

NOT VOTING—17

Ballenger	Kaptur	Ortiz
Boehlert	Lipinski	Paul
Filner	Majette	Slaughter
Gephardt	Matsui	Tauzin
Hinojosa	Meek (FL)	Towns
Jones (NC)	Norwood	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised that 2 minutes remain in the vote.

□ 1551

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 523, I was in my congressional district on official business. Had I been present, I would have voted "nay."

GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 10.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE CLERK TO MAKE TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 10, the Clerk be authorized to make technical changes and conforming changes to the bill.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL NOVEMBER 19, 2004, TO FILE SUPPLEMENTAL REPORT ON H.R. 10, 9/11 RECOMMENDATIONS IMPLEMENTATION ACT

Mr. HOSTETTLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until November 19, 2004, to file a supplemental report on H.R. 10.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON S. 2845, NATIONAL INTELLIGENCE REFORM ACT OF 2004

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

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

The Clerk read as follows:

Mr. Gutierrez moves that 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. 2845 be instructed to recede from its amendment to the bill (particularly sections 3005, 3006, 3007, 3008, 3009, 3032, 3051, 3052, 3053, 3054, 3055, and 3056 of its amendment) and concur therein.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Indiana (Mr. HOSTETTLER) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ).

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

Mr. Speaker, I rise to offer a motion to instruct the conferees on H.R. 10 with instructions that the House recede to the Senate and strike provisions 3005, 3007, 3009 and 3032 from the bill. These provisions are poison pills that will slow the process of reforming our Nation's intelligence agencies and do nothing to make us safer.

My motion further instructs House conferees to recede to the Senate by striking sections 3051 through 3056 from H.R. 10 relating to driver's licenses, identification cards and accepting the corresponding driver's licenses provisions from the Senate-passed bill.

Mr. Speaker, instead of making us safer, enactment of these provisions would impose severe hardship on aliens by subjecting at least 1 million immigrants to deportation without any administrative hearing or due process, no review; permit the United States to outsource torture by sending an individual to a country where he or she is likely to be tortured; install a number of new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States; and prohibit habeas corpus review.

Mr. Speaker, once again, let me remind my colleagues of the very relevant details. None of these provisions were included in the recommendations made by the bipartisan 9/11 Commission, and they are extremely divisive. Insistence on these provisions could greatly complicate the task of conferring with the Senate and producing a bill implementing the 9/11 Commission recommendations. I urge my colleagues to support this motion to instruct.

Speaking on section 3005, it is very problematic, Mr. Speaker. Among other things, it would bar the use of matricula consular identification cards, a policy that the Bush administration has opposed. Not only would this affect undocumented immigrants, it would also affect Canadians. Section 3005 makes it impossible for Canadians, who currently do not have a passport to be legally in the United States, to establish their identity when encountered by Federal employees.

Last month, this Chamber, Mr. Speaker, overwhelmingly rejected an attempt to overturn the Department of Treasury regulations that permit matricula consular identification cards to be used in banking transactions. The House stripped the provision from the bill by adopting an amendment to H.R. 5025 that was offered by the gentleman from Ohio (Mr. OXLEY), the House Committee on Financial Services chairman. The House adopted the Oxley amendment on September 14 by a vote of 222 to 177. Clearly, we should not revisit this. It has been visited not once, but at least on three occasions.

Section 3006. This section greatly expands the use of expedited removal in the United States. It would be especially harmful for women and children who are escaping a range of gender-related persecutions such as rape, sexual slavery, trafficking, honor killings, since persons scarred by such trauma often require time before they can step forward to express their claim.

I would like to think that most people in this Chamber would agree that this would cause untold grief to women and children who will no longer be able to obtain the relief to which Congress believes they are entitled, victimizing them once they are raped, victimizing them once again. This amendment in the Committee of the Whole was carried on the Smith amendment, and then we unfortunately had to revisit it for political purposes where it was defeated or it would not even be in my motion.

Furthermore, this section would reverse several decades of policy with respect to persons fleeing the tyranny in Cuba, eviscerating protections that currently are available to Cubans arriving in the United States. Section 3006 would mean that any Cuban who sets foot on United States soil would have to be placed in expedited removal. Like all others, they would be subject to mandatory detention and swift removal from the United States. This will mean that many Cubans would be returned to the dictatorship of Fidel Castro without so much as a hearing.

Section 3007 is nothing short of an assault on asylum. It would make sweeping changes to asylum law that the drafters erroneously contend would stop terrorists from being granted asylum. Section 3007 would create new barriers to winning asylum claims that are likely to prevent bona fide refugees from receiving the protection of asylum in the United States. This, in turn, would result in bona fide refugees being returned to their persecutors.

It ignores the fact that asylum applicants, particularly survivors of torture, rape or forced abortion or sterilization, may not be comfortable telling this information to a uniformed male inspector officer at an airport.

Section 3009 is particularly disturbing, Mr. Speaker. If this section is enacted, the constitutionally compelled remedy of habeas corpus will be eliminated, and a plainly inadequate