

and members are no longer deemed to be inadmissible solely because of their membership in the ANC and their anti-apartheid activities.

I am pleased to have worked with my colleague on the Foreign Relations Committee, Mr. BERMAN, to bring this timely legislation to the House floor. I urge all my colleagues to join me and pass this important bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am proud to support H.R. 5690, introduced by Chairman HOWARD BERMAN. I applaud Mr. BERMAN and LAMAR SMITH, the ranking member of the Judiciary Committee, for coming together as they have to end the absurdity that now exists with respect to South African government officials who want to visit the U.S.

Like other freedom-fighting groups that should be lauded—not penalized—members of the ANC have been effectively ensnared by the overbroad “terrorism” provisions in our immigration laws. These provisions have prevented the U.S. from admitting and offering protection to many innocent people, including some of the world’s most vulnerable refugees.

Caught up in these definitions have been the Hmong and the Montagnards, brave men and women who fought alongside our troops in Vietnam; the Alzados who fought for freedom against Castro’s regime in Cuba; and the Chin and the Karen who tried to free themselves from a repressive Burmese government.

Until recently, our immigration laws labeled all of their actions as “terrorist activity,” simply because they used weapons to fight for their freedom.

In the 2008 Consolidated Appropriations Act, we finally began to address these issues, freeing many of these groups from this problem. With today’s bill we now join the ANC to their ranks.

Like the Hmong and the Montagnards, the Alzados, the Chin and the Karen, many members of the ANC did nothing more than fight for freedom against a repressive government—in this case, a government that severely restricted the rights of its people through apartheid and used brutal and murderous tactics to stay in power.

We should commend their efforts to free themselves and their people, not to mention their spectacularly successful—and peaceful—transition to power.

I strongly support this bill.

Mr. Speaker, I have no further requests for time, and I return all unused time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5690, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair’s prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1512

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

SECTION 1. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

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”.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. I yield myself such time as I may consume.

Mr. Speaker, today we act to restore the State Criminal Alien Assistance Program or SCAAP, to its original meaning, that which Congress originally intended it to have. Introduced by myself, H.R. 1512 will help States obtain much-needed reimbursement for the costs of detaining deportable immigrants charged with or convicted of certain criminal offenses.

SCAAP was created in 1994 to reimburse States and localities for arrest, incarceration and transportation costs incurred in detaining criminal aliens. From the program’s inception until 2003, States were able to obtain reimbursement for the costs of detaining deportable illegal immigrants charged with a felony or two or more misdemeanors.

In 2003, however, DOJ reinterpreted the SCAAP statute to require that a criminal alien be actually convicted of a felony or two misdemeanors. Moreover, the reimbursement must be requested in the year in which the conviction takes place, and is limited to that 1 year, regardless of how long the expenses are incurred.

Not surprisingly, this novel reinterpretation, which contradicted Congress’ clear intent, as well as DOJ’s consistent interpretation, from 1994 to 2003, caused every State’s reimbursement to fall dramatically.

H.R. 1512 would amend the Immigration and Nationality Act to return SCAAP to its originally intended meaning. States and localities would be reimbursed for the cost of incarcerating criminal aliens who are either “charged with or convicted” of a felony or two misdemeanors regardless of when the incarceration and conviction occur.

H.R. 1512 corrects the current administration’s errant reinterpretation of the law and provides States and localities burdened by the costs of jailing criminal aliens the opportunity to apply for and receive much-needed reimbursement for the costs they bear from detaining deportable immigrants charged with crimes.

The bill has broad bipartisan support and the support of many respected law enforcement groups.

I would like to especially commend ZOE LOFGREN, Chair of the Immigration subcommittee and STEVE KING, the Subcommittee ranking member, for their leadership in helping bring this bill to the floor today.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government under the State Criminal Alien Assistance Program, which we refer to as SCAAP, reimburses part of the expenses that States and localities incur in incarcerating illegal immigrants who have been convicted of a felony or of two or more misdemeanors. And, in fact, I would bring the Chamber’s attention, Mr. Speaker, to a report that was issued by the GAO in April of 2005 that identifies that the Federal Government is reimbursing 25 percent of the cost of the incarceration of criminal aliens within the institutions in the United States. But H.R. 1512 expands the State Criminal Alien Assistance Program to compensate States for incarcerating illegal immigrants who are charged with, and not only convicted, which is under the current program, charged with a felony or two or more misdemeanors.

I stand here, Mr. Speaker, and applaud the gentlelady from California for bringing this legislation because I think this is a constructive change to our policy, and the language very simply adds the words “charged with or” to the existing language of compensation for those “convicted of.” And it recognizes that there are significant costs involved in processing criminal aliens in the investigation stage, the arrest stage and the indictment stage. And as those costs mount and are incurred, we need to be sure that we take this position, that it is the Federal

Government's job to guard and protect our borders. That is not the job of a political subdivision. It is essentially the job of the Federal Government.

When we fail to do our job, when we don't have sufficient constraints in place at our borders or at our airports or our ports of entry, then the result of it is that this burden of law enforcement falls upon the political subdivisions, on the States, on the cities and on the counties to enforce the law. And when they do, they incur these costs. This bill, H.R. 1512, seeks to lift off some of that burden. And it certainly wouldn't be all of it.

LAMAR SMITH, the ranking member of the full Judiciary Committee, and I both believe the available statistics on criminal illegal immigrants in the United States leave much to be desired. There is too little data on illegal immigrants imprisoned in the United States. We don't really know how many there are or what crimes they are charged with or convicted of or how much time they spend in our prison systems.

And I particularly can speak to that, since I asked for the GAO study that was completed in April of 2005. I thought in that study I would get the answers to the percentages of our inmate populations that are criminal aliens, what crimes they might be convicted of, and quite a list of things that would help us establish our policy, both law enforcement policy and our immigration policy.

However, that report came back not quite apples to apples. And there are conclusions that can be drawn. There are also gaps to their knowledge base. And because of the inspiration that is brought forward, because of this bill of Ms. SÁNCHEZ, H.R. 1512, we engaged the Judiciary Committee in dialogue about how we can better gather that information. I am really pleased that Ms. LOFGREN, the Chair of the Immigration Subcommittee, of which I am the ranking member, and Mr. SMITH, the ranking member of the full Judiciary Committee, have agreed to send a joint request to the Government Accountability Office to develop additional statistics on criminal alien immigrants. I look forward to working with Ms. LOFGREN, Mr. SMITH and others on this particular subject matter. This is something we vitally need to provide statistics that will help us establish a better immigration policy.

As we move forward with this piece of legislation that I believe is a constructive move in the right direction that helps to compensate, and it won't be all, but it will at least in part help to compensate the political subdivisions for their costs incurred to enforce laws against criminal aliens, it adds to it those charged with a crime, not just those convicted of a crime or two serious misdemeanors.

But into this negotiation also will be the formal request for the GAO study to look further at the effect of crime on the United States of America by

criminal aliens. And the question has got to be constantly before us, since we are charged with the responsibility of protecting the American people. And it is very much a constitutional responsibility. We are also constitutionally charged with the responsibility of establishing immigration policy. The executive branch is charged with the responsibility of enforcing that policy, however aggressively or lack of aggression they might have. The result is that some get in through the borders, through our ports of entry. Some commit crimes, and some of those crimes that are committed are of a very heinous nature. And the cost of those crimes against this society can be quantified if we can identify the numbers of crimes that are being committed by criminal aliens and in what categories they are in, where they are being incarcerated, what lengths of terms they are serving, and especially, Mr. Speaker, when they are released, when they are released from a municipal jail, a county jail or a State penitentiary, let alone from a Federal institution, when they are released, we need to know if they are released into the hands of ICE, if they have been processed for deportation, if that happens to be the law, or if they are released back into the streets. And if they are, we need to ask the question, are they committing further crimes?

□ 1515

So what is the level of effectiveness in our law enforcement system? What percentage of our overall crimes are being committed by criminal aliens? What are those crimes? What's the price against society, and how does this break down into all these categories that I have mentioned in a fashion that will allow us, as a Congress, to prudently step back, take the empirical data that we are expecting to receive from the Government Accountability Office and after the submission of this request, and process that into policy that reflects the best interests of the people in the United States of America.

I think this bill is a healthy step in the right direction. I think it's a prudent thing to do, and I think it says the right thing to the people in America. I applaud the gentlelady for bringing H.R. 1512, and I support the expansion of SCAAP funding to those who have also been charged with a crime.

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

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the right to close.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Just in summation, this is a component of taking this legislation in the right direction, and it's important that we compensate political subdivisions. When the Federal Government is not doing the job they need to be doing, this is the natural result of it.

I expect that this has come from a request of those political subdivisions. Although they aren't making this request necessarily in my district, there are many jails in my district that will be beneficiaries of this piece of legislation.

I urge its adoption, and I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, you know, immigration is probably the signature Federal policy issue. Try as they might, States simply can't fix failures in Federal immigration policy on their own.

But when we fall down on the job, States, cities and counties bear the burden for an immigration system that simply doesn't work. While Congress is working on a comprehensive solution to our broken immigration system, we must not forget about the local governments who are paying an extremely high cost as a result of our inaction.

In 1994, Congress passed the State Criminal Alien Assistance Program, SCAAP, to reimburse States and localities for the arrest and incarceration and transportation costs associated with criminal aliens, averting a tidal wave of expenses that could have overwhelmed the State and local budgets.

However, in 2003, the Department of Justice reinterpreted the SCAAP statute and caused a drastic drop in every State's reimbursement. Now States no longer receive reimbursements unless, first, the criminal alien is convicted of a criminal felony and two misdemeanors; and, second, the arrest and conviction occur in the same year.

To add insult to injury, President Bush has zeroed out SCAAP in his budget proposals for the last 6 years. This means that State and local governments are left to pick up the tab. Every dollar reduction in SCAAP reimbursements means one less dollar that law enforcement agencies have to hire new officers, provide essential training, make critical equipment purchases and detain other, perhaps more violent, inmates.

Following the SCAAP funding cuts in 2003, the LA County Sheriff's Department implemented a new early-release policy for inmates convicted of misdemeanors. This means the neighborhoods I represent in Southern California are at risk.

Sadly, these communities are not alone. Across the country, the SCAAP reimbursement cuts have had a domino effect, where funding for anti-gang activities, homicide investigations, anti-terrorism activities and even basic maintenance is cut to pay for expenses associated with incarcerating criminal aliens and suspected criminal aliens.

As Arizona county supervisors recently stated, "This is a huge problem because we can't keep up with fixing roads, the other costs of law enforcement, and keeping up with health agencies."

While this bill on its own won't solve the fiscal crisis many States now face, it will help in the long term by covering a greater share of costs that

properly belonged to the Federal Government.

H.R. 1512 amends the SCAAP statute so that States and localities can be reimbursed for the cost of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors, just like it was before the DOJ's reinterpretation in 2003. This Federal investment will allow State and local law enforcement agencies to devote more resources to important public safety programs.

Law enforcement agencies and coalitions from all over the country, including the U.S.-Mexico Border Counties Coalition, the National Association of Counties, the California State Association of Counties, the Sheriffs' Association of Texas and the Virginia Sheriffs' Association support this bipartisan legislation.

Lastly, I want to offer thanks and gratitude to my colleagues on both sides of the aisle for passing this bill unanimously through the Judiciary Committee and for bringing it to the floor today without any amendments. We may not agree on many aspects of immigration policy, but this bill accomplishes a larger goal, making our community safer. For that reason, I appreciate your support.

I urge my colleagues to support their local law enforcement agencies by voting for this bill.

Ms. GIFFORDS. Mr. Speaker, thank you Congresswoman SÁNCHEZ. I appreciate your tireless work for ensuring that the Criminal Alien Assistance Program, or SCAAP, is a strong, fully-funded, functional program.

SCAAP is vital to my district in Southern Arizona. There, along 114 miles of our 2,000 mile boundary with Mexico, Federal, State, county and local law enforcement are on the frontlines defending our border.

Last year, 387,000 undocumented immigrants were apprehended in Arizona. And an average of 1,000 illegal immigrants per day were arrested and deported from Tucson. This year, over 180,000 have been apprehended.

The Tucson Sector, which includes my district, is the most porous section of the entire U.S.-Mexico Border. More than 48 percent of the Nation's drug traffic enters our country through Southern Arizona.

Securing our Nation's borders is the Federal Government's exclusive jurisdiction. However, communities through Southern Arizona and the Nation face extraordinary costs from incarcerating undocumented criminals.

SCAAP reimburses States and localities for costs associated with illegal immigrants who commit crimes in our communities.

I am pleased to be a cosponsor of H.R. 1512. This legislation would expand SCAAP's scope. It will ensure that states are more appropriately compensated for the high costs of incarcerating undocumented aliens.

Please join me in supporting our State and local law enforcement by voting to responsibly expand SCAAP by passing H.R. 1512.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of H.R. 1512, the State Criminal Alien Assistance Program (SCAAP) Reimbursement Protection Act.

SCAAP is vital to my district on eastern Long Island by providing much needed assist-

ance to municipal governments that incur the large cost of incarcerating undocumented immigrants. In fact, in my district of Suffolk County, officials estimate that 10 to 12 percent of those incarcerated are undocumented individuals with a cost to the County of approximately \$12 million in 2006.

Unfortunately, SCAAP does not reimburse States for all of the costs to incarcerate undocumented individuals. Presently, the only funding that SCAAP provides is the cost of incarcerating undocumented immigrants who have been convicted of a felony or two or more misdemeanors.

This legislation will reimburse States incarcerating undocumented individuals charged with a felony or two or more misdemeanors. This small change will greatly assist local governments who are overburdened by recent escalating costs.

While my district and many others across the Nation have greatly benefited from SCAAP funding, the Bush administration continues to eliminate funding for the program. I was proud to cosign a bipartisan letter to House appropriators asking that they reject the President's short-sighted elimination of the program and increase SCAAP funding.

I am a strong supporter of comprehensive immigration reform and as Congress continues to debate immigration reform, we cannot deny that State and local governments are on the frontlines of immigration enforcement. I will continue to work to ensure that they receive adequate funding and resources for the important role they play.

I want to thank my colleague, Congresswoman SÁNCHEZ, for introducing this much needed legislation.

Ms. LINDA T. SÁNCHEZ of California. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1512.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules with regard to H.R. 3658, H. Con. Res. 317, H. Res. 1109, S. 2929—in each case de novo; and motion to instruct on H.R. 2419, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FOREIGN SERVICE MEMBER REST

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3658.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 3658.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. 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 416, nays 0, not voting 16, as follows:

[Roll No. 249]

YEAS—416

Abercrombie	Carney	Fallin
Ackerman	Carter	Farr
Aderholt	Castle	Fattah
Akin	Castor	Feeney
Alexander	Cazayoux	Ferguson
Allen	Chabot	Flinter
Altmire	Chandler	Flake
Arcuri	Clarke	Forbes
Baca	Clay	Fortenberry
Bachmann	Cleaver	Fossella
Bachus	Clyburn	Foster
Baird	Coble	Fox
Baldwin	Cohen	Frank (MA)
Barrett (SC)	Cole (OK)	Franks (AZ)
Barrow	Conyers	Frelinghuysen
Bartlett (MD)	Cooper	Galleghy
Barton (TX)	Costa	Garrett (NJ)
Bean	Costello	Gerlach
Becerra	Courtney	Giffords
Berkley	Cramer	Gilchrest
Berman	Crenshaw	Gillibrand
Berry	Crowley	Gingrey
Biggart	Cubin	Gohmert
Bilbray	Cuellar	Gonzalez
Bilirakis	Culberson	Goode
Bishop (GA)	Cummings	Goodlatte
Bishop (NY)	Davis (AL)	Gordon
Bishop (UT)	Davis (CA)	Granger
Blackburn	Davis (IL)	Graves
Blumenauer	Davis (KY)	Green, Al
Blunt	Davis, David	Green, Gene
Boehner	Davis, Lincoln	Grijalva
Bonner	Davis, Tom	Gutierrez
Bono Mack	Deal (GA)	Hall (NY)
Boozman	DeFazio	Hall (TX)
Boren	DeGette	Hare
Boswell	Delahunt	Harman
Boucher	DeLauro	Hastings (FL)
Boustany	Dent	Hastings (WA)
Boyd (FL)	Diaz-Balart, L.	Hayes
Boyda (KS)	Diaz-Balart, M.	Heller
Brady (PA)	Dicks	Hensarling
Brady (TX)	Dingell	Herger
Braley (IA)	Doggett	Herseth Sandlin
Brown (GA)	Donnelly	Higgins
Brown (SC)	Doolittle	Hill
Brown, Corrine	Doyle	Hinchey
Brown-Waite,	Drake	Hinojosa
Ginny	Dreier	Hirono
Buchanan	Duncan	Hobson
Burgess	Edwards	Hodes
Buyer	Ehlers	Hoekstra
Calvert	Ellison	Holden
Camp (MI)	Ellsworth	Holt
Cannon	Emanuel	Honda
Cantor	Emerson	Hooley
Capito	Engel	Hoyer
Capps	English (PA)	Hunter
Capuano	Eshoo	Inglis (SC)
Cardoza	Etheridge	Inslée
Carnahan	Everett	Israel