I were a soldier in Iraq, if I were in a military uniform, ready to put my life on the line for this country, and I saw this vote, 279 in favor of the resolution dedicated to victory and support of a free Iraqi people, 279 in support; 109, sadly, against, Mr. Speaker. Thirty-four voted present and 12 did not vote at all. So I add those up and come to over 150 who said they did not commit themselves to a full victory in Iraq. For whatever reason, they said they want an honest and open debate. Every of them that came to the microphone said, I honor and support our troops. I wrote the quote down. They were using the same script, I believe.

And I point this out: that you cannot honor and support our troops if you oppose their mission. There was a clear

opportunity here to support their mission in Iraq, to stand with them. This Congress voted to support their mission before the President ever ordered them into battle, and yet they still seek to pull down this effort.

Also, a number of Members in that debate said the Republicans and the President will not define victory. All they want is a deadline, a date certain, by which American troops will be out of Iraq, and accused the Republican side of the aisle of not being willing to define victory.

So, Mr. Speaker, I would submit this: the other side of this argument dare not define victory because if they do, then they will lose their ability to raise the bar and make it harder and harder and harder to meet their standards.

So I will stand here and define victory this evening. And this is a victory that will fit this war and it will fit every war throughout history, every one we know and every one that we will see and every one that our posterity will see. The definition of victory, Mr. Speaker, is when the losing side realizes and acknowledges that they have lost. That is what this effort is about. And if we could have gotten Saddam Hussein to stare into the barrels of a few tanks and decided that he had lost, that would have been the end of the war. We would not have had to send troops into Iraq. But they had to be convinced that they were losing, Mr. Speaker, and that is why we sent troops there is to convince the other side that they had lost.

Yet we have people over on this side of the ocean standing here on the floor of the United States Congress, seeking to convince our enemies that we cannot win and that the enemies cannot lose. That is, Mr. Speaker, undermining our effort and undermining our troops. And yet some of the same people come to this floor and say, I honor and support our troops and request an open debate on the Iraq war on the House floor.

We had an open debate. They voted against the resolution. And I will tell you, you cannot have it both ways. You cannot honor the troops and defy their mission. They go together. You must honor the troops and the mission together. They are integral and they are one and the same.

PERSONAL EXPLANATION

Mr. COLE of Oklahoma (during the Special Order of Mr. KING of Iowa). Mr. Speaker, late tonight I discovered there is a problem with my voting card. After returning home, I became aware that my vote was not recorded on roll call votes 661, 659, and 651.

On each of these votes, I am sure I voted ''yes.'' Indeed, I checked my vote on the card receptacle. It clearly showed that I had voted.

I will work with the Parliamentarian to resolve this issue with my voting card at the earliest possible time.

□ 2345

AMERICAN RESPONSE TO GLOBAL WARMING INADEQUATE

The SPEAKER pro tempore (Mr. SCHWARZ of Michigan). Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized until midnight as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, in the last week there has been a collection of relatively extraordinary events in the future of not only our country, but the entire planet, when it comes to our ability to maintain a climate to which we have been accustomed, and in fact that climate is now threatened by global warming, and during the last week some extraordinary things have happened that demand comment here in the House.

I have come here tonight to suggest that the U.S. Congress needs to act with vigor and vision to lead the world in dealing with global warming. What precipitates my comments is a collection of scientific information that has become available to the world in the last week, together with the recently concluded conclave of world leaders in Montreal, Canada, that just concluded without meaningful participation by the executive branch of the United States, which I think is most disappointing to my constituents and I think much of America.

So what I want to do tonight is address some of the new science that has come forward just in the last week about global warming and contrast that with the abject failure, unfortunately, of the executive branch of the United States to fulfill the leadership role of the United States, which has historically been on a bipartisan basis as the technological leader of the world, which this chief executive has abdicated in refusing to lead the world to a resolution of the problem of global warming.

If I can first just briefly summarize some of the things that have happened in the last week regarding global warming.

The Goddard Space Science Center, one of our preeminent scientific institutions, in the next few days will announce that 2005 remains on track to be one, if not the, hottest year in global history since records have been kept, which continues a trend of many of the hottest years in recorded history being in the last decade. British scientists this week announced that their records are similar to the findings of the Goddard Space Laboratory.

We are in an unprecedented period of increases in global temperatures. This is confirmed by a huge majority of the scientific measurements. The Earth is warming, and it is warming faster probably than it has been ever in the last 1,000 years, at least. This is new and appropriately disturbing evidence.

The same week, if we read the Wall Street Journal, a publication not known for its certainly being far out there on environmental issues, reported on December 14 that scientists for the first time have documented multiple deaths of polar bears off Alaska, where they likely drowned after swimming long distances in the ocean amid the melting of the Arctic ice shelf. The bears spend most of the time hunting and raising their young on ice flows, but the problem is the ice flows are disappearing.

That leads to the third bit of information that we have received in the last couple of months, which has found that the Arctic ice shelf has melted to an extent previously never seen before in human history and probably never seen before for thousands of years.

These are an amazing continuation, where one cannot open up a newspaper or a scientific journal in any given week and not see a continued cascade, an avalanche of scientific information, nailing down the coffin of any remaining doubt that we are now facing significant global warming as a result of increased concentrations of carbon dioxide, which we all, Republican and Democrat alike, are putting into the atmosphere. We are experiencing this with our own eyes.

If we take a look at a picture here in Glacier National Park, one of our most treasured jewels of our crown of our national park, we have already lost 30 percent of the glaciers in the last 75 years in Glacier National Park. If we look at the Grinnell Glacier, a picture here in 1938, you will see the glacier coming off this cliff band and extending down into the valley. This is 1938, one lifetime ago. In that one lifetime, the lifetime certainly of my mom and dad, we now see the Grinnell Glacier is probably less than 40 percent of its preexisting size. You see this entire area, it used to be a glacier, is now a lake where the glacier has melted.

The sad fact is that when my mom and dad took me to Glacier National Park in my youth, I got to see these glaciers. If this trend, according to scientific evidence continues, at least my great-grandchildren will not be able to go to Glacier National Park and see glaciers because the glaciers will be gone, extinct, period. I suppose some wag would suggest we will have to rename it as ''the Park Formerly Known as Glacier.''

The fact of the matter is that as we speak, the world and the United States is undergoing a significant change from that which we grew up with. Glaciers, polar bears, fields of wheat that support one of the greatest food baskets in the world, where we are going to have significant change in our ability to produce agriculturally in the Midwest.

With irrigated agriculture, the science shows, we just had a conference of this up in Seattle, Seattle is known for our rain, but in fact we depend on irrigated agriculture for a good part of our agriculture, and that irrigated agriculture depends on snow pack. I just returned from a conference in Seattle

in the last several weeks where the scientists predicted that our irrigated agriculture in the State of Washington, upon which our apple crop, the best apple crop in the world, depends, will be jeopardized because the snow pack is disappearing. It is projected we will have less than half the snow pack we have had historically in the next several decades, which jeopardizes our apple industry in Washington State and many of our irrigated products. So the disturbing fact is that the scientific evidence is becoming overwhelming.

By the way, it is just not Glacier. I will show you a picture of Argentina, one of the large ice sheets. In 1928, this photograph is of this enormous ice sheet down in Patagonia, in the southern tip of South America. You see in the same picture in 2004, and I was there several months ago, where you can see where these glaciers have been. This enormous ice sheet that existed in 1928 is knew essentially gone, replaced by water where the ice sheet has melted.

These are in very blinks of geologic time that we are seeing these changes take place, in one lifetime seeing these changes take place, and this has never happened before at these rates. We have had ice ages and had melts, but scientists will tell you this has never happened before in world history, as far as we know, with this rapidity to have this enormous change.

Very briefly, the reason it is occurring is that we are putting into the atmosphere gasses that trap infrared radiation. Light comes in. As ultraviolet radiation it can pass through the atmosphere. When it bounces back it is at a different spectrum, at infrared frequencies, and carbon dioxide and methane that comes out of our tailpipes and smokestacks trap ultraviolet radiation.

We look at this chart and it shows levels of COG. These are parts per million, the amount of COG in the atmosphere. We go to pre-industrial times in 1000, it was about 240 parts per million. When we started to burn coal and gas in about 1800 it starts to go up, and in the 1800s and 1900s it goes up dramatically. Now in 2000 we see it is going up like a rocket, and it is projected that by the close of this century we will have parts per million in the 780 to 800 range, at least two times higher than it has ever been in human history. It is predicted to continue to skyrocket after that.

This is a fact. No one, no scientist in the world, disputes these conclusions. Global warming is a fact, and it is a fact that we are responsible for and need to act as leading the world to deal with this problem, to adopt energy technological solutions to this problem, which we can do if we have the same vision that John Kennedy had when we had the first Apollo project. I have introduced a bill to do that.

But in light of this science, what has the Bush administration done? In light of this cavalcade of information demanding a response, what has the Bush administration done to fulfill our destiny to be the leader in the world when it comes to technological innovation?

Well, what it did is it sent an emissary named Watson to Montreal last week to basically tell the rest of the world, when the rest of the world is working together to try to find a solution to global warming, to try to come up with a post-Kyoto agreement that is better than Kyoto, that is fairer, that is more effective than Kyoto, what did the President send our emissary to do? The greatest country in the world, the most technologically-oriented country in the world, the country that has led in the growth of democracy, that led in the effort to solve the problem of the ozone layer, which we have done some very good work in on a bipartisan basis, what did the President's emissary do?

He went to Montreal and told the rest of the world essentially to go fish; the United States was not going to participate in any meaningful discussion to come up with a global solution to this global problem. This is most embarrassing for our country, the greatest country on Earth, to refuse to take any meaningful position to advance some global solution to this problem.

In fact, the President sent our emissary to adopt the posture of the ostrich with the head in the sand and the tail feathers in the air. We should be adopting the posture of the American eagle, leading the rest of the world to a solution of this problem by using the technological creativity with which America has been blessed with for centuries. Instead, our emissary went there like this, where over 200 countries agreed to continue discussions about how to deal with this known problem.

Now, I have to admit there was some small success. The President's emissary on the last day of the conference picked up his papers and literally walked out on the rest of the world, literally walked out on the rest of the world, making this comment which no one to this day understands about walking like a duck, and, frankly, it was relatively embarrassing.

The good news is the administration was so embarrassed by the world's reaction to that and by America's reaction to that following an address by President Bill Clinton suggesting that we need to work in a bipartisan fashion on this issue that the next day apparently they got a cable from the White House, I am assuming, and the emissary walked back and said, well, now, we will at least agree to continue some informal talks. Not real talks, not formal talks that could actually lead to an agreement, but something called ''informal talks,'' which would at least not allow the administration to be humiliated.

This is not good enough to fulfill our mandate as the greatest Nation on Earth. This is not good enough. It does not respect the ability of the geniuses in America who are going to adopt the new energy technologies so that we can continue to grow our economy and solve this problem at the same time. It is well below what we should expect of ourselves and it is well below what we should expect of our President.

We are calling on the President of the United States to finally adopt some measure of teamwork with the rest of the world to solve this problem.

Now, why should we do that? Well, one reason is we put 25 percent of all the carbon dioxide on this graph, where we see it is now skyrocketing, we in America put it in the atmosphere. We are a very small percent of the world's population, but 25 percent of all the COG in the atmosphere comes out of our pipes. So that is one reason why we really as a matter of moral responsibility need to be part of this solution, as does China, and we need to demand that China participate in these talks as well.

But as important, we are the country who is going to develop the new energy sources, clean energy, renewable energy, that are going to solve this problem and not destroy the climate of the Earth, because, frankly, we are the great tinkerers. We invented the light bulb, we perfected the Internet, the jet airplane, a man on the moon. The list needs to go on when it comes to clean energy. If we have leadership we will get that done.

So tonight I would like to say the science is clear, the destiny of this Nation is clear. We need to lead the world forward on global warming, rather than hiding from it. This is not a Nation that cowers in fear and from challenges. And this president ought to understand the confidence that this American country has in doing something about global warming. We hope that it will have a new attitude beginning tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. NAPOLITANO (at the request of Ms. PELOSI) for today.

Mr. BARRETT of South Carolina (at the request of Mr. BLUNT) for today on account of personal reasons.

Mr. ISTOOK (at the request of Mr. BLUNT) for today and the balance of the week on account of attending his daughter's wedding.

Mr. YOUNG of Florida (at the request of Mr. BLUNT) for today from 6:00 p.m. until approximately 5:00 p.m. December 17 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.
Mr. ROSS, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. BISHOP of Utah) to revise and extend their remarks and include extraneous material:)

Mr. BRADLEY of New Hampshire, for 5 minutes, today.
Mr. BISHOP of Utah, for 5 minutes, today.
Mr. BURTON of Indiana, for 5 minutes, today and December 17 and 18.
Mr. DUNCAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under this rule, referred as follows:

S. 2120. An act to ensure regulatory equity between and among all dairy farmers and handlers for sales of packaged fluid milk in federally regulated milk marketing areas and into certain non-federally regulated milk marketing areas from federally regulated areas, and for other purposes; to the Committee on Agriculture.

ENROLLED BILLS SIGNED

Mrs. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4324. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes.

H.R. 4340. An act to implement the United States-Bahrain Free Trade Agreement.

H.R. 4436. An act to provide certain authorities for the Department of State, and for other purposes.

ADJOURNMENT

Mr. INSLEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), under its previous order, the House adjourned until today, Saturday, December 17, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5693. A letter from the Regulatory Analyst, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule — Export Inspection and Weighing Waiver for High Quality Specialty Grains Transported in Containers (RIN: 0580-AA87) Receieved December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5694. A letter from the Chief, Electronic Benefit Transfer Branch, Department of Agriculture, transmitting the Department's final rule — Food Stamp Program, Reauthorization: Electronic Benefit Transfer (EBT) and Retail Food Stores Provisions of the Food Stamp Reauthorization Act of 2002 [Amendment No. 397] (RIN: 0584-AD28) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5695. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities; Unsealing of Means of Conveyance and Transloading of Products [Docket No. 03-080-8] (RIN: 0579-AB97) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5696. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Flag Smut; Importation of Wheat and Related Products [Docket No. 05-058-3] received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5697. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Fruits and Vegtables [Docket No. 03-048-2] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5698. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Karnal Bunt; Addition and Removal of Regulated Areas in Arizona [Docket No. 05-078-1] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5699. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Whole Cuts of Boneless Beef from Japan [Docket No. 05-004-2] (RIN: 0579-AB93) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5700. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation, which would provide that the preparation of certain reports required by the Government Performance and Results Act of 1993 (GPRA), are deemed to fulfill the requirements for similar reports under the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA); to the Committee on Agriculture.

5701. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Food Additives Permitted for Direct Addition to Food for Human Consumption; Vitamin D3 [Docket No. 2004F-0374] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5702. A communication from the President of the United States, transmitting notification of the intention to use funds provided in the Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States, FY 2001, for improvements to the White House Situation Room to enhance the capabilities of the White House in the war on terrorism; (H. Doc. No. 109–75); to the Committee on Appropriations and ordered to be printed.

5703. A letter from the Office of Independent Counsel, transmitting a position paper concerning S.A. 2160 which is an amendment to H.R. 3058; to the Committee on Appropriations.

5704. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the National Polar-orbiting Operational Environmental Satellite System (NPOESS) Program Acquisition Unit Cost will exceed the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5705. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Socioeconomic Programs [DFARS Case 2003-D029] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5706. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Environment, Occupational Safety, and Drug-Free Workplace [DFARS Case 2003-D039] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5707. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5708. A letter from the Acting Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Austrailia and Morocco [DFARS Case 2004-D013] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5709. A letter from the Assistant Inspector General, Communications and Congressional Liaison, Department of Defense, transmitting the Department's report on the implementation of a comprehensive and reliable system to track and assess the cost and quality of the performance of functions of the Department of Defense by service contractor; to the Committee on Armed Services.

5710. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

5711. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the restructuring of the Space Based Infrared System (SBIRS) High Program, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

5712. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Collection of Checks and Other Items by Federal Reserve Banks and Funds Transfers Through Fedwire and Availability of Funds and Collection of Checks [Regulations J and CC; Docket No. R-1226] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5713. A letter from the Legal Information Assistant, Department of the Treasury, transmitting the Department's final rule — Office of Thrift Supervision [No. 2005-48] (RIN: 1550-AB99) received November 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5714. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Manufactured

Home Construction and Safety Standards [Docket No. FR-4886-F-02] (RIN: 2502-AI12) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5715. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Independent Audits and Reporting Requirements (RIN: 3064-AC91) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5716. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — One-Year Post-Employment Restrictions for Senior Examiners (RIN: 3064-AC92) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5717. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Fair Credit Reporting Medical Information Regulations (RIN: 3064-AC81) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5718. A letter from the Director, Supplemental Food Programs Division, Department of Agriculture, transmitting the Department's final rule — Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Vendor Cost Containment (RIN: 0584-AD71) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5719. A letter from the Acting Director, OSRV, MSHA, Department of Labor, transmitting the Department's final rule — Fees for Testing, Evaluation, and Approval of Mining Products (RIN: 1219-AB38) received December 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5720. A letter from the Deputy Executive Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5721. A letter from the Secretary, Department of Health and Human Services, transmitting Renewal of the Determination of a Public Health Emergency, pursuant to 42 U.S.C. 247d(a) Public Law 107–188, section 144(a); to the Committee on Energy and Commerce.

5722. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Acquisition Regulation: Work for Others (RIN: 1991-AB64) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5723. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Assistance Regulations (RIN: 1991-AB72) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5724. A letter from the Deputy Assistant Administrator, Office of Division Control, DEA, Department of Justice, transmitting the Department's final rule — Reports by Registrants of Theft or Significant Loss of Controlled Substances [Docket No. DEA-196F] (RIN: 1117-AA73) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5725. A letter from the Assistant Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Federal-State Joint Board on Universal Service [CC Docket No. 96-45]; Schools and Libraries Universal Service Support Mechanism [CC Docket No. 02-6]; Rural Health Care Support Mechanism [WC Docket No. 02-60]; Lifeline and Link-Up [WC Docket No. 03-109] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5726. A letter from the Assistant Bureau Chief, Enforcement Bureau, Federal Communications Commission, transmitting the Commission's final rule — Review of the Emergency Alert System [EB Docket No. 04-296] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5727. A letter from the Deputy Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule — Requirements for Digital Television Receiving Capability [ET Docket No. 05-24] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5728. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cambridge, Newark, St. Michaels, and Stockton, Maryland and Chincoteague, Virginia) [MB Docket No. 04-20; RM-10842; RM-11128; RM-11129; RM-11130] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5729. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments , FM Broadcast Stations. (Connersville, Madison, and Richmond, Indiana, Erlanger and Lebanon, Kentucky, and Norwood, Ohio; and Lebanon, Lebanon Junction, New Haven, and Springfield, Kentucky) [MB Docket No. 05-17; RM-11113; RM-11114] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5730. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Eminence, Potosi, Rolla, Lebannon and Linn, Missouri) [MM Docket No. 01-151; RM-10167; RM–10567] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5731. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lake City, Chattanooga, Harrogate, and Halls Crossroads, Tennessee) [MB Docket No. 03–120; RM–10591; RM–10839] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5732. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Rankin and Sanderson, Texas) [MM Docket No. 02-253; RM-10317; RM-10872] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5733. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hornbeck, Louisiana) [MB Docket No. 05-46; RM-11156]; (Mojave and Trona, California) [MB Docket No. 05-109; RM-11192] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a copy of the report entitled, ''Recommendations of the Federal Energy Regulatory Commission on Technical and Conforming Amendments to Federal Law Necessary to Carry Out the Public Utility Holding Company Act of 2005 and Related Amendments''; to the Committee on Energy and Commerce.

5735. A letter from the Principal Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Repeal of the Public Utility Holding Company Act of 1935 and Enactment of the Public Utility Holding Company Act 0f 2005 [Docket No. RM05-32-000, Order No. 667] received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5736. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Regulations Implementing Energy Policy Act of 2005; Pre-Filing Procedures for Review of LNG Terminals and Other Natural Gas Facilities [Docket No. RM05-31-000; Order No. 665] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5737. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Investigational New Drugs: Export Requirements for Unapproved New Drug Products [Docket No. 2000N-1663] (RIN: 0910-AA61) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5738. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule — Environmental Assessment; Categorical Exclusions [Docket No. 2004N-0461] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5739. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5740. A communication from the President of the United States, transmitting certification that the export to the People's Republic of China of the specified items is not detrimental to the United States space launch industry, and that the material and equipment, including any indirect technical benefit that could be derived from such exports, will not measurably improve the missile or space launch capabilities of the People's Republic of China, pursuant to Public Law 105–261, section 1512; (H. Doc. No. 109–74); to the Committee on International Relations and ordered to be printed.

5741. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Navy's proposed lease of defense articles to the Government of Canada (Transmittal No. 02-05); to the Committee on International Relations.

5742. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on International Relations.

5743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 052-05); to the Committee on International Relations.

5744. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of a Memorandum of Justification for a Proposed Presidential Determination under Section 620A of the Foreign Assistance Act of 1961, as Amended, and under Section 113 of Title I of Division J of the Consolidated Appropriations Act, 2005; to the Committee on International Relations.

5745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and 36(d) of the Arms Export Control Act, certification of a proposed license for the manufacture of defense equipment and the proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 070-05); to the Committee on International Relations.

5746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of French Guiana (Transmittal No. DDTC 056-05); to the Committee on International Relations.

5747. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification of a proposed manufacturing license agreement for the manufacture of military equipment abroad and the export of defense articles and services to the Government of the United Kingdom (Transmittal No. DDTC 028-05); to the Committee on International Relations.

5748. A letter from the Chairman, House Democracy Assistance Commission, transmitting the Commission's 2005 annual report and report on proposed activities for 2006; to the Committee on International Relations.

5749. A letter from the Secretary, Department of Education, transmitting the thirty-third Semiannual Report to Congress on Audit Follow-Up, covering the period April 1, 2005 through September 30, 2005 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5750. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-212, ''District Department of the Environment Establishment Act of 2005,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5751. A letter from the Administrator, Agency for International Development, transmitting the semiannual report on the activities of the Inspector General for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5752. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's FY 2005 Performance and Accountability Report (PAR); to the Committee on Government Reform.

5753. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the Commission's Performance and Accountability report for FY 2005; to the Committee on Government Reform.

5754. A letter from the Chief Executive Officer, Corporation for National & Community Service, transmitting the Corporation's Report on Final Action as a result of Audits in respect to the semiannual report of the Office of the Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5755. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5756. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2005, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

5757. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Performance and Accountability Report for FY 2005 in accordance with the requirements of the Government Performance and Results Act of 1993 and the Office of Management and Budget's Circular A-11; to the Committee on Government Reform.

5758. A letter from the Under Secrtary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106–107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Government Reform.

5759. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5760. A letter from the Deputy Assistant Secretary for Federal Contract Compliance, Department of Labor, transmitting the Department's final rule — Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB24) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5761. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5762. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5763. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 645(a) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report for fiscal year 2004; to the Committee on Government Reform.

5764. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting the combined report for the Inspector General Act of 1978, as amended, and the Federal Fiancial Manager's Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5765. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's Performance and Accountability Reports for FY 2005; to the Committee on Government Reform.

5766. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period from April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5767. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's thirty-third report on audit final action, as well as the semiannual report on the Office of Inspector General for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5768. A letter from the Chief Financial Officer, Holocaust Memorial Museum, transmitting the Performance and Accountability Report (PAR) for Fiscal Year 2005 for the Museum as required under the Accountability of Tax Dollars (ATD) Act; to the Committee on Government Reform.

5769. A letter from the Executive Director, Interagency Council on the Homelessness, transmitting The Council's FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5770. A letter from the Chairman, International Trade Commission, transmitting in accordance with Section 645 of Division F, Title VI, of the Consolidated Appropriations Act, FY 2004, Pub. L. 108–199, the Commission's report covering fiscal year 2004; to the Committee on Government Reform.

5771. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''Reference Checking in Federal Hiring: Making the Call,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Government Reform.

5772. A letter from the Administrator, National Aeronautics and Space Administration, transmitting in accordance with the Reports Consolidation Act of 2000, enclosed is the FY 2005 Performance and Accountability Report; to the Committee on Government Reform.

5773. A letter from the Senior Procurement Executive, National Aeronautics and Space Administration, transmitting the Administration's final rule — Federal Acquisition Circular 2005-05—August 4, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5774. A letter from the Chairman, National Endowment for the Arts, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105–270) and OMB Circular A-76, Performance of Commercial Activities, the Endowment's FY 2005 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

5775. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance and Accountability Report for fiscal year 2005, as required by OMB Circular Number A-11; to the Committee on Government Reform.

5776. A letter from the Chairman and Acting General Counsel, National Labor Relations Board, transmitting the semiannual report on the activities of the Office of Inspector General of the National Labor Relations Board for the period April 1, 2005 through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

5777. A letter from the Program Manager for Information Sharing Environment, Office of the Director of National Intelligence, transmitting the Office's report entitled, ''Preliminary Report on the Creation of the Information Sharing Environment,'' pursuant to Public Law 108–458, section 1016(c); to the Committee on Government Reform.

5778. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report entitled, ''Validating Regulatory Analysis: 2005 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local and Tribal Entities,'' pursuant to 31 U.S.C. 1105 note; to the Committee on Government Reform.

5779. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2005 to September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5780. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Prevailing Rate Systems; Redefinition of the Central North Carolina Appropriated Fund Wage Area (RIN: 3206-AK83) received November 8, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5781. A letter from the President & CEO, Overseas Private Investment Corporation, transmitting the Corporation's annual report in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5782. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the semiannual report on activities of the Inspector General of the Pension Benefit Guaranty Corporation for the period April 1, 2005 through September 30, 2005; to the Committee on Government Reform.

5783. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2005, through September 30, 2005, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Government Reform.

5784. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — State, District, and Local Party Committee Payment of Certain Salaries and Wages [Notice 2005-27] received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

5785. A letter from the Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Inclusion of Alligator Snapping Turtle (Macroclemys [=Macrochelys] temminckii) and All Species of Map Turtle (Graptemys spp.) in Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (RIN: 1018-AF69) received December 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5786. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (RIN: 1018-AU23) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5787. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 041126332-5039-02; I.D. 112105A] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5788. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 050112008-5102-02; I.D. 112505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5789. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer [Docket No. 041110317–4364-02; I.D. 112905B-X] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5790. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [I.D. 111505B] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5791. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Tilefish Commercial Fishery [I.D. 111405B] received Decemebr 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5792. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2005 and 2006 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 050719189-5286-03; I.D. 071405C] (RIN: 0648-AT33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5793. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Massachusetts [Docket No. 041110317–4364–02; I.D. 092805B] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5794. A letter from the Assistant Administrator, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 050927248-5310-02; I.D. 090805C] (RIN: 0648-AT74) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5795. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [I.D. 112305D] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5796. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, ''Federal Procurement After Adarand,'' pursuant to Public Law 103–419; to the Committee on the Judiciary.

5797. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination concerning a petition to add employees of the National Bureau of Standards to the Special Exposure Cohort under the the Energy Employees Occupational Illness Compensation Program Act (EEOICPA); to the Committee on the Judiciary.

5798. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of a class of workers from the Linde Ceramic Plant in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

5799. A letter from the Deputy Assistant Attorney General, Office of Legal Policy, Department of Justice, transmitting the Department's final rule — Procedures To Promote Compliance With Crime Victims' Rights Obligations [OAG Docket No. 112; AG Order No. 2789-2005] (RIN: 1105-AB11) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5800. A letter from the Administrator, Office of National Programs, Department of Labor, transmitting the Department's final rule — Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models, and Labor Attestation Requirements for Employers Using Nonimmigrants on H-1B1 Visas in Specialty Occupations; Filing Procedures (RIN: 1205-AB39) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5801. A letter from the CEO, Terrorism and the Prisoner Reentry Agency, transmitting the Agency's proposal to use Faith Based Institutions to provide social services and transition support for inmates released from federal prison; to the Committee on the Judiciary.

5802. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5 million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Tennessee, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5803. A letter from the Acting Director, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded $5

million for the response to the emergency declared as a result the influx of evacuees from areas struck by Hurricane Katrina beginning on August 29, 2005 in the State of Colorado, pursuant to 42 U.S.C. 5193; to the Committee on Transportation and Infrastructure.

5804. A letter from the Assistant Secretary of the Army, Civil Works, Department of the Army, transmitting a copy of the General Reevaluation Report and Environmental Assessment of the Turkey Creek Basin, Kansas City, Kansas and Kansas City, Missouri; to the Committee on Transportation and Infrastructure.

5805. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Special Community Disaster Loans Program [DHS-2005-0051] (RIN: 1660-AA44) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5806. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Gulf Opportunity Pilot Loan Program (RIN: 3245-AF43) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5807. A letter from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting the Administration's final rule — Small Business Size Standards; Surety Bond Guarantee Program (RIN: 3245-AE81) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5808. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Texoma Viticultural Area (2003R-110P) [T.D. TTB-38; Re: Notice No. 25] (RIN: 1513-AA77) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5809. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Santa Rita Hills Viticultural Area Name Abbreviation to Sta. Rita Hills (2003R-091P) [T.D. TTB-37; Notice No. 40; Ref: T.D. ATF-454] (RIN: 1513-AA50) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5810. A letter from the Director, Regulations and Rulings Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ramona Valley Viticultural Area (2003R-375P) [T.D. TTB-39; Re: Notice No. 38] (RIN: 1513-AA94) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5811. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Information Reporting Relating to Taxable Stock Transactions [TD 9230] (RIN: 1545-BF18) received December 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5812. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Hurricane Katrina Relief under sections 101 and 103 of the Katrina Emergency Tax Relief Act of 2005 [Notice 2005-92] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5813. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Administrative, Procedural, and Miscellaneous (Rev. Proc. 2005-78) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5814. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Department's final rule — Transitional Relief Provided for Certain Plan Amendment Deadlines [Notice 2005-95] received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5815. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Suspension of Employer and Payer Reporting and Wage Withholding Requirements With Respect to Deferrals of Compensation Under Section 409A for Calendar Year 2005; No Assertion of Penalties Against Service Providers in Certain Circumstances [Notice 2005-94] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5816. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Valuation of Stock-Based Compensation for Purposes of Qualified Cost Sharing Arrangements [Notice 2005-99] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5817. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9231] (RIN: 1545-BC49) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5818. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments Regarding Procedures for Automatic Changes in Methods of Accounting Contained in Rev. Proc. 2002-9 [Notice 2005-97] received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5819. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance on Passive Foreign Investment Company (PFIC) Purging Elections [TD 9232] (RIN: 1545-BD33) received December 9, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5820. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Clean Renewable Energy Bonds [Notice 2005-98] received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5821. A letter from the Director, Industry Programs, Office of Policy, Import Administration, International Trade Administration, transmitting the Administration's final rule — Steel Import Monitoring and Analysis System [Docket No. 040305083-5249-03] (RIN: 0625-AA64) received December 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5822. A letter from the Commissioner, Social Security Administration, transmitting the Administration's report on the implementation of section 7213(c)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Ways and Means.

5823. A letter from the Executive Director, U.S.-China Commission, transmitting the U.S.-China Economic and Security Review Commission's Charter, as required by Pub. L. 109–108; to the Committee on Ways and Means.

5824. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — Marketing and Sale of Fluid Milk in Schools (RIN: 0584-AD57) received December 5, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and the Workforce.

5825. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Application of Inherent Reasonableness Payment Policy to Medicare Part B Services (Other Than Physician Services) [CMS-1908-F] (RIN: 0938-AN81) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5826. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Coverage and Payment of Ambulance Services; Inflation Update for CY 2006 [CMS-1294-N] (RIN: 0938-AN99) received December 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5827. A letter from the Chairperson, State Pharmaceutical Assistance Transition Commission, transmitting the Commission's final report, including detailed proposals for addressing the unique transitional issues facing State pharmaceutical assistance programs, and program participants, due to the implementation of the voluntary prescription drug benefit program under part D of title XVIII of the Social Security Act, as added by section 101, and such other recommendations as deemed appropriate, pursuant to 42 U.S.C. 1395w–101 note Public Law 108–173, section 106(d); jointly to the Committees on Energy and Commerce and Ways and Means.

5828. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 634A of the Foreign Assistance Act of 1961, as amended,and Division D, Title V, Section 515 of the Consolidated Appropriations Act, 2005, as enacted in Pub. L. 108–447, notification that implementation of the FY 2005 International Military Education and Training (IMET) program, as approved by the Department of State, requires revisions to the levels justified in the FY 2005 Congressional Budget Justification for Foreign Operations for the enclosed list of countries; jointly to the Committees on International Relations and Appropriations.

5829. A letter from the General Counsel, Office of Compliance, transmitting a Report on Inspections for Compliance with the Public Access Provisions of the Americans with Disabilities Act Under Section 210 of the Congressional Accountability Act, pursuant to Public Law 104–1, section 210(f) (109 Stat. 15); jointly to the Committees on House Administration and Education and the Workforce.

5830. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, ''Second Interim Report on the Informatics for Diabetes Education and Telemedicine (IDEATel) Demonstration: Final Report on Phase I,'' pursuant to Public Law 105–33, section 4207; jointly to the Committees on Ways and Means and Energy and Commerce.

5831. A letter from the Secretary, Department of Agriculture, transmitting a copy of draft legislation to assist the Department in the development of a National Natural Resources Conservation Foundation; jointly to the Committees on Agriculture, Government Reform, and Ways and Means.

5832. A letter from the Board Members, Railroad Retirement Board, transmitting

the Board's budget request for fiscal year 2007, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

5833. A letter from the Director, Office of Management and Budget, transmitting a report identifying accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

5834. A letter from the Director, Office of Management and Budget, transmitting a legislative proposal entitled, ''the Federal and District of Columbia Government Real Property Act of 2005''; jointly to the Committees on Government Reform, Energy and Commerce, and Transportation and Infrastructure.

5835. A letter from the Chairman, Federal Election Commission, transmitting the Commission's FY 2007 budget request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration, Appropriations, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on December 16, 2005]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 3699. A bill to provide for the sale, acquisition, conveyance, and exchange of certain real property in the District of Columbia to facilitate the utilization, development, and redevelopment of such property, and for other purposes; with an amendment (Rept. 109–316 Pt. 2). Ordered to be printed.

Mr. HYDE: Committee on International Relations. House Resolution 549. Resolution requesting the President of the United States provide to the House of Representatives all documents in his possession relating to his October 7, 2002, speech in Cincinnati, Ohio, and his January 28, 2003, State of the Union address; with an amendment (Rept. 109–351). Referred to the House Calendar.

Mr. TOM DAVIS of Virginia: Committee on Government Reform. The Methamphetamine Epidemic: International Roots of the Problem, and Recommended Solutions (Rept. 109–352). Referred to the Committee of the Whole House on the State of the Union.

Mr. SAXTON: Report of the Joint Economic Committee on the 2005 Economic Report of the President (Rept. 109–353). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee of Conference. Conference report on S. 1281. An act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010 (Rept. 109–354). Ordered to be printed.

Mr. SESSIONS: Committee on Rules. House Resolution 623. Resolution providing for consideration of motions to suspend the rules (Rept. 109–355). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEFAZIO:

H.R. 4567. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium flouroacetate (known as ''Compound 1080''), to provide for the collection and destruction of remaining stocks of sodium flouroacetate, to compensate persons who turn in sodium flouroacetate to the Secretary of Agriculture for destruction, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. PRICE of Georgia, Mrs. MYRICK, and Mr. BROWN of Ohio):

H.R. 4568. A bill to improve proficiency testing of clinical laboratories; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 4569. A bill to require certain analog conversion devices to preserve digital content security measures; to the Committee on the Judiciary.

By Ms. HARMAN (for herself, Mr. HASTINGS of Florida, Mr. REYES, Mr. BOSWELL, Mr. CRAMER, Ms. ESHOO, Mr. HOLT, Mr. RUPPERSBERGER, Mr. TIERNEY, and Mr. BERMAN):

H.R. 4570. A bill to require the approval of a Foreign Intelligence Surveillance Court judge or designated United States Magistrate Judge for the issuance of a national security letter, to require the Attorney General to submit semiannual reports on national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN:

H.R. 4571. A bill to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San Fernando Valley Motor Rail project, California; to the Committee on Transportation and Infrastructure.

By Mr. HYDE:

H.R. 4572. A bill to revise and extend the Export Administration Act of 1979; to the Committee on International Relations.

By Mr. WELLER:

H.R. 4573. A bill to increase the renewable fuel content of gasoline sold in the United States by the year 2025 to 25 billion gallons, to require Federal agencies to use ethanol and biodiesel in government vehicles, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISSA (for himself, Mr. FILNER, Mr. HUNTER, Ms. BORDALLO, Mr. ABERCROMBIE, Mr. BURTON of Indiana, Mr. HONDA, Mr. POMBO, Mr. SCOTT of Virginia, Mrs. DRAKE, and Mr. BERMAN):

H.R. 4574. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. SHAYS:

H.R. 4575. A bill to provide greater transparency with respect to lobbying activities, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Standards of Official Conduct, Rules, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. PITTS, Mrs. MYRICK, Mrs. JO ANN DAVIS of Virginia, Mr. DOOLITTLE, and Mr. WELDON of Florida):

H.R. 4576. A bill to amend title 28, United States Code, with respect to the jurisdiction of Federal courts over certain cases and controversies involving the Ten Commandments, the Pledge of Allegiance, and the National Motto; to the Committee on the Judiciary.

By Mr. CANNON (for himself, Mr. PORTER, Mr. BISHOP of Utah, Mr. GIBBONS, and Ms. BERKLEY):

H.R. 4577. A bill to direct the Secretary of Agriculture to convey certain real property in the Dixie National Forest in the State of Utah, and for other purposes; to the Committee on Resources.

By Ms. MCCOLLUM of Minnesota:

H.R. 4578. A bill to amend the Elementary and Secondary Education Act of 1965 to clarify Federal requirements under such Act; to the Committee on Education and the Workforce.

By Mr. BOEHNER:

H.R. 4579. A bill to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to extend by one year provisions requiring parity in the application of certain limits to mental health benefits; to the Committee on Education and the Workforce, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. FOXX (for herself, Mrs. MYRICK, Mr. JONES of North Carolina, Mr. GARY G. MILLER of California, Mr. DOOLITTLE, Mr. WELDON of Florida, Mr. WAMP, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. ROHRABACHER, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. BURGESS, Mr. TANCREDO, Mr. FRANKS of Arizona, Mr. CANTOR, Mr. KLINE, Mr. DANIEL E. LUNGREN of California, Mr.

FEENEY, Mr. SODREL, Mr. COBLE, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 4580. A bill to prohibit loans by Federal agencies to aliens who are unlawfully present in the United States; to the Committee on Financial Services.

By Mr. AKIN (for himself, Mr. CARNAHAN, and Mrs. EMERSON):

H.R. 4581. A bill to amend the National Trails System Act relating to the statute of limitations that applies to certain claims; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 4582. A bill to amend title 49, United States Code, to require employment investigations for employees of aircraft repair stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN (for herself and Ms. SCHAKOWSKY):

H.R. 4583. A bill to amend the Wool Products Labeling Act of 1939 to revise the requirements for labeling of certain wool and cashmere products; to the Committee on Energy and Commerce.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 4584. A bill to require rate intergration for wireless interstate toll charges; to the Committee on Energy and Commerce.

By Mr. BOUSTANY (for himself and Mr. SPRATT):

H.R. 4585. A bill to amend title XVIII of the Social Security Act to remove the cap on disproportionate share adjustment percentages for certain rural hospitals; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 4586. A bill to extend the authorization of the Benjamin Franklin Tercentenary Commission; to the Committee on Government Reform.

By Ms. DEGETTE:

H.R. 4587. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mr. DOOLITTLE:

H.R. 4588. A bill to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania:

H.R. 4589. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of unemployment compensation; to the Committee on Ways and Means.

By Mr. FORD:

H.R. 4590. A bill to amend title 11 of the United States Code to provide fair treatment of employee benefits; to the Committee on the Judiciary.

By Mr. GILLMOR:

H.R. 4591. A bill to implement the Stockholm Convention on Persistent Organic Pollutants, the Protocol on Persistent Organic Pollutants to the Convention on Long-Range Transboundary Air Pollution, and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4592. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GORDON:

H.R. 4593. A bill to advance the deadline for energy use metering in Federal buildings, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GORDON:

H.R. 4594. A bill to require certain reports with respect to the energy efficiency design performance of new Federal buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4595. A bill to clarify that buildings administered by the Architect of the Capitol are covered by certain Federal building energy management requirements and energy efficiency standards; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON:

H.R. 4596. A bill to authorize appropriations for basic research and research infrastructure in science and engineering, and for support of graduate fellowships, and for other purposes; to the Committee on Science, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GRANGER (for herself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BOSWELL, Mr. CASE, Mrs. CUBIN, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. HALL, Mr. HASTINGS of Florida, Mr. HAYWORTH, Ms. HERSETH, Mr. INSLEE, Mrs. JONES of Ohio, Mr. JEFFERSON, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KIND, Mr. LEWIS of California, Mr. MCCOTTER, Mr. MANZULLO, Ms. MILLENDER-MCDONALD, Mr. NEY, Ms. NORTON, Mr. PALLONE, Mr. RANGEL, Mr. RENZI, Ms. ROS-LEHTINEN, Mr. TOWNS, Mr. WEXLER, and Mr. WOLF):

H.R. 4597. A bill to authorize the presentation of gold medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th Century in recognition of their service to the Nation; to the Committee on Financial Services.

By Mr. KING of New York:

H.R. 4598. A bill to provide for an awareness program, and a study, on a rare form of breast cancer; to the Committee on Energy and Commerce.

By Mr. KING of New York:

H.R. 4599. A bill to amend the Internal Revenue Code of 1986 to establish and provide a checkoff for a Breast and Prostate Cancer Research Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE:

H.R. 4600. A bill to require poverty impact statements for certain legislation; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4601. A bill to prohibit the operation of nuclear power plants unless there exists a State- and county-certified radiological emergency response plan; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself and Mr. HINCHEY):

H.R. 4602. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mrs. LOWEY (for herself, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. EMANUEL, Ms. DELAURO, Mr. GEORGE MILLER of California, Mr. SPRATT, Mr. DINGELL, Mr. OBEY, Mr. WAXMAN, Mr. LANTOS, Mr. CONYERS, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Ms. DEGETTE, Mrs. CAPPS, Ms. SCHAKOWSKY, Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Mr. CUMMINGS, Ms. BORDALLO, Ms. SOLIS, Mr. LEWIS of Georgia, Mr. OWENS, Mr. MCGOVERN, Ms. MATSUI, Mr. MCNULTY, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mrs. MALONEY, Mr. MORAN of Virginia, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. CASE, Mr. KILDEE, Mr. CROWLEY, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. MCDERMOTT, Mr. ACKERMAN, Mr. LEVIN, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. SCHIFF):

H.R. 4603. A bill to amend the Public Health Service Act with respect to pandemic influenza, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Resources, Agriculture, International Relations, Education and the Workforce, Science, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. HIGGINS, Mr. HOLT, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. ACKERMAN, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. SCHAKOWSKY, Mr. BERMAN, Mr. LYNCH, Mr. CLAY, Mrs. MCCARTHY, Mr. WEINER, and Ms. WASSERMAN SCHULTZ):

H.R. 4604. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Education and the Workforce.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. OBERSTAR, and Mr. PETERSON of Minnesota):

H.R. 4605. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and the Workforce.

By Mr. NEY (for himself, Mr. CUELLAR, and Mr. LATOURETTE):

H.R. 4606. A bill to amend title XIX of the Social Security Act to provide for an ongoing cost-of-living increase in the Medicaid disproportionate share hospital (DSH) allotments for States; to the Committee on Energy and Commerce.

By Mr. REICHERT (for himself and Mr. DICKS):

H.R. 4607. A bill to ensure passenger safety at airports; to the Committee on Homeland Security.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. BOSWELL, and Mr. CALVERT):

H.R. 4608. A bill to amend the Internal Revenue Code of 1986 to modernize the rules governing the treatment of qualifying continuing care facilities; to the Committee on Ways and Means.

By Mr. SMITH of Washington (for himself, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. SERRANO, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. PALLONE, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. KUCINICH, Mr. MCDERMOTT, Mr. PAYNE, Mr. GRIJALVA, Mr. CARNAHAN, Mr. HOLT, Mr. INSLEE, Mr. NADLER, Mr. WEXLER, Mr. BAIRD, Mr. GEORGE MILLER of California, and Mrs. CAPPS):

H.R. 4609. A bill to increase the use and research of sustainable building design technology, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 4610. A bill to provide Medicare beneficiaries with access to prescription drugs at Federal Supply Schedule prices; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi:

H.R. 4611. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to strengthen the participation of small businesses in recovery efforts following a major disaster, emergency, or terrorist event; to the Committee on Transportation and Infrastructure.

By Mr. TURNER (for himself, Mr. HOBSON, Mr. BOEHNER, and Mr. OXLEY):

H.R. 4612. A bill to redesignate Dayton Aviation Heritage National Historic Park in the State of Ohio as ''Wright Brothers-Dunbar National Historic Park,'' and for other purposes; to the Committee on Resources.

By Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. FRANK of Massachusetts, Ms. SCHAKOWSKY, and Ms. KAPTUR):

H.R. 4613. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. BOEHLERT, Mr. GORDON, Mr. SMITH of Texas, Mr. BERMAN, Mr. EHLERS, Mr. WU, Mr. COBLE, Ms. ZOE LOFGREN of California, Mr. GREEN of Wisconsin, Mr. CANNON, Mr. JENKINS, Mr. FEENEY, Ms. BALDWIN, Mr. HONDA, Mr. MILLER of North Carolina, and Mr. INGLIS of South Carolina):

H. Con. Res. 319. Concurrent resolution expressing the sense of the Congress regarding the successful and substantial contributions of the amendments to the patent and trademark laws that were enacted in 1980 (Public Law 96-517; commonly known as the ''Bayh-Dole Act''), on the occasion of the 25th anniversary of its enactment; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. WOLF, and Mr. ROYCE):

H. Con. Res. 320. Concurrent resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners and prisoners of conscience, and other purposes; to the Committee on International Relations.

By Mr. KUCINICH (for himself, Mr. PAUL, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FARR, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK of Michigan, Ms. LEE, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. MEEKS of New York, Mr. OWENS, Mr. RAHALL, Mr. RYAN of Ohio, Ms. SOLIS, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, and Ms. EDDIE BERNICE JOHNSON of Texas):

H. Con. Res. 321. Concurrent resolution providing that the new permanent Council of Representatives of Iraq is encouraged to debate and vote on whether or not a continued United States military presence in Iraq is desired by the Government of Iraq; to the Committee on International Relations.

By Mr. MILLER of Florida (for himself and Mr. REYES):

H. Con. Res. 322. Concurrent resolution expressing the Sense of Congress regarding the contribution of the USO to the morale and welfare of our servicemen and women of our armed forces and their families; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. MEEK of Florida, Mr. UDALL of Colorado, Mr. GONZALEZ, Mr. TERRY, Mr. GENE GREEN of Texas, Mr. SALAZAR, Mr. ENGEL, Mr. NEUGEBAUER, Mrs. MCCARTHY, Mr. SNYDER, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. HINOJOSA, Mr. PASTOR, Mr. FORTUÑO, Mr. DENT, Mr. POMBO, Mr. FILNER, Mr. RENZI, and Mr. BONILLA):

H. Con. Res. 323. Concurrent resolution honoring the Hispanic Americans who have served in the Armed Forces, such as Captain Felix Sosa-Camejo, United States Army; to the Committee on Armed Services.

By Mr. ISSA (for himself, Mr. FILNER, Mr. BERMAN, Ms. BORDALLO, and Mr. HUNTER):

H. Res. 622. A resolution to recognize and honor the Filipino World War II veterans for their defense of democratic ideals and their important contribution to the outcome of World War II; to the Committee on International Relations.

By Mr. ACKERMAN (for himself, Ms. MCCOLLUM of Minnesota, Mr. MEEKS of New York, Ms. BERKLEY, Mrs. NAPOLITANO, Mr. CROWLEY, Ms. WATSON, Mr. WEXLER, Ms. LEE, Mr. BLUMENAUER, Mr. BROWN of Ohio, Mr. ENGEL, Mr. DELAHUNT, Mr. BERMAN, and Mr. PAYNE):

H. Res. 624. A resolution requesting the President of the United States and directing the Secretary of State to provide to the House of Representatives certain documents in their possession relating to United States policies under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Conventions; to the Committee on International Relations.

By Mr. CAPUANO:

H. Res. 625. A resolution providing that the House of Representatives should consider policy options regarding United States policy in Iraq; to the Committee on International Relations.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 626. A resolution congratulating Albert Pujols on being named the Most Valuable Player for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. CARNAHAN (for himself, Mr. BLUNT, Mr. CLAY, Mr. AKIN, Mr. COSTELLO, Mr. SHIMKUS, Mr. SKELTON, Mr. HULSHOF, Mr. GRAVES, Mrs. EMERSON, Mr. CLEAVER, Mr. JOHNSON of Illinois, Ms. WATERS, Mr. TANNER, and Mr. MCINTYRE):

H. Res. 627. A resolution congratulating Chris Carpenter on being named the Cy Young Award winner for the National League for the 2005 Major League Baseball season; to the Committee on Government Reform.

By Mr. PALLONE (for himself, Mr. PASCRELL, Mr. FERGUSON, Mr. ROTHMAN, Mr. MENENDEZ, and Mr. HOLT):

H. Res. 628. A resolution congratulating Bruce Springsteen of New Jersey on the 30th anniversary of his masterpiece record album ''Born to Run,'' and commending him on a career that has touched the lives of millions of Americans; to the Committee on Education and the Workforce.

By Mr. PRICE of Georgia (for himself, Mr. WESTMORELAND, Mr. GINGREY, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. SCOTT of Georgia, Mr. LEWIS of Georgia, Mr. MARSHALL, Mr. BISHOP of Georgia, Mr. BARROW, Mr. KINGSTON, and Mr. LINDER):

H. Res. 629. A resolution supporting the goals and ideals of a Day of Hearts, Congenital Heart Defect Day in order to increase awareness about congenital heart defects, and for other purposes; to the Committee on Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself and Ms. BERKLEY):

H. Res. 630. A resolution expressing the sense of the House of Representatives that the holiday symbols and traditions of all Americans being observed this winter should be protected, for those who celebrate these holidays; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. INGLIS of South Carolina:

H.R. 4614. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4615. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4616. A bill to provide for the liquidation or reliquidation of an entry of certain manufacturing equipment; to the Committee on Ways and Means.

By Mr. INGLIS of South Carolina:

H.R. 4617. A bill to provide for the liquidation or reliquidation of entries of certain manufacturing equipment; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. STEARNS.
H.R. 19: Mr. CAMPBELL of California.
H.R. 23: Mr. BEAUPREZ, Mrs. SCHMIDT, and Mr. MILLER of North Carolina.
H.R. 226: Mr. GRIJALVA.
H.R. 269: Mr. MCCOTTER.
H.R. 283: Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. EVANS.
H.R. 297: Mr. MEEHAN.
H.R. 328: Ms. SOLIS.
H.R. 373: Mr. MEEHAN.
H.R. 501: Mr. CONYERS.
H.R. 551: Mr. VAN HOLLEN.
H.R. 552: Mr. MURPHY.
H.R. 567: Mr. MEEHAN.
H.R. 582: Ms. LINDA T. SÁNCHEZ of California and Mr. MICHAUD.
H.R. 601: Mr. MOORE of Kansas.
H.R. 615: Mr. CLAY, Mr. SMITH of New Jersey, and Mr. ENGEL.
H.R. 651: Mr. HEFLEY.
H.R. 697: Mr. MARSHALL.
H.R. 698: Mr. CAMPBELL of California.
H.R. 747: Mr. CARNAHAN.
H.R. 759: Mr. BAIRD and Mr. ENGEL.
H.R. 772: Mr. MARKEY, Mr. DEAL of Georgia, Mr. HINCHEY, and Mr. LEWIS of Georgia.
H.R. 817: Mr. LEVIN, Mr. OBERSTAR, Mr. GONZALEZ, Mr. CARNAHAN, Mr. BECERRA, Mr. MARKEY, Mr. DAVIS of Florida, and Mr. SCOTT of Georgia.
H.R. 857: Mr. ROYCE.
H.R. 864: Mr. LIPINSKI and Ms. WOOLSEY.
H.R. 870: Ms. SOLIS.
H.R. 885: Mr. LINCOLN DIAZ-BALART of Florida and Mr. DAVIS of Illinois.
H.R. 952: Mr. UDALL of Colorado.
H.R. 964: Mr. DELAHUNT.
H.R. 986: Ms. MATSUI.
H.R. 994: Mrs. BLACKBURN and Ms. BERKLEY.
H.R. 997: Mr. CAMPBELL of California.
H.R. 998: Mr. CLAY.
H.R. 1020: Mr. LANTOS.
H.R. 1053: Mr. ENGEL, Mr. UDALL of Colorado, and Mr. BROWN of Ohio.
H.R. 1059: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 1105: Mr. NUNES.
H.R. 1219: Mr. STEARNS.
H.R. 1241: Mr. GERLACH.
H.R. 1259: Mr. HOLT, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. PALLONE, Mr. ETHERIDGE, Mr. STARK, Mr. BISHOP of New York, Mr. DOGGETT, Mr. HOLDEN, Mr. BROWN of Ohio, Mr. THOMPSON of California, Ms. SLAUGHTER, Mr. CARDIN, Mr. REYES, Mr. ALLEN, Ms. BEAN, Mr. MATHESON, Ms. MATSUI, Mr. GEORGE MILLER of California, Mrs. TAUSCHER, Ms. ESHOO, Mr. BECERRA, Ms. LORETTA SANCHEZ of California, Mrs. DAVIS of California, Mr. MARSHALL, Mr. DELAHUNT, Mr. OBERSTAR, Mr. SABO, Mr. MEEHAN, Mr. DINGELL, Ms. VELÁZQUEZ, Mr. TAYLOR of Mississippi, Ms. BERKLEY, Mr. EDWARDS, Mr. ORTIZ, Mr. DICKS, Mr. CARNAHAN, Mr. MARKEY, Mr. HINOJOSA, Mr. GORDON, Mr. KING of New York, Mr. COBLE, Mr. HOEKSTRA, Mr. COSTA, Mr. MELANCON, Mr. SALAZAR, Mr. KANJORSKI, Mr. MCINTYRE, Mr. STRICKLAND, Ms. MCCOLLUM of Minnesota, Mr. MILLER of North Carolina, Mr. HOYER, Ms. SCHWARTZ of Pennsylvania, Mr. ANDREWS, Mr. BERRY, Mr. ROTHMAN, and Mr. MICHAUD.
H.R. 1273: Mr. STEARNS.
H.R. 1290: Mr. BRADY of Pennsylvania.
H.R. 1323: Ms. SCHWARTZ of Pennsylvania.
H.R. 1426: Mr. WATT.
H.R. 1578: Mr. PRICE of Georgia, Mr. CHOCOLA, Ms. GINNY BROWN-WAITE of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MENENDEZ, Mr. REICHERT, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. MEEKS of New York, Mr. ROGERS of Michigan, Mr. BARROW, Mr. TIBERI, Mr. PICKERING, Mr. PETRI, and Mr. ACKERMAN.
H.R. 1595: Ms. MCKINNEY, Mr. SAXTON, and Mr. GOHMERT.
H.R. 1642: Mr. CASE.
H.R. 1646: Mr. EVANS and Mr. CLEAVER.
H.R. 1696: Mr. FITZPATRICK of Pennsylvania.
H.R. 1707: Ms. SCHAKOWSKY.
H.R. 1709: Mr. WYNN, Mr. DOGGETT, and Mr. LANTOS.
H.R. 1864: Ms. SCHAKOWSKY.
H.R. 1898: Mr. WESTMORELAND and Mr. LOBIONDO.
H.R. 1951: Mr. SAM JOHNSON of Texas and Mr. NEY.
H.R. 2072: Mr. WEINER.
H.R. 2090: Mr. WEXLER, Mr. CONYERS, and Mr. KUCINICH.
H.R. 2134: Ms. HERSETH.
H.R. 2206: Mr. BASS.
H.R. 2216: Mr. MCCOTTER, Mr. BURTON of Indiana, and Mr. SIMMONS.
H.R. 2234: Mr. CARNAHAN.
H.R. 2238: Mr. LUCAS.
H.R. 2323: Mr. RANGEL.
H.R. 2356: Mr. GENE GREEN of Texas and Mr. CRAMER.
H.R. 2369: Mr. RAHALL.
H.R. 2378: Mr. KUHL of New York.
H.R. 2410: Mr. VAN HOLLEN, Mr. MEEHAN, and Mr. TIERNEY.
H.R. 2412: Mr. CARDIN.
H.R. 2421: Mr. FATTAH, Mrs. NAPOLITANO, Mr. BRADY of Pennsylvania, Mr. ANDREWS, and Mr. KING of New York.
H.R. 2470: Mr. CAMP of Michigan, Mr. JONES of North Carolina, Mr. NORWOOD, Mr. ROGERS of Alabama, and Mr. STEARNS.
H.R. 2521: Mr. OWENS, Mr. ENGLISH of Pennsylvania, and Mr. RUSH.
H.R. 2553: Ms. MATSUI.
H.R. 2592: Mr. ANDREWS.
H.R. 2629: Mr. PRICE of North Carolina.
H.R. 2669: Mr. LATOURETTE, Mr. WU, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. RUPPERSBERGER, Mr. GONZALEZ, Mr. BECERRA, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mr. DOYLE, Mr. DAVIS of Florida, Mr. SPRATT, Ms. MILLENDER-MCDONALD, Mrs. MCCARTHY, Mr. OBERSTAR, Mr. MARKEY, and Mr. CARDOZA.
H.R. 2671: Mr. CAPUANO, Mr. NEY, and Mr. TERRY.
H.R. 2682: Mr. BOUCHER.
H.R. 2717: Mr. WEINER.
H.R. 2742: Mr. AL GREEN of Texas, Mr. MCCOTTER, and Mr. ANDREWS.
H.R. 2835: Ms. MATSUI.
H.R. 2841: Ms. ESHOO.
H.R. 2861: Mr. PRICE of North Carolina, Mr. YOUNG of Alaska, Ms. BERKLEY, and Mr. MCDERMOTT.
H.R. 2872: Ms. HERSETH, Mr. RUSH, Mr. LARSEN of Washington, Ms. PELOSI, Mr. DAVIS of Illinois, Mr. BECERRA, Ms. VELÁZQUEZ, Mr. NEUGEBAUER, Mr. NADLER, Mr. CRAMER, Mrs. DAVIS of California, Ms. LORETTA SANCHEZ of California, Mrs. BIGGERT, Mr. DAVIS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ADERHOLT, Mr. WATT, Mr. AL GREEN of Texas, Mr. HOYER, Mr. THOMPSON of California, Mr. LYNCH, Ms. SCHWARTZ of Pennsylvania, Ms. MOORE of Wisconsin, Mr. BRADY of Pennsylvania, Mr. BACA, Mr. CARNAHAN, Mr. HINOJOSA, Mrs. KELLY, Mr. WEINER, Mr. SNYDER, and Mr. HINCHEY.
H.R. 2923: Mr. EHLERS and Mr. KENNEDY of Rhode Island.
H.R. 2926: Mr. CRAMER.
H.R. 2939: Mr. MOORE of Kansas.
H.R. 2943: Mr. WU.
H.R. 2989: Ms. MATSUI, Mr. BOSWELL, and Mr. MCINTYRE.
H.R. 3049: Mr. CONYERS.
H.R. 3096: Mr. ROTHMAN.
H.R. 3137: Ms. FOXX and Mr. CAMPBELL of California.
H.R. 3145: Mr. PALLONE.
H.R. 3150: Mr. CAMPBELL of California.
H.R. 3174: Mr. MEEKS of New York.
H.R. 3195: Mr. MOORE of Kansas.
H.R. 3248: Mr. KUCINICH and Mr. SCHIFF.
H.R. 3313: Ms. SCHAKOWSKY, Ms. BALDWIN, Mr. MARKEY, and Mr. GUTIERREZ.
H.R. 3326: Mr. DOGGETT.
H.R. 3334: Mr. BACA and Mr. MOORE of Kansas.
H.R. 3373: Mr. BOREN, Ms. SOLIS, and Ms. MCCOLLUM of Minnesota.
H.R. 3385: Mr. CARTER and Mr. SMITH of Texas.
H.R. 3478: Mr. LIPINSKI and Mr. SMITH of New Jersey.
H.R. 3479: Mr. RENZI.
H.R. 3546: Mr. MCDERMOTT.
H.R. 3561: Mr. WEINER, Ms. ZOE LOFGREN of California, and Mr. KUCINICH.
H.R. 3598: Mr. KUHL of New York and Mr. PALLONE.
H.R. 3612: Mr. GORDON.
H.R. 3640: Mr. ALLEN and Ms. WATSON.
H.R. 3641: Ms. WATSON, Mr. DOGGETT, Mr. CLEAVER, Mrs. JONES of Ohio, and Mr. KUCINICH.
H.R. 3642: Mr. BOOZMAN and Mr. KUCINICH.
H.R. 3657: Mrs. MALONEY, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mrs. MCCARTHY, Ms. LINDA T. SÁNCHEZ of California, and Mr. KENNEDY of Minnesota.
H.R. 3731: Mr. CAPUANO.
H.R. 3754: Mr. PETERSON of Minnesota.
H.R. 3778: Mr. HEFLEY.
H.R. 3858: Ms. NORTON and Mr. DEFAZIO.
H.R. 3883: Mr. TIBERI, Mr. POMBO, and Mr. SCOTT of Georgia.
H.R. 3908: Mrs. EMERSON.
H.R. 3925: Mr. SCHIFF.
H.R. 3931: Mr. DAVIS of Illinois, Ms. MOORE of Wisconsin, Mr. BOEHLERT, Mr. CAPUANO, Mr. RUPPERSBERGER, Mr. BECERRA, Mr. CONYERS, Mr. DOYLE, and Mr. WU.
H.R. 3936: Mr. OWENS.
H.R. 3941: Mr. KUHL of New York and Mr. ENGLISH of Pennsylvania.
H.R. 3968: Ms. WOOLSEY and Mr. WU.
H.R. 3973: Ms. MCCOLLUM of Minnesota.
H.R. 3985: Mr. BRADY of Pennsylvania.
H.R. 4011: Mrs. JO ANN DAVIS of Virginia.
H.R. 4015: Ms. MCCOLLUM of Minnesota.
H.R. 4025: Mr. LIPINSKI.
H.R. 4028: Mr. GOODE.
H.R. 4042: Mr. WU.
H.R. 4049: Mr. GARY G. MILLER of California.
H.R. 4055: Ms. KILPATRICK of Michigan.
H.R. 4063: Mr. TOM DAVIS of Virginia.
H.R. 4089: Ms. FOXX.
H.R. 4129: Ms. FOXX.
H.R. 4147: Mr. MORAN of Virginia.
H.R. 4180: Mrs. DRAKE, Ms. HART, and Mrs. CAPITO.
H.R. 4188: Mr. KIRK.
H.R. 4196: Mr. MOORE of Kansas.
H.R. 4197: Mr. BARROW.
H.R. 4200: Mr. GARY G. MILLER of California, Mr. MCHENRY, and Mr. KOLBE.
H.R. 4217: Mr. HENSARLING and Mr. LEWIS of Kentucky.
H.R. 4222: Mr. SMITH of Washington.
H.R. 4229: Mr. SMITH of Washington, Mr. CARNAHAN, and Mr. PASTOR.
H.R. 4236: Mr. OTTER and Ms. GINNY BROWN-WAITE of Florida.
H.R. 4258: Mr. LEWIS of Georgia.
H.R. 4259: Mr. MORAN of Kansas.
H.R. 4264: Mrs. MCCARTHY.
H.R. 4268: Mr. LATHAM and Mr. KILDEE.
H.R. 4291: Mr. GUTIERREZ, Mr. SANDERS, Ms. LEE, Mr. DEFAZIO, Mr. OWENS, Mr. BROWN of Ohio, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. MCGOVERN, Ms. SOLIS, Mr. LANTOS, and Mr. STRICKLAND.

H.R. 4299: Mr. LUCAS.

H.R. 4300: Mr. BUTTERFIELD and Mr. LEWIS of Georgia.

H.R. 4315: Mr. WALSH, Mr. BROWN of South Carolina, Mr. PETRI, Mr. GILCHREST, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. MARSHALL, Mr. LEACH, Mr. EHLERS, Mr. CUELLAR, Mr. LATHAM, Mr. FOLEY, Mr. BOEHLERT, Mr. PICKERING, Mr. PETERSON of Pennsylvania, Mr. DAVIS of Alabama, Mr. BASS, Mr. TERRY, Mr. FOSSELLA, and Mr. ROSS.

H.R. 4318: Mr. ADERHOLT, Mr. BERRY, Mr. DAVIS of Tennessee, Mr. EDWARDS, Mr. ENGLISH of Pennsylvania, Ms. HART, Mr. JINDAL, Mr. LARSON of Connecticut, Mr. NEY, Mr. OXLEY, Mr. SESSIONS, Mr. SHUSTER, Mr. TIAHRT, Ms. GRANGER, Ms. FOXX, Mr. COLE of Oklahoma, Mr. SHIMKUS, Mr. SHERWOOD, Mr. PETERSON of Minnesota, Mr. HUNTER, Mr. BLUNT, Mr. MCCRERY, Mr. MURTHA, Mr. HOLDEN, Mr. HOLDEN, Mr. SOUDER, Mr. KUHL of New York, Mr. FORD, Mr. BAKER, Mr. OBERSTAR, Mr. TERRY, Mr. SULLIVAN, Mr. MARSHALL, Mr. BOOZMAN, Mr. LATHAM, Mr. PENCE, Mr. HENSARLING, Mr. KLINE, Mr. SAM JOHNSON of Texas, Mr. THORNBERRY, Mr. JENKINS, Mr. ROGERS of Kentucky, Mr. TIBERI, Mr. KING of New York, Mr. HEFLEY, Mr. HOBSON, Mr. BURGESS, Mr. BONILLA, Mr. GOODLATTE, Mr. MCHUGH, Mr. DAVIS of Kentucky, Mr. HAYWORTH, Mr. ALEXANDER, Mr. HOSTETTLER, Mr. CARTER, Mr. BOREN, Mr. HERGER, and Mr. MEEHAN.

H.R. 4341: Mr. BEAUPREZ.

H.R. 4343: Mr. MCGOVERN and Mr. LANTOS.

H.R. 4347: Ms. MCKINNEY and Ms. MOORE of Wisconsin.

H.R. 4381: Mr. GENE GREEN of Texas.

H.R. 4392: Mr. EMANUEL and Mr. KUCINICH.

H.R. 4394: Mr. BUTTERFIELD and Mr. UDALL of Colorado.

H.R. 4399: Mr. STARK and Mr. SAXTON.

H.R. 4403: Mr. BROWN of Ohio.

H.R. 4409: Mrs. MILLER of Michigan Mr. GERLACH, Mr. WYNN, Mr. WEXLER, Ms. BERKLEY, Mr. CARDOZA, and Mr. LANTOS.

H.R. 4412: Mr. MCHUGH.

H.R. 4418: Mr. CANNON and Mr. CARDOZA.

H.R. 4424: Mr. EMANUEL.

H.R. 4427: Mr. ROGERS of Alabama.

H.R. 4452: Mr. ANDREWS, Mr. PASTOR, Mr. HIGGINS, Mr. FOLEY, Mrs. MCCARTHY, and Mr. BISHOP of New York.

H.R. 4463: Ms. SOLIS and Mr. PRICE of North Carolina.

H.R. 4465: Mr. FILNER, Mr. AL GREEN of Texas, Mrs. DAVIS of California, and Mr. CARNAHAN.

H.R. 4474: Ms. CARSON.

H.R. 4476: Mr. KUCINICH.

H.R. 4479: Mr. EVANS, Mr. STUPAK, Mr. ALLEN, Mr. MCDERMOTT, Mr. CARNAHAN, and Mr. VAN HOLLEN.

H.R. 4510: Mr. JENKINS, Mr. LEWIS of Kentucky, Mr. MOORE of Kansas, Mr. COOPER, Ms. HARMAN, Mr. KUCINICH, Ms. ESHOO, Mr. KIND, Mr. BERMAN, Mr. HOYER, Mr. REYES, Mrs. BONO, Mr. FARR, Mr. RANGEL, Ms. ROS-LEHTINEN, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. SCHIFF, Ms. WATERS, Mr. CUELLAR, Ms. HOOLEY, Mr. SHUSTER, Mr. TOWNS, Mr. OXLEY, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. BISHOP of Utah, Mr. CULBERSON, Mr. FORD, Mr. ROHRABACHER, Mr. GUTKNECHT, Mrs. MYRICK, Mr. ROYCE, Ms. DEGETTE, Mr. HAYWORTH, Mr. RENZI, Ms. PELOSI, Mr. DOGGETT, Mr. WATT, Ms. LORETTA SANCHEZ of California, Mr. SKELTON, Mr. MCGOVERN, Mr. SPRATT, Mr. CARDIN, Mr. STARK, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. WU, Mr. ANDREWS, Mr. ROTHMAN, Mr. MCNULTY, Mr. PASTOR, Mr. GONZALEZ, Mr. UDALL of Colorado, Mr. LATOURETTE, Mr. TOM DAVIS of Virginia, Mr. RAMSTAD, Mrs. KELLY, Mr. CAPUANO, Mr. STRICKLAND, Mr. LANTOS, Mr. PETRI, Mr. MOLLOHAN, Ms. SCHWARTZ of Pennsylvania, Mr. CHANDLER, Mr. ROSS, and Mr. MATHESON.

H.R. 519: Mr. TOWNS.

H.R. 4520: Mr. GENE GREEN of Texas and Mr. KUCINICH.

H.R. 4524: Mrs. DAVIS of California and Mr. TAYLOR of Mississippi.

H.R. 4534: Mr. MCCRERY.

H.R. 4535: Mr. SULLIVAN, Mr. MCCOTTER, Mr. HAYWORTH, Mr. LOBIONDO, Mr. WELDON of Florida, Mr. BOUSTANY, and Mr. MORAN of Kansas.

H.R. 4542: Ms. MCCOLLUM of Minnesota, Mr. SHIMKUS, Mr. DOYLE, Mr. THOMPSON of California, Mr. BISHOP of Georgia, Mr. GEORGE MILLER of California, Ms. KAPTUR, Ms. CORRINE BROWN of Florida, Mr. JOHNSON of Illinois, Mr. LANTOS, Mr. HOYER, Mr. KUCINICH, Mrs. CAPITO, Mr. TIERNEY, Mr. BOEHLERT, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. CLEAVER, Mr. WYNN, Ms. LINDA T. SÁNCHEZ of California, Mr. GORDON, Mr. KIND, Mrs. EMERSON, and Ms. DEGETTE.

H.R. 4546: Mr. CHABOT, Mr. COBLE, Mr. FRANKS of Arizona, Mr. GERLACH, Ms. HART, Mr. HAYWORTH, Mr. MILLER of Florida, Mr. PLATTS, Mr. PORTER, Mr. SULLIVAN, and Mr. WELDON of Florida.

H.R. 4558: Mrs. BLACKBURN.

H.J. Res. 3: Ms. HERSETH.

H.J. Res. 39: Mr. MCCOTTER.

H.J. Res. 56: Mr. SANDERS, Mr. PAYNE, Mr. KUCINICH, Mr. MCGOVERN, Mr. MICHAUD, Mr. BLUMENAUER, Mr. HINCHEY, and Ms. WOOLSEY.

H.J. Res. 73: Mr. SABO and Mr. HONDA.

H. Con. Res. 23: Mr. MCINTYRE.

H. Con. Res. 137: Mr. HINCHEY.

H. Con. Res. 138: Mrs. MALONEY.

H. Con. Res. 177: Mr. WEXLER and Mr. BUTTERFIELD.

H. Con. Res. 197: Mr. MICHAUD.

H. Con. Res. 231: Ms. SOLIS.

H. Con. Res. 278: Ms. SOLIS.

H. Con. Res. 287: Mr. ABERCROMBIE and Mr. WU.

H. Con. Res. 301: Mr. INGLIS of South Carolina.

H. Con. Res. 302: Mr. GOODE.

H. Res. 85: Mr. SHERMAN.

H. Res. 411: Mr. ROYCE.

H. Res. 517: Ms. CARSON.

H. Res. 521: Mr. NADLER, Ms. SOLIS, Ms. NORTON, Mr. SHAYS, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mrs. LOWEY, Mr. MEEHAN, Mr. HINCHEY, Mr. LANGEVIN, Mr. BROWN of Ohio, Mr. LEVIN, Mr. KENNEDY of Rhode Island, Mr. TIERNEY, Mr. ROTHMAN, Mr. JACKSON of Illinois, Mr. WELDON of Pennsylvania, Mr. ISRAEL, Mr. SCHIFF, Mr. VAN HOLLEN, and Mr. HOLT.

H. Res. 526: Ms. SOLIS.

H. Res. 561: Mrs. JOHNSON of Connecticut.

H. Res. 573: Mr. KUCINICH.

H. Res. 589: Mr. RENZI.

H. Res. 597: Mr. CASE and Mr. SOUDER.

H. Res. 600: Mr. GRIJALVA.

H. Res. 601: Mr. DOOLITTLE, Mr. FITZPATRICK of Pennsylvania, Mr. CLAY, Mr. AL GREEN of Texas, Mr. KIRK, Mr. MENENDEZ, Mr. SHAYS, Mr. LUCAS, Mr. HOLT, and Mr. WALSH.

H. Res. 604: Mr. KUHL of New York, Mr. SWEENEY, Mr. SERRANO, Mrs. MCCARTHY, and Mrs. MALONEY.

H. Res. 605: Mr. MEEKS of New York and Mr. BOEHLERT.

H. Res. 612: Mr. KING of Iowa, Mrs. DRAKE, and Mrs. MILLER of Michigan.