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

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

The House in Committee of the Whole House on the State of the Union 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:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am very disappointed in the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, H.R. 4437. It takes an enforcement only approach at a time when we should be working together on comprehensive immigration reform, and it is full of anti-immigrant provisions that are ill advised and mean spirited.

For instance, sections 201 and 203 of the House Judiciary Committee-reported version of H.R. 4437 would make all aliens who have at any time been unlawfully present in the United States aggravated felons. This, in turn, would subject them to mandatory detention; generally bar them forever from obtaining asylum, lawful permanent resident status, and eventual citizenship; and subject them to arrest by state and local law enforcement officers.

Section 202 would dramatically expand the definition of smuggling and harboring illegal aliens, potentially subjecting even unknowing relatives, good Samaritans, and employers to severe criminal penalties and civil asset forfeiture of real estate, cars, and other property for providing even life-saving assistance to someone who turns out to be unlawfully present in the United States.

Section 305 would permit States to use State Homeland Security Committee grants, Urban Area Security Initiative grants, or Law Enforcement Terrorism Prevention Program grant funds for preventing or responding to the unlawful entry of an alien or providing support to another entity relating to preventing such an entity. In order to be permitted to use such funds for such purposes, a State would have to be carrying out the activity pursuant to an agreement with a Federal agency.

Section 501 would make the use of expedited removal mandatory against aliens suspected of having entered the United States without inspection who are neither Mexican nor Canadian, who are apprehended within 100 miles of the U.S. international border, and have been in the United States for 14 days or fewer. Detention facilities are not available to house all of the immigrants who will be subject to mandatory detention under this program.

In fact, more than 110,000 aliens were released in FY2005 for lack of bed space. Section 601 would, notwithstanding treaty obligations, permit the U.S. government to send aliens to countries where they are likely to be tortured.

Section 602 would permit the government to subject aliens to indefinite detention without there being any charges against the alien.

Title VII would require the expansion of the Basic Pilot employment verification program to all employers, requiring that they use it to verify the identity and employment eligibility of each of the 54 million persons that get hired each year and the 146 million persons who currently are employed in the United States. It also would dramatically increase the fines employers face if they hire undocumented workers. It also calls for a study of an enhanced social security card that would contain biometric and other personal information on a magnetic strip that all persons in the country would have to use when seeking employment in the United States.

I will just mention one more example. Title VIII contains a provision that would strip courts of the ability to review decisions by immigration officers to deny relief and to deport aliens, including persons whose visas are revoked, persons fleeing persecution. Moreover, it contains a provision in section 806 that would require nonimmigrants coming to the United States temporarily for work, school, or as tourists to waive any right to any review of an immigration officer's decision as a precondition to getting a visa.

Twenty years of short-sighted, enforcement-only legislation has created the largest illegal population in our nation's history and H.R. 4432 is just more of the same. Far from being pro-security and pro-enforcement, this bill actually undermines enforcement and security by increasing the population of people here illegally, sweeping under the rug the 11 million here without papers, and ignoring those who will still come to the U.S. because they're coming to work As the President, Secretary Michael Chertoff, and other key leaders in both parties have said, we cannot enforce our way out of the catastrophe that is our current immigration system. The problem demands a comprehensive, workable answer that restores respect for the rule of law with fair rules that are evenly enforced—not expansive enforcement without hope for success.

U.S. DEPARTMENT OF STATE'S RECENT ACTION TO REINSTATE FOREIGN MILITARY FINANCING AND DEFENSE EXPORTS TO INDONESIA

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Ms. BALDWIN. Mr. Speaker, I rise today in strong opposition to the U.S. Department of State's recent action to reinstate Foreign Military Financing (FMF) and defense exports to Indonesia, by waiving restrictions placed on that aid by this Congress.

In 2000, due to the Indonesian military's record of abuse in places such as East Timor, Congress responsibly placed conditions on military assistance packages to Indonesia. The restrictions on military aid to Indonesia were included, once again, in the Fiscal Year 2006 Foreign Operations Appropriations bill. Two days after the bill became law in November 2005, the State Department waived all remaining restrictions on Foreign Military Financing and defense exports to Indonesia. This Administration's waiver was in clear contravention of the will of this Congress. It greatly diminishes the leverage we have to press for human rights improvements.

Organizations such as the East Timor Action Group and Human Rights Watch are highly critical of this waiver. Indonesian military officers and soldiers who have committed human rights violations have not been prosecuted. At least 15 human rights defenders, including Indonesia's foremost human rights advocate Munir, have been murdered since 2000. To date, no senior Indonesian officer has been held accountable for crimes against humanity in East Timor in 1999 or before.

To this day, there are reports of the Indonesian military terrorizing the people of West Papua, but documenting these human rights violations is nearly impossible because the government and military severely limit access to the province.

While the people of Indonesia have made democratic advances, these have happened in spite of the military. I believe the Bush Administration's decision to waive the restrictions this Congress placed on FMF and defense exports to Indonesia could threaten the democratic advances by once again propping up brutal forces. Human rights activists in Indonesia and East Timor have repeatedly called for continued restrictions of U.S. military assistance to Indonesia. I am disappointed the Bush Administration has chosen to ignore them.

SAN BERNARDINO POLICE DEPARTMENT CELEBRATES 100 YEARS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Sunday, December 18, 2005

Mr. LEWIS of California. Mr. Speaker, I rise today to say congratulations to the San Bernardino, California, Police Department, which has been protecting and serving the people of my hometown since 1905. I would like to give a hearty thanks to Chief Garrett Zimmon and his officers, and all of those who have served over the years in this fine department.

When the police department was formed, nine officers were sworn in to patrol a city of 20 square miles and provide law enforcement to 9,150 residents. By 1913, San Bernardino saw its first motor officers, and the department continued to grow with the city. Seven brave officers have given their lives in the line of duty for San Bernardino citizens.

Although the first female officer was not hired for the force until 1974, I would like to mention that the mother of one of my high school friends—Jack Brown—served as a reserve officer beginning in 1954. Rose Brown set an upstanding example of community involvement for her son, who as CEO of Stater Bros. Markets is now one of San Bernardino County's most active private citizens.

Mr. Speaker, the San Bernardino Police Department now serves a city of 190,000 residents, covering 60 square miles. Many of the law enforcement problems that used to belong in the "big city" are now faced daily by the 301 sworn officers and 159 support staff members. I've been pleased to be able to provide some assistance in creating a 21st-Century dispatch system that places computers in every patrol car. In short, the San Bernardino Police Department has grown up with my