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4 MARKUP OF H.R. 1153, THE ASYLUM REFORM AND BORDER PROTECTION

5 ACT OF 2015; AND

6 H.R. 1148, THE MICHAEL DAVIS JR. IN HONOR OF STATE AND LOCAL

7 LAW ENFORCEMENT ACT

8 Wednesday, March 18, 2015

9 House of Representatives

10 Committee on the Judiciary

11 Washington, D.C.

12 The committee met, pursuant to call, at 10:14 a.m., in
13 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
14 [chairman of the committee] presiding.

15 Present: Representatives Goodlatte, Sensenbrenner,
16 Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan,
17 Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,

18 DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop, Conyers,
19 Nadler, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu,
20 Deutch, Gutierrez, Richmond, DelBene, Jeffries, Cicilline,
21 and Peters.

22 Staff Present: Shelley Husband, Majority Staff
23 Director; Branden Ritchie, Majority Deputy Staff
24 Director/Chief Counsel; Allison Halataei, Majority
25 Parliamentarian; Kelsey Williams, Majority Clerk; George
26 Fishman, Majority Chief Counsel; Andrea Loving, Majority
27 Counsel; Dimple Shah, Majority Counsel; Perry Apfelbaum,
28 Minority Staff Director; Danielle Brown, Minority
29 Parliamentarian; Tom Jawetz, Minority Counsel; and Maggie
30 Lopatin, Minority Clerk.

31

32 Chairman Goodlatte. Good morning. The Judiciary
33 Committee will come to order. And without objection, the
34 chair is authorized to declare a recess of the committee at
35 any time.

36 When we left off at the last markup, the Johnson
37 amendment to H.R. 1153 was pending.

38 [The amendment of Mr. Johnson follows:]

39

40 Chairman Goodlatte. Does anyone seek recognition on the
41 Johnson amendment? For what purpose does the gentlewoman
42 from California seek recognition?

43 Ms. Lofgren. Mr. Chairman, I would like to strike the
44 last word.

45 Chairman Goodlatte. The gentlewoman is recognized for 5
46 minutes.

47 Ms. Lofgren. Mr. Chairman, since there has been a
48 couple of weeks between markups, I would like to yield to Mr.
49 Johnson to re-explain his amendment to refresh our memories,
50 and I would yield to Mr. Johnson.

51 Mr. Johnson. Thank you.

52 Mr. Chairman, I am glad that we are picking up where we
53 left off 2 weeks ago with my amendment to H.R. 1153, the
54 Asylum Reform and Border Protection Act of 2015. As I said
55 during the markup before recess, this bill does nothing to
56 actually protect our borders. Instead, it slams the door on
57 innocent children seeking safe haven from an abusive parent.

58 It does a disservice to children, and it makes it easier
59 to deport the segment of our population who need the
60 protection of the United States the most. My amendment would
61 strike the section of the bill that changes the criteria for

62 special immigrant juvenile visas. In current law, special
63 immigrant juvenile visas are granted to children who have
64 been abused, abandoned, or neglected by one parent.

65 H.R. 1153 would make it more difficult for children to
66 qualify for special immigrant juvenile visas by requiring
67 children to demonstrate that they were abused not by one
68 parent, but they were abused or neglected by both parents.

69 Without my amendment, this bill makes it more difficult
70 for children abused by one parent -- in fact, they couldn't
71 do it anymore. They would have to prove both parents. This
72 bill makes it more difficult for these children, who are
73 among the most vulnerable groups within our population, to
74 remain in this country.

75 Quite frankly, I am ashamed for my opponents of this
76 amendment. This bill and other bills being marked up by this
77 committee today show Republican hostility toward the influx
78 of unaccompanied minors that occurred in this country this
79 summer, this past summer.

80 Republicans are intentionally targeting the most
81 vulnerable populations in the name of protecting the American
82 way of life when, in fact, this bill itself is un-American.
83 And that is unacceptable.

84 And with that, I will yield back to my colleague.

85 Mr. Chaffetz. Mr. Chairman?

86 Chairman Goodlatte. The chair recognizes himself in
87 opposition to the amendment and yields to the gentleman from
88 Utah.

89 Mr. Chaffetz. I thank the chairman.

90 I appreciate the spirit in which the gentleman has
91 introduced this amendment, but I stand in opposition and
92 oppose this amendment that strikes a part of the bill that is
93 required in order to prevent the abuse of the United States
94 immigration system.

95 Alien minors who have been abused, neglected, or
96 abandoned by their parents should be and are eligible for a
97 special immigrant juvenile visa, often referred to as the SIJ
98 visa. However, an unintended consequence of the Trafficking
99 Victims Protection Reauthorization Act of 2008, sometimes
100 called the TVPRA, allows a minor to receive SIJ status, which
101 grants permanent residence even if only one of his or her two
102 parents has abused or abandoned them, yet they can still be
103 safely reunited with their other parent.

104 H.R. 1153 corrects this unintended consequence so that
105 the alien is eligible for an SIJ status if he or she "cannot

106 be reunified with either of their parents." The TVPRA
107 expanded the special immigrant juvenile visa definition to
108 allow for a juvenile court to consider if reunification is
109 possible with one or both of the child's parents.

110 Practitioners argue that the plain language of the
111 statutory revision means that the family unification must
112 only be not viable with one parent even if reunification with
113 the other parent is possible. And therefore, I would urge my
114 colleagues to oppose this amendment and support the
115 underlying bill.

116 With that, Mr. Chairman, I yield back.

117 Mr. Sensenbrenner. Mr. Chairman?

118 Chairman Goodlatte. For what purpose does the gentleman
119 from Wisconsin seek recognition?

120 Mr. Sensenbrenner. Mr. Chairman, I move to strike the
121 last word.

122 Chairman Goodlatte. The gentleman is recognized for 5
123 minutes.

124 Mr. Sensenbrenner. Mr. Chairman, this morning's debate
125 has gotten off on the wrong foot. My friend, the gentleman
126 from Georgia, Mr. Johnson, called the bill un-American. That
127 is not in keeping with what we should be doing in dealing

128 with significant issues that are of concern to the American
129 public.

130 Now I recognize that there are good arguments on both
131 sides of this issue. The arguments ought to be debated
132 rather than resulting to name-calling. And I really regret
133 that the name-calling has existed on this.

134 Now I come from a State where we had a Senator about 60
135 to 70 years ago who is the champ of name-calling. His name
136 was McCarthy, and he called a lot of people Communists when
137 he didn't have really any data to prove that they were, and
138 he ended up getting censured by the Senate for his
139 activities.

140 Now I hope that when we are debating serious issues
141 where there are good arguments on both sides, we respect the
142 fact that those arguments are sincerely advanced as a way to
143 deal with problems facing the American people rather than
144 calling them un-American or any other kind of pejorative
145 name. And I hope that the remainder of this debate, both
146 here and when these bills get to the floor, will be on a much
147 higher plane than the name-calling that I have heard in the
148 first speech today.

149 And I yield back the balance of my time.

150 Mr. Johnson. Would the gentleman yield? Would the
151 gentleman yield?

152 Mr. Sensenbrenner. Certainly, I will yield.

153 Mr. Johnson. Well, let me -- let me just issue an
154 apology to the gentleman if he was offended by my
155 characterization.

156 Mr. Sensenbrenner. Well, I think you should issue -- I
157 will reclaim my time. You should issue an apology to the
158 committee as a whole and to the American public for saying
159 that a well-intentioned bill that is designed to deal with a
160 problem that is facing this country is un-American.

161 Mr. Johnson. Would the gentleman yield?

162 Mr. Sensenbrenner. I yield again, and I hope the
163 apology will be much broader than to me.

164 Mr. Johnson. Well, just that --

165 Mr. Sensenbrenner. Because I think what the gentleman
166 has said is offensive to practically everybody who wants to
167 have a reasoned and rational debate on the subject of how we
168 reform our immigration policy.

169 I yield.

170 Mr. Johnson. Does the gentleman yield? I think it is
171 un-American that we would subject children to an impossible

172 standard that this bill imposes and --

173 Mr. Sensenbrenner. Well, you know, I reclaim my time,
174 and I would strongly urge the gentleman and everybody else to
175 clean up the language and to adopt a much higher plane. If
176 you don't like the bill, then don't call names about the
177 bill, which casts insinuations against the authors of the
178 bill. Say why it is a bad bill, but don't use the names.

179 And I yield back.

180 Mr. Cicilline. Mr. Chairman?

181 Chairman Goodlatte. For what purpose does the gentleman
182 from Rhode Island seek recognition?

183 Mr. Cicilline. Mr. Chairman, I move to strike the last
184 word.

185 Chairman Goodlatte. The gentleman is recognized for 5
186 minutes.

187 Mr. Cicilline. Thank you, Mr. Chairman.

188 I want to say that we have heard throughout this hearing
189 and again this morning that this bill is intended to in this
190 area correct an unintended consequence or a drafting error in
191 the original bill. And I want to just suggest to my
192 colleagues that I really can't accept that characterization
193 of this change.

194 This bill would change the eligibility requirement for a
195 special immigrant juvenile status to offer protection from
196 deportation only to a child who can prove that reunification
197 with either parent is impossible because of abandonment,
198 abuse, or neglect. Essentially, the argument is being made
199 that if a child could be reunited with a parent, then why not
200 do that?

201 And while that is a very compelling argument, except it
202 ignores the fact that many children who qualify for SIJ visas
203 under current law are fleeing abuse and neglect by a parent
204 in their home country and that they are fleeing that
205 dangerous situation to seek protection with a non-abusive
206 parent here in the United States.

207 Under this provision, that child would be ineligible for
208 an SIJS protection from deportation because reunification is
209 not impossible with either parent on account of abandonment,
210 abuse, or neglect. Reunification with one parent, a parent
211 who would care for that child and protect that child from
212 further abuse, is entirely possible.

213 So because that child actually has one parent in the
214 United States with whom she could be reunited, that child
215 would be denied protection and would be deported into the

216 hands of the other parent who is abusing her. And so, I
217 don't actually think it is fair to characterize this as
218 correcting a drafting error. I think it was intended to
219 protect children in exactly that situation.

220 So I urge my colleagues to support the gentleman's
221 amendment, and I would like to yield the balance of my time
222 to Mr. Johnson.

223 Mr. Johnson. Thank you, Mr. Cicilline.

224 I don't want to get into an argument about who is
225 feeling insulted and who is trying to create a fig leaf to
226 mask an un-American provision of this bill. I don't want to
227 get into that argument, but I will that "un-American" is not
228 meant to be a personal attack on anyone.

229 My characterization of un-American has to do with the
230 values that are indicated, or lack thereof, that are
231 indicated by this particular piece of legislation insofar as
232 it denies innocent children who have been abused by one
233 parent the ability to seek relief under our immigration law.

234 And with that, I will yield back.

235 Chairman Goodlatte. The question occurs on the
236 amendment offered by the gentleman from Georgia.

237 All those in favor, respond by saying aye.

238 Those opposed, no.

239 In the opinion of the chair, the noes have it, and the
240 amendment is not agreed to.

241 Mr. Johnson. Ask for a recorded vote.

242 Chairman Goodlatte. Recorded vote is requested, and the
243 clerk will call the roll.

244 Ms. Williams. Mr. Goodlatte?

245 Chairman Goodlatte. No.

246 Ms. Williams. Mr. Goodlatte votes no.

247 Mr. Sensenbrenner?

248 Mr. Sensenbrenner. No.

249 Ms. Williams. Mr. Sensenbrenner votes no.

250 Mr. Smith?

251 Mr. Smith. No.

252 Ms. Williams. Mr. Smith votes no.

253 Mr. Chabot?

254 [No response.]

255 Ms. Williams. Mr. Issa?

256 [No response.]

257 Ms. Williams. Mr. Forbes?

258 [No response.]

259 Ms. Williams. Mr. King?

260 Mr. King. No.

261 Ms. Williams. Mr. King votes no.

262 Mr. Franks?

263 Mr. Franks. No.

264 Ms. Williams. Mr. Franks votes no.

265 Mr. Gohmert?

266 Mr. Gohmert. No.

267 Ms. Williams. Mr. Gohmert votes no.

268 Mr. Jordan?

269 Mr. Jordan. No.

270 Ms. Williams. Mr. Jordan votes no.

271 Mr. Poe?

272 Mr. Poe. No.

273 Ms. Williams. Mr. Poe votes no.

274 Mr. Chaffetz?

275 Mr. Chaffetz. No.

276 Ms. Williams. Mr. Chaffetz votes no.

277 Mr. Marino?

278 [No response.]

279 Ms. Williams. Mr. Gowdy?

280 Mr. Gowdy. No.

281 Ms. Williams. Mr. Gowdy votes no.

282 Mr. Labrador?
283 [No response.]
284 Ms. Williams. Mr. Farenthold?
285 Mr. Farenthold. No.
286 Ms. Williams. Mr. Farenthold votes no.
287 Mr. Collins?
288 [No response.]
289 Ms. Williams. Mr. DeSantis?
290 [No response.]
291 Ms. Williams. Ms. Walters?
292 Ms. Walters. No.
293 Ms. Williams. Ms. Walters votes no.
294 Mr. Buck?
295 Mr. Buck. No.
296 Ms. Williams. Mr. Buck votes no.
297 Mr. Ratcliffe?
298 Mr. Ratcliffe. No.
299 Ms. Williams. Mr. Ratcliffe votes no.
300 Mr. Trott?
301 [No response.]
302 Ms. Williams. Mr. Bishop?
303 Mr. Bishop. No.

304 Ms. Williams. Mr. Bishop votes no.
305 Mr. Conyers?
306 Mr. Conyers. Aye.
307 Ms. Williams. Mr. Conyers votes aye.
308 Mr. Nadler?
309 [No response.]
310 Ms. Williams. Ms. Lofgren?
311 Ms. Lofgren. Aye.
312 Ms. Williams. Ms. Lofgren votes aye.
313 Ms. Jackson Lee?
314 Ms. Jackson Lee. Aye.
315 Ms. Williams. Ms. Jackson Lee votes aye.
316 Mr. Cohen?
317 [No response.]
318 Ms. Williams. Mr. Johnson?
319 Mr. Johnson. Aye.
320 Ms. Williams. Mr. Johnson votes aye.
321 Mr. Pierluisi?
322 [No response.]
323 Ms. Williams. Ms. Chu?
324 Ms. Chu. Aye.
325 Ms. Williams. Ms. Chu votes aye.

326 Mr. Deutch?

327 [No response.]

328 Ms. Williams. Mr. Gutierrez?

329 [No response.]

330 Ms. Williams. Ms. Bass?

331 [No response.]

332 Ms. Williams. Mr. Richmond?

333 [No response.]

334 Ms. Williams. Ms. DelBene?

335 Ms. DelBene. Aye.

336 Ms. Williams. Ms. DelBene votes aye.

337 Mr. Jeffries?

338 Mr. Jeffries. Aye.

339 Ms. Williams. Mr. Jeffries votes aye.

340 Mr. Cicilline?

341 Mr. Cicilline. Aye.

342 Ms. Williams. Mr. Cicilline votes aye.

343 Mr. Peters?

344 Mr. Peters. Aye.

345 Ms. Williams. Mr. Peters votes aye.

346 Chairman Goodlatte. The gentleman from Ohio?

347 Mr. Chabot. No.

348 Ms. Williams. Mr. Chabot votes no.

349 Chairman Goodlatte. The gentleman from California?

350 Mr. Issa. No.

351 Ms. Williams. Mr. Issa votes no.

352 Chairman Goodlatte. The gentleman from New York?

353 Mr. Nadler. Aye.

354 Ms. Williams. Mr. Nadler votes aye.

355 Chairman Goodlatte. Has every Member voted who wishes

356 to vote?

357 [No response.]

358 Chairman Goodlatte. The clerk will report.

359 Ms. Williams. Mr. Chairman, 10 Members voted aye; 17

360 Members voted no.

361 Chairman Goodlatte. And the amendment is not agreed to.

362 For what purpose does the gentlewoman from California

363 seek recognition?

364 Ms. Lofgren. I would like to ask unanimous consent to

365 place in the record 26 letters signed by 67 different

366 organizations, including the Disciples of Christ, the General

367 Assembly of the Presbyterian Church, the National Task Force

368 to End Sexual and Domestic Violence Against Women, the

369 Leadership Conference on Civil and Human Rights, and the U.S.

370 Catholic Conference of Bishops, in opposition to the bill.

371 Chairman Goodlatte. Without objection, they will be

372 made a part of the record.

373 [The information follows:]

374

375 Chairman Goodlatte. Are there further amendments to
376 H.R. 1153?

377 Ms. Jackson Lee. Mr. Chairman?

378 Chairman Goodlatte. For what purpose does the
379 gentlewoman from Texas seek recognition?

380 Ms. Jackson Lee. Mr. Chairman, I have an amendment at
381 the desk.

382 Chairman Goodlatte. The clerk will report the
383 amendment.

384 Ms. Jackson Lee. It is Amendment Number 2 on the
385 roster.

386 Ms. Williams. Amendment to H.R. 1153, offered by Ms.
387 Jackson Lee. Strike Section 6 of the bill and redesignate
388 provisions accordingly.

389 Chairman Goodlatte. Without objection, the amendment is
390 considered as read.

391 [The amendment of Ms. Jackson Lee follows:]

392

393 Chairman Goodlatte. And the gentlewoman is recognized
394 for 5 minutes on her amendment.

395 Ms. Jackson Lee. One of the most sacred aspects of the
396 freedom of this Nation is to provide for a format for people
397 to seek asylum who are fleeing many times for their life on
398 the basic premises or the basic rights of religious freedom,
399 sexual freedom, and many other aspects of quality of life.

400 The legislation that we have before us would amend the
401 protections for refugees, asylees, and unaccompanied children
402 in a very drastic manner.

403 Coming from the city that I come from, I am always
404 immersed with a body politic of religious leaders and
405 humanitarians who are extending themselves to help refugees
406 and asylum seekers, from the Houston-Galveston Council to the
407 Houston Area Urban League, to the NAACP, to LULAC, to
408 organizations who deal specifically with children. So my
409 amendment responds to their mercy and their concerns
410 regarding the treatment under this particular legislation.

411 The Asylum Reform and Border Protection Act includes a
412 laundry list of statutory changes that would upend our
413 current asylum and refugee protection laws. It would
414 undoubtedly result in the return of immigrants to countries

415 where they would be at risk of trafficking, torture, and
416 persecution.

417 This bill runs afoul of our obligations under the
418 domestic and international law to protect refugee asylum
419 seekers and children. Unfortunately, the bill offers no
420 protection, but plenty of reform by severely restricting the
421 circumstances in which the Department of Homeland Security
422 can grant parole under Section 212(d)(5) of the Immigration
423 and Nationality Act.

424 My amendment strikes Section 6 of H.R. 1153, the section
425 of the bill which modifies humanitarian and public interest
426 parole. This change would, among other things, limit ICE's
427 discretion to release certain entrants from custody,
428 resulting in lengthier periods of detention for asylum
429 seekers and would prevent the administration from carrying
430 out its policy of paroling in place the undocumented family
431 members of active duty and retired military personnel.

432 I am greatly concerned that if H.R. 1153 were to be
433 enacted, it would impede the ability of vulnerable refugees
434 and asylum seekers to gain legal protection in the United
435 States, and it is particularly harmful to children seeking
436 protection.

437 Migrant workers -- or migrants arriving from Central
438 America are generally fleeing dangerous and life-threatening
439 circumstances in order to seek refuge in the United States.
440 Just a few months ago, the headlines in the United States
441 newspapers and the horror of many were the teeming numbers of
442 children coming across the southern border, the border which
443 I live near, the border which many of my constituents have
444 come from and they are living in Houston, and my colleagues
445 in the Texas congressional delegation live every day.

446 To hear the ire and the heightened hysteria of that
447 time, you really felt that we were being invaded, that there
448 would be a crisis, that the Government would collapse, that
449 our infrastructure would end immediately, that we would have
450 no money in the bank.

451 And lo and behold, here we are on March 18, 2015,
452 quietly talking about an issue that has really gone to sleep
453 almost. Children are being processed. Many have been sent
454 home, as indicated by the Secretary of Homeland Security and
455 the President of the United States. They have done their
456 job. There is no hysteria. There is no invasion.

457 Now we are looking to the idea of real threats, and that
458 is homegrown terrorism and young people who are leaving, U.S.

459 citizens, to be foreign fighters. Not these unaccompanied
460 children or asylum seekers. These migrants are victims of
461 gang violence, sexual and gender-based violence, forced
462 recruitment, domestic violence, abandonment, and often human
463 trafficking.

464 And as I indicated, when I visit my religious
465 institutions, many of them have ministries in places that we
466 are condemning. These individuals, many of them children,
467 are fleeing for their lives and, therefore, will not be
468 deterred by punitive legislation.

469 This bill would harm children, refugees, other migrants
470 who are merely seeking protection in the United States and
471 who have a system of return. In addition, it would reduce
472 critical protection for children under the Trafficking
473 Victims Protection Reauthorization Act, expand the
474 inappropriate use of immigration detention for children, and
475 limit due process and access to the asylum system.

476 I ask you to help aid and assist the most vulnerable
477 migrants to this great nation who, when directed by law and
478 the process, is determined to return home if they are not
479 able to stay in the United States. And continue to
480 demonstrate American exceptionalism. Extend your hand in

481 brother love, not a closed fist of denial and resistance.

482 This is the United States of America, and this is the
483 Jackson Lee amendment, which comports with those very values.
484 And certainly the values of my community in Houston and many,
485 many other cities that I have had the privilege of going to
486 or listening to witnesses who speak eloquently about the laws
487 of this land being upheld, but as well its humanitarian face
488 being protected.

489 With that, I ask my colleagues to support the Jackson
490 Lee amendment.

491 Chairman Goodlatte. For what purpose does the gentleman
492 from Utah seek recognition?

493 Mr. Chaffetz. Mr. Chairman, I oppose the amendment.

494 Chairman Goodlatte. The gentleman is recognized for 5
495 minutes.

496 Mr. Chaffetz. Mr. Chairman, I oppose the amendment that
497 strikes the parole reform provisions of H.R. 1153. According
498 to the U.S. Citizenship and Immigration Services,
499 "Humanitarian parole is used sparingly to bring someone who
500 is otherwise inadmissible into the United States for a
501 temporary period of time, due to a compelling emergency."

502 Parole may be granted "based on urgent humanitarian

503 reasons or if there is a significant public benefit."

504 The Immigration and Nationality Act requires that parole
505 be granted on a case-by-case basis. Unfortunately, the Obama
506 administration has decided that parole should be used to
507 allow entire classes of people who would otherwise not be
508 eligible for admission into the United States to come here.

509 For instance, late last year, the administration
510 announced the creation of the Central American Minors, CAM,
511 Refugee Parole Program in response to the surge of minors
512 being smuggled across the Southwest United States border.
513 Under the CAM program, an alien legally present in the United
514 States, including ones who had received the deferred action
515 for childhood arrivals, can apply for their unmarried
516 children under the age of 21 who reside in Honduras,
517 Guatemala, or El Salvador to receive refugee status.

518 If the child is denied refugee status because he or she
519 cannot show, as required by law, that they were persecuted or
520 have a well-founded fear of persecution on account of race,
521 religion, nationality, political opinion, or membership in a
522 particular social group, the parent can apply for the child
523 to be paroled in the United States.

524 Again, the child cannot show persecution or well-founded

525 fear of persecution. So the administration determines that
526 parole could be used to reunite families. But that is not
527 what the parole statute was meant to do. It was meant to be
528 used because of a compelling emergency, and it was meant to
529 be temporary.

530 The State Department admitted to this committee that
531 very few of the children whose parents can apply for the CAM
532 program would be able to meet the refugee requirements. So
533 they created the parole program. Abuses such as this are par
534 for the course with the Obama administration, and they
535 necessitate congressional action to prevent further abuse.

536 H.R. 1153 clarifies the circumstances in which parole
537 can be granted. For instance, it can be granted in the case
538 of a life-threatening medical emergency for which the alien
539 cannot obtain treatment in the country in which they reside.
540 And parole can be granted in the case of an alien who is
541 assisting the Government in a criminal investigation.

542 These are the right reasons for parole. It should not
543 be abused to ensure that the administration has a way to
544 admit anyone who would otherwise not be admissible into the
545 United States.

546 As this committee stated in 1996, parole should not be

547 used to create an ad hoc immigration policy or to supplement
548 current immigration categories without congressional
549 approval. Therefore, I urge my colleagues to oppose the
550 amendment and support the underlying bill.

551 With that, Mr. Chairman, I yield back.

552 Ms. Lofgren. Mr. Chairman?

553 Chairman Goodlatte. For what purpose does the
554 gentlewoman from California seek recognition?

555 Ms. Lofgren. To strike the last word.

556 Chairman Goodlatte. The gentlewoman is recognized for 5
557 minutes.

558 Ms. Lofgren. I support the gentlelady's amendment, and
559 as Mr. Chaffetz has indicated, the bill limits the use of
560 parole only to serious medical emergencies or organ donation
561 to a family member, or a family member's death is imminent,
562 and the public interest parole is limited to instances in
563 which an individual assisted the United States in a matter
564 such as a criminal investigation.

565 These are the only cases, and I think that that is a
566 mistake. Let me just give a couple of examples where parole
567 has been used, and it benefited our country.

568 Some of us know that members in the armed forces can

569 have family members who are undocumented. And what the use
570 of parole has done, has allowed the relatives of active duty
571 members of the United States military to parole family
572 members, spouses, who would not be eligible for a permanent
573 resident visa because of a defect in their uninspected entry.

574 That is the parole in place program, and it has kept the
575 wives of active duty soldiers from being deported. I mean, I
576 don't think and I am sure there is nobody on either side of
577 the aisle who wants to see that happen. But we would be
578 removing a tool to prevent it.

579 Now things are changing in Cuba, we know. But for many
580 years, parole was used to allow Cubans who were living in an
581 oppressive regime to be paroled into the United States so
582 they could claim residency through the Cuban Adjustment Act.
583 And that was an important safety valve when the Castro regime
584 was at its worst.

585 This is a tool that has been used by every President
586 since Eisenhower, and I think it is a mistake to try and
587 limit the use of parole to just those narrow categories as
588 this bill does.

589 Now there is a further issue I want to raise, which is
590 in November when there was a discussion of use of -- lawful

591 use of administrative action. One of the things that was
592 indicated would be done would be on a case-by-case basis, the
593 President would review for potential parole inventors,
594 researchers, and founders of start-ups who have the
595 substantial capacity to start businesses in the United States
596 and to create jobs.

597 I think that makes a lot of sense. I mean, all of us
598 have complained that we have got individuals who have gotten
599 their Ph.D.s in the United States, who have the next great
600 idea. They are going to start a company here and create
601 wealth, and then we make them leave.

602 We haven't been able to change the law to fix that, but
603 the President, on a case-by-case basis, has indicated that he
604 would consider the use of either parole or parole in place so
605 that those great companies don't have to be started outside
606 the United States. Under the bill, that provision would no
607 longer be permitted, and I think that also is a mistake.

608 So I understand that the issues that the gentlelady has
609 raised are broader than this, but I thought it would be
610 useful for the members of the committee to contemplate some
611 of the very useful times where this authority has been used
612 to benefit the country by granting parole to individuals on a

613 case-by-case basis.

614 And with that, Mr. Chairman, I would yield back.

615 Chairman Goodlatte. For what purpose does the gentleman
616 from Texas seek recognition?

617 Mr. Gohmert. I rise in opposition to the motion -- or
618 the amendment.

619 Chairman Goodlatte. The gentleman is recognized for 5
620 minutes.

621 Mr. Gohmert. Thank you, Mr. Chairman.

622 And I appreciate my friend from Texas. I know her
623 sensitivity, and she cares deeply about the people involved.

624 I disagree on how smoothly things are running right now
625 because I continue to monitor what is going on on our Texas
626 border and as people have been shipped around the country.
627 And as judges have given people notice to appear, sometimes
628 years later for their hearing and the rate of presentation
629 for the hearings continues to -- the failure to appear
630 continues to be at an exorbitant rate, and we have continued
631 to see the executive branch abusing their authority.

632 The report came out in the past week that drug cartels
633 made millions and millions and millions of dollars. For
634 them, it was a two-for. They were able to use the executive

635 branch's policies to get people to travel a thousand miles or
636 so through some terribly difficult situations, including
637 children coming all that way, because there was the lure of
638 ignoring the black and white of the law and abusing the
639 process and allowing people to stay.

640 And the executive branch having shown that with its not
641 executive order, but simple memos that rewrote the law in
642 other areas, that the drug cartels could continue to make
643 millions because America was no longer following our own law.
644 I think it is critical that we have this bill go forward to
645 make it clear that this is not an area to continue to be
646 abused.

647 And I can never forget that beautiful, small, tiny,
648 little girl there in the middle of the night just feet from
649 the banks of the Rio Grande. She was accompanied. She did
650 come up with a woman. The woman claimed the child was
651 unaccompanied.

652 And when the officer asked her if she was okay, she
653 cried and just said, "I want to go home." But adults had
654 told her she had to come to America. We were ignoring our
655 immigration policies, and so she had to come. The policies
656 of this administration have lured people to their detriment,

657 and it has got to stop.

658 And things are not going along swimmingly. The drug
659 cartels were making money by bringing drugs across, and at
660 the same time, if you are there all night long visiting with
661 the Border Patrolmen, you find out that, actually, they send
662 up these people, illegal immigrants, to come in, turn
663 themselves in, and then they have lookouts, which I have run
664 into down there in the middle of the night. And the lookouts
665 help pave the way for the drugs and other things that they
666 want to bring across.

667 So this has really gotten dangerous. And as the world
668 watches us here in Congress, they know the President is
669 ignoring the law. But they are wondering is Congress going
670 to make the law so clear that even this administration will
671 not violate it, and therefore, there is no use trying to lure
672 more people from Central America, more little girls that will
673 cry just wanting to go home. Or are we going to continue to
674 allow that kind of abuse of our process?

675 And so, I appreciate my friend Mr. Chaffetz bringing
676 this bill. I appreciate the amending the process of parole
677 so that the abuses stop and the world will understand we are
678 going to be a nation of laws. We are not going to continue

679 to allow this executive branch to lure people to their
680 detriment. And we are going to uphold the oath that we took
681 to support and defend the Constitution of the United States.

682 So I appreciate my friend and her great sympathy for
683 people involved. I just happen to think that we can protect
684 the thousands and millions looking to come if we show them we
685 will stand up for the law as it is intended.

686 I yield back.

687 Ms. Chu. Mr. Chair?

688 Chairman Goodlatte. For what purpose does the
689 gentlewoman from California seek recognition?

690 Ms. Chu. I move to strike the last word.

691 Chairman Goodlatte. The gentlewoman is recognized for 5
692 minutes.

693 Ms. Chu. I yield my time to the gentlewoman from Texas,
694 Ms. Jackson Lee.

695 Ms. Jackson Lee. I thank the gentlelady, and I
696 certainly thank the passion in which the gentleman from Texas
697 spoke. And I think it would be appropriate in the tone that
698 I am speaking to say that I completely and absolutely
699 disagree with his interpretation, and I am sure that each of
700 us saw the facts in a different way.

701 But I continue to remind my colleagues that many of us
702 have dealt with the issue of unaccompanied children for a few
703 years preceding what was viewed as a historical -- hysterical
704 crisis it was made to be by all of the representations across
705 the country. And it was simply children who had no intent of
706 committing any terrorist act.

707 These are children that were fleeing, documented, from
708 gang violence, sexual and gender-based violence, forced
709 recruitment in gangs, domestic violence, who had literally
710 seen family members being killed in a brutal manner and
711 abandoned and human trafficking certainly.

712 And yes, some adults did have these children, and
713 children would want to be comforted and would express
714 different views. But they came fleeing because they were,
715 frankly, looking for refuge.

716 If you adhere to the United Nations on its report
717 dealing with children, the particular article explained, the
718 Committee on the Rights of the Child in its general comment
719 talked about the deprivation of liberty of a child should be
720 at a last resort measure to be used only for the shortest
721 possible period. The child must be treated with humanity and
722 respect for his or her inherent dignity.

723 Even very short periods of detention can determine the
724 child's psychological and physical well-being and compromise
725 in cognitive development. Children held in detention are at
726 a risk of post traumatic stress disorder, may exhibit such
727 symptoms as insomnia, nightmares, bed wetting.

728 A report on the effect of detention on children have
729 found higher rates of suicide, suicide attempts and self-
730 harm, mental disorder, and developmental problems, including
731 severe attachment disorder.

732 Let me, first of all, acknowledge the Border Patrol
733 agents that during the time of this past summer really turned
734 into individuals who had a passionate heart to recognize
735 these children were coming out of desperation and handled
736 many of them with great care and love. And obviously, we
737 know that that is not their main responsibility, but they
738 themselves saw the crisis that these children were facing.

739 And many of us saw children coming off buses, children
740 in diapers. I don't think they could have had an intent of
741 mind unless desperate parents put them in a way to be able to
742 be saved.

743 So I ask my colleagues to not alter the law to create a
744 crisis, and that is what you will be doing with the provision

745 Section 6. And I ask you to support the Jackson Lee
746 amendment.

747 With that, I yield back. I thank the gentlelady from
748 California.

749 Mr. King. Mr. Chairman?

750 Chairman Goodlatte. For what purpose does the gentleman
751 from Iowa seek recognition?

752 Mr. King. Move to strike the last word.

753 Chairman Goodlatte. The gentleman is recognized for 5
754 minutes.

755 Mr. King. Thank you, Mr. Chairman.

756 I rise in opposition to the gentlelady's amendment, and
757 I would just reflect that I have also spent a fair amount of
758 time down at the border and covered most of the miles of the
759 border from all the way from San Diego, Tijuana, all the way
760 down to the mouth of the Rio Grande River. I can say most of
761 those miles with confidence, not all of them, however.

762 And in the process of doing so and meeting with people,
763 especially local people, they will tell me that until you
764 send them back, they are going to keep coming. That is about
765 a universal position.

766 And we are talking about a population that -- a

767 civilian, legal population of 90 percent Hispanic, according
768 to the United States Census. And yet what is driving this?

769 And essentially, it is -- it is human trafficking that
770 is being pushed and developed and promoted by the drug
771 cartels who expanded into what you say is the first half of
772 the human trafficking industry, which is recruit them in
773 their countries, send them to the border, and turn them over
774 at the border to the Border Patrol.

775 And a gentleman that does know quite a bit about this is
776 the gentleman from Texas, Mr. Gohmert, and I would be happy
777 to yield to the gentleman from Texas.

778 Mr. Gohmert. I appreciate yielding.

779 In support of what Mr. King was saying, one night in the
780 middle of the night, as there was a lull for -- a temporary
781 lull between groups coming up and turning themselves in, one
782 of our Hispanic Border Patrolmen said, you know, yes, they
783 always ask, "Gee, for what reason did you come into the
784 country?" And he said, you know, about 90 percent of the
785 time, they say to evade gang violence.

786 And he said, "Normally, I will respond because I speak
787 better Spanish than many of them, you may get some gringos to
788 buy that, but you and I both know you paid the gangs to bring

789 you into the United States. So don't give me this stuff
790 about evading gang violence. You paid the gangs to bring you
791 up here." And he said about 90 percent of those will say,
792 "Yeah, that is true, but we were told to say we are evading
793 gang violence."

794 The Border Patrolmen, when they are approached and those
795 that actually come up here and testify who are on the border
796 protecting us, they make it pretty clear. The gangs are
797 behind bringing the people up. They get paid to do it. We
798 are not helping fight gang violence by allowing the people
799 the gangs bring. We are actually doing the gangs a service.

800 One other Border Patrolman told me in the middle of the
801 night one night, actually, he said, "Do you know what the
802 gangs and drug cartels call the Border Patrol, Homeland
803 Security here in the United States?"

804 I said "What?" He said, "Logistics." I said, "What do
805 you mean?" He said, "Like the commercial. You know, we are
806 their logistics." The gangs, the drug cartels, they bring
807 people illegally to our border, across our border, and then
808 they depend on Homeland Security to get their packages to
809 where they want them to go.

810 So that is the way people are looking at us, and it

811 really is important that we take a step to make clear to the
812 gangs, to the drug cartels, we are not going to -- we are no
813 longer going to support your habit. And this bill goes in
814 the right direction toward doing that.

815 I yield back to my friend.

816 Mr. King. And reclaiming my time, as Judge Hanen ruled
817 in December 2013, that ICE completes the crime of human
818 trafficking.

819 I would yield to the gentleman from Utah.

820 Mr. Chaffetz. I thank the gentleman.

821 And Chairman, I just want to make sure we are all here
822 on the same page. I wanted -- there is still going to be
823 asylum. There is still ways to take care of those who need
824 to be taken care of.

825 But to suggest that the humanitarian parole has -- is
826 just fine, that there is no adjustments needed, I just beg to
827 differ. I think it is being abused and expanded beyond what
828 was originally intended to be done.

829 And so, again, to my friends and colleagues who care
830 about this issue, we are not eliminating asylum. We are not
831 doing that. There is still avenues. We are just making sure
832 that the parole portion of it is properly confined to those

833 instances where we absolutely need it.

834 And with that, I would yield back.

835 Mr. King. And I would also yield back to the chairman.

836 Chairman Goodlatte. Thank you.

837 For what purpose does the gentleman from Michigan seek
838 recognition?

839 Mr. Conyers. I rise in support of the amendment.

840 Chairman Goodlatte. The gentleman is recognized for 5
841 minutes.

842 Mr. Conyers. And I thank the chairman.

843 I think this is a unique idea, and I hope that it will
844 be considered favorably. And I would like to yield some time
845 to its author, Ms. Jackson Lee.

846 Ms. Jackson Lee. Mr. Chairman, Mr. Ranking Member,
847 thank you so very much.

848 And I will speak as briefly as one can that has a great
849 deal of sympathy and compassion for really the issue that we
850 are dealing with and raise, I guess, the specter of concern
851 that we have such distinctive opinions and positions on
852 children.

853 So let me just cite for the record, an 8-year-old girl
854 from Honduras, and we all know that Honduras has had a hugely

855 severe case of violence and murder and the attack through
856 gangs on families and innocent persons. Laura was living in
857 Honduras, 8 years old, with her aunt while her mother was in
858 the United States working to provide for her family.

859 And this was a normal circumstance. She would have left
860 her 8-year-old daughter there. She had left the daughter
861 with the aunt. But one day a man she called stepfather, who
862 was an ex-boyfriend of her mother's, kidnapped her from her
863 aunt's care.

864 Laura's mother in the United States said she could not
865 report the kidnapping to authorities, as they would do
866 nothing. The stepfather beat Laura daily with belts and
867 pieces of wood, resulting in bruising and bleeding and
868 leaving visible scars on her body. On multiple occasions, he
869 also threatened to kill her with a gun.

870 The stepfather finally threatened Laura's mother that he
871 would kill Laura if her mother did not send him money.
872 Laura's mother was finally able to save and sent a large
873 amount of money to the stepfather, and Laura was able to
874 escape to come live with her in the United States.

875 This child would apply for asylum. So she is not in a
876 medical need, but she is in a need that is clearly fleeing

877 for her life. No child should live in that condition.

878 And these were some of the stories that children faced,
879 and they face them on a regular basis. Jesus is a 17-year-
880 old Guatemalan boy who came to the United States to escape a
881 drug trafficking gang who brutally murdered some of his
882 family. And so, these are the stories that we would hear all
883 the time. Juan, a 12-year-old boy, and his disabled sister
884 fled domestic violence and trafficking.

885 We have to have discretion. This is not a pathway of
886 immigration status. This is a relief from those fleeing
887 devastation.

888 I ask my colleagues -- and I thank the gentleman from
889 Michigan for yielding. I ask my colleagues to support the
890 Jackson Lee amendment.

891 Chairman Goodlatte. The question occurs on the
892 amendment offered by the gentlewoman from Texas.

893 All those in favor, respond by saying aye.

894 Those opposed, no.

895 Ms. Jackson Lee. Roll call.

896 Chairman Goodlatte. A recorded vote is requested, and
897 the clerk will call the roll.

898 Ms. Williams. Mr. Goodlatte?

899 Chairman Goodlatte. No.
900 Ms. Williams. Mr. Goodlatte votes no.
901 Mr. Sensenbrenner?
902 [No response.]
903 Ms. Williams. Mr. Smith?
904 Mr. Smith. No.
905 Ms. Williams. Mr. Smith votes no.
906 Mr. Chabot?
907 Mr. Chabot. No.
908 Ms. Williams. Mr. Chabot votes no.
909 Mr. Issa?
910 [No response.]
911 Ms. Williams. Mr. Forbes?
912 [No response.]
913 Ms. Williams. Mr. King?
914 Mr. King. No.
915 Ms. Williams. Mr. King votes no.
916 Mr. Franks?
917 Mr. Franks. No.
918 Ms. Williams. Mr. Franks votes no.
919 Mr. Gohmert?
920 Mr. Gohmert. No.

921 Ms. Williams. Mr. Gohmert votes no.
922 Mr. Jordan?
923 [No response.]
924 Ms. Williams. Mr. Poe?
925 Mr. Poe. No.
926 Ms. Williams. Mr. Poe votes no.
927 Mr. Chaffetz?
928 Mr. Chaffetz. No.
929 Ms. Williams. Mr. Chaffetz votes no.
930 Mr. Marino?
931 Mr. Marino. No.
932 Ms. Williams. Mr. Marino votes no.
933 Mr. Gowdy?
934 Mr. Gowdy. No.
935 Ms. Williams. Mr. Gowdy votes no.
936 Mr. Labrador?
937 [No response.]
938 Ms. Williams. Mr. Farenthold?
939 Mr. Farenthold. No.
940 Ms. Williams. Mr. Farenthold votes no.
941 Mr. Collins?
942 Mr. Collins. No.

943 Ms. Williams. Mr. Collins votes no.
944 Mr. DeSantis?
945 Mr. DeSantis. No.
946 Ms. Williams. Mr. DeSantis votes no.
947 Ms. Walters?
948 Ms. Walters. No.
949 Ms. Williams. Ms. Walters votes no.
950 Mr. Buck?
951 Mr. Buck. No.
952 Ms. Williams. Mr. Buck votes no.
953 Mr. Ratcliffe?
954 Mr. Ratcliffe. No.
955 Ms. Williams. Mr. Ratcliffe votes no.
956 Mr. Trott?
957 [No response.]
958 Ms. Williams. Mr. Bishop?
959 Mr. Bishop. No.
960 Ms. Williams. Mr. Bishop votes no.
961 Mr. Conyers?
962 Mr. Conyers. Aye.
963 Ms. Williams. Mr. Conyers votes aye.
964 Mr. Nadler?

965 [No response.]

966 Ms. Williams. Ms. Lofgren?

967 Ms. Lofgren. Aye.

968 Ms. Williams. Ms. Lofgren votes aye.

969 Ms. Jackson Lee?

970 Ms. Jackson Lee. Aye.

971 Ms. Williams. Ms. Jackson Lee votes aye.

972 Mr. Cohen?

973 [No response.]

974 Ms. Williams. Mr. Johnson?

975 [No response.]

976 Ms. Williams. Mr. Pierluisi?

977 Mr. Pierluisi. Aye.

978 Ms. Williams. Mr. Pierluisi votes aye.

979 Ms. Chu?

980 [No response.]

981 Ms. Williams. Mr. Deutch?

982 [No response.]

983 Ms. Williams. Mr. Gutierrez?

984 [No response.]

985 Ms. Williams. Ms. Bass?

986 [No response.]

987 Ms. Williams. Mr. Richmond?
988 [No response.]
989 Ms. Williams. Ms. DelBene?
990 Ms. DelBene. Aye.
991 Ms. Williams. Ms. DelBene votes aye.
992 Mr. Jeffries?
993 [No response.]
994 Ms. Williams. Mr. Cicilline?
995 Mr. Cicilline. Aye.
996 Ms. Williams. Mr. Cicilline votes aye.
997 Mr. Peters?
998 Mr. Peters. Aye.
999 Ms. Williams. Mr. Peters votes aye.
1000 Chairman Goodlatte. The gentleman from California?
1001 Mr. Issa. No.
1002 Ms. Williams. Mr. Issa votes no.
1003 Chairman Goodlatte. The gentleman from Virginia?
1004 Mr. Forbes. No.
1005 Ms. Williams. Mr. Forbes votes no.
1006 Chairman Goodlatte. Has every Member voted who wishes
1007 to vote?
1008 [No response.]

1009 Chairman Goodlatte. The clerk will report.

1010 Ms. Williams. Mr. Chairman, 7 Members voted aye; 19

1011 Members voted no.

1012 Chairman Goodlatte. And the amendment is not agreed to.

1013 Are there further amendments to H.R. 1153.

1014 Ms. Jackson Lee. Mr. Chairman, I have an amendment at

1015 the desk.

1016 Chairman Goodlatte. The clerk will report the

1017 amendment.

1018 Ms. Jackson Lee. Amendment Number 3 on the roster.

1019 Ms. Williams. Amendment to H.R. 1153, offered by Ms.

1020 Jackson Lee.

1021 Chairman Goodlatte. Without objection, the amendment

1022 will be considered as read.

1023 [The amendment of Ms. Jackson Lee follows:]

1024

1025 Chairman Goodlatte. And the gentlewoman is recognized
1026 for 5 minutes on her amendment.

1027 Ms. Jackson Lee. Thank you, Mr. Chairman.

1028 This amendment would strike Section 10(2) and adds
1029 provisions which prescribe care and protections for
1030 unaccompanied children.

1031 The bill that we passed in 2008 with Section 10 changes
1032 is a humane law. It is called the William Wilberforce
1033 Trafficking Victims Protection Reauthorization Act. I am
1034 sure that as my friends went to the border, they also visited
1035 some of the facilities that have been created to take care of
1036 unaccompanied children. And in fact, those provisions and
1037 those -- those facilities are, in fact, secure and clean and
1038 provide for the right kind of atmosphere for children.

1039 That is the crux or that is the results of the William
1040 Wilberforce Trafficking Victims Protection Reauthorization
1041 Act. It is not to open the doors to unaccompanied children.
1042 It is to ensure that if children are fleeing persecution and
1043 devastation, that they have a place to come.

1044 H.R. 1153 would result in the long-term detention of
1045 many children who come alone to the U.S. Longstanding child
1046 welfare law requires that the Federal Government place

1047 children who arrive without adult accompanied in the least
1048 restrictive environment while in custody.

1049 Typically, the Government attempts to place
1050 unaccompanied children with relatives rather than holding
1051 them in a detention facility. This ensures a more family-
1052 like environment for the child and costs far less for
1053 taxpayers.

1054 H.R. 1153 would reclassify any child who arrives alone
1055 but has a sibling, aunt, uncle, grandparent, or cousin able
1056 to care for the child as no longer unaccompanied. This does
1057 not preclude the child from going through a legal process.

1058 This law provides that within 48 hours, if they suspect
1059 that they have child in custody, that the children must be
1060 turned over to the custody of the Department of Health and
1061 Human Services, and this has worked within 72 hours if a
1062 determination is made that the child is unaccompanied. This
1063 is humane, practical, and logical law. And it has worked.

1064 And simply, what separates the United States from
1065 nations which we like to compare ourselves is the idea of how
1066 we treat the most vulnerable. With both the rising numbers
1067 of unaccompanied children and unaccompanied children
1068 migrating to the United States in the past 2 years, CBP has

1069 become responsible for processing an increasing number of
1070 child migrants.

1071 No, the Customs or the Border Patrol are not logistics.
1072 They are following the law, and they are grateful for the law
1073 because they don't want to keep children in detention. This
1074 allows the child to go through the legal process, and
1075 ultimately, if the child is determined ineligible, that child
1076 may be sent back or they may be in the custody of an
1077 individual that is here in the United States.

1078 That is not a reckless way of handling our children.
1079 That is not a pathway to citizenship. That is protecting the
1080 most vulnerable.

1081 And that is why my amendment instructs DHS, in
1082 consultation with HHS, to hire child welfare professionals.
1083 The child welfare professional should oversee the general
1084 custody and care of all children in CBP stations, including
1085 monitoring and reporting of abuse or mistreatment.

1086 The abuse and mistreatment of children in the custody of
1087 CBP, which several nongovernmental organizations, or NGOs, as
1088 they are commonly referred, have found to be systematic on
1089 occasion, especially warrant a person with child welfare
1090 experience -- expertise as well as a forensic and trauma-

1091 informed background, as numerous civil rights complaints and
1092 human right reports have demonstrated.

1093 And we have cleaned that up, but I think this addition
1094 would add to the safety and security of the children. It is
1095 difficult to have children in the main population. That is
1096 why the legislation was implemented in the first place.

1097 For example, on June 11th, there was a complaint on
1098 behalf of 116 children. And the issues of verbal and sexual
1099 and physical allegations because of prolonged detention have
1100 been documented. But we know that through the Wilberforce
1101 legislation, we have a way of addressing that. And we have
1102 had the opportunity to see these facilities firsthand and,
1103 therefore, find it appropriate to not have the section that
1104 H.R. 1153 has.

1105 Recently, in a letter to President Obama, a group of law
1106 professors noted the courts, Congress, and the executive
1107 branch have long recognized that children must be treated
1108 differently under the immigration law due to their particular
1109 vulnerability and lesser culpability. This is compelling
1110 enough for me to insist that Members join me in preserving
1111 the protections of children and joining the Jackson Lee
1112 amendment, which brings us back to the normality of

1113 recognizing and protecting children as America's values
1114 dictates that we do.

1115 With that, I ask for support of the Jackson Lee
1116 amendment, and I yield back.

1117 Chairman Goodlatte. The chair thanks the gentlewoman.

1118 For what purpose does the gentleman from Utah seek
1119 recognition?

1120 Mr. Chaffetz. Mr. Chairman, I oppose the amendment.

1121 Chairman Goodlatte. The gentleman is recognized for 5
1122 minutes.

1123 Mr. Chaffetz. I thank the chairman.

1124 I oppose the amendment. The amendment seeks to insert
1125 welfare professionals into an already costly and convoluted
1126 immigration process, and this administration is already
1127 spending roughly \$500 million on one facility to ensure that
1128 unlawful immigrants are as comfortable as possible.

1129 This amendment ensures that minors illegally present in
1130 the United States become further entrenched into the United
1131 States at taxpayer expense rather than ensuring they are
1132 promptly and safely returned into their home countries.
1133 Hence, I oppose this amendment.

1134 There are several of these things that are already in

1135 place. Again, I oppose the amendment and urge the adoption
1136 of the underlying bill.

1137 And I yield back.

1138 Chairman Goodlatte. The question occurs on the
1139 amendment offered by the gentlewoman from Texas.

1140 All those in favor, respond by saying aye.

1141 Those opposed, no.

1142 In the opinion of the chair, the noes have it.

1143 Mr. Johnson. Mr. Chairman, I would like a recorded
1144 vote.

1145 Chairman Goodlatte. A recorded vote is requested, and
1146 the clerk will call the roll.

1147 Ms. Williams. Mr. Goodlatte?

1148 Chairman Goodlatte. No.

1149 Ms. Williams. Mr. Goodlatte votes no.

1150 Mr. Sensenbrenner?

1151 [No response.]

1152 Ms. Williams. Mr. Smith?

1153 Mr. Smith. No.

1154 Ms. Williams. Mr. Smith votes no.

1155 Mr. Chabot?

1156 [No response.]

1157 Ms. Williams. Mr. Issa?
1158 [No response.]
1159 Ms. Williams. Mr. Forbes?
1160 [No response.]
1161 Ms. Williams. Mr. King?
1162 Mr. King. No.
1163 Ms. Williams. Mr. King votes no.
1164 Mr. Franks?
1165 Mr. Franks. No.
1166 Ms. Williams. Mr. Franks votes no.
1167 Mr. Gohmert?
1168 [No response.]
1169 Ms. Williams. Mr. Jordan?
1170 [No response.]
1171 Ms. Williams. Mr. Poe?
1172 [No response.]
1173 Ms. Williams. Mr. Chaffetz?
1174 Mr. Chaffetz. No.
1175 Ms. Williams. Mr. Chaffetz votes no.
1176 Mr. Marino?
1177 [No response.]
1178 Ms. Williams. Mr. Gowdy?

1179 Mr. Gowdy. No.

1180 Ms. Williams. Mr. Gowdy votes no.

1181 Mr. Labrador?

1182 [No response.]

1183 Ms. Williams. Mr. Farenthold?

1184 Mr. Farenthold. No.

1185 Ms. Williams. Mr. Farenthold votes no.

1186 Mr. Collins?

1187 Mr. Collins. No.

1188 Ms. Williams. Mr. Collins votes no.

1189 Mr. DeSantis?

1190 Mr. DeSantis. No.

1191 Ms. Williams. Mr. DeSantis votes no.

1192 Ms. Walters?

1193 Ms. Walters. No.

1194 Ms. Williams. Ms. Walters votes no.

1195 Mr. Buck?

1196 Mr. Buck. No.

1197 Ms. Williams. Mr. Buck votes no.

1198 Mr. Ratcliffe?

1199 Mr. Ratcliffe. No.

1200 Ms. Williams. Mr. Ratcliffe votes no.

1201 Mr. Trott?
1202 [No response.]
1203 Ms. Williams. Mr. Bishop?
1204 Mr. Bishop. No.
1205 Ms. Williams. Mr. Bishop votes no.
1206 Mr. Conyers?
1207 Mr. Conyers. Aye.
1208 Ms. Williams. Mr. Conyers votes aye.
1209 Mr. Nadler?
1210 [No response.]
1211 Ms. Williams. Ms. Lofgren?
1212 Ms. Lofgren. Aye.
1213 Ms. Williams. Ms. Lofgren votes aye.
1214 Ms. Jackson Lee?
1215 Ms. Jackson Lee. Aye.
1216 Ms. Williams. Ms. Jackson Lee votes aye.
1217 Mr. Cohen?
1218 [No response.]
1219 Ms. Williams. Mr. Johnson?
1220 [No response.]
1221 Ms. Williams. Mr. Pierluisi?
1222 Mr. Pierluisi. Aye.

1223 Ms. Williams. Mr. Pierluisi votes aye.

1224 Ms. Chu?

1225 Ms. Chu. Aye.

1226 Ms. Williams. Ms. Chu votes aye.

1227 Mr. Deutch?

1228 [No response.]

1229 Ms. Williams. Mr. Gutierrez?

1230 Mr. Gutierrez. Aye.

1231 Ms. Williams. Mr. Gutierrez votes aye.

1232 Ms. Bass?

1233 [No response.]

1234 Ms. Williams. Mr. Richmond?

1235 [No response.]

1236 Ms. Williams. Ms. DelBene?

1237 Ms. DelBene. Aye.

1238 Ms. Williams. Ms. DelBene votes aye.

1239 Mr. Jeffries?

1240 [No response.]

1241 Ms. Williams. Mr. Cicilline?

1242 Mr. Cicilline. Aye.

1243 Ms. Williams. Mr. Cicilline votes aye.

1244 Mr. Peters?

1245 Mr. Peters. Aye.

1246 Ms. Williams. Mr. Peters votes aye.

1247 Chairman Goodlatte. The gentleman from Wisconsin?

1248 Mr. Sensenbrenner. No.

1249 Ms. Williams. Mr. Sensenbrenner votes no.

1250 Chairman Goodlatte. The gentleman from Texas?

1251 Mr. Poe. No.

1252 Ms. Williams. Mr. Poe votes no.

1253 Chairman Goodlatte. The gentleman from Idaho?

1254 Mr. Labrador. No.

1255 Ms. Williams. Mr. Labrador votes no.

1256 Chairman Goodlatte. The gentleman from Texas?

1257 Mr. Gohmert. No.

1258 Ms. Williams. Mr. Gohmert votes no.

1259 Chairman Goodlatte. The gentleman from Ohio?

1260 Mr. Jordan. No.

1261 Ms. Williams. Mr. Jordan votes no.

1262 Chairman Goodlatte. The gentleman from Pennsylvania?

1263 Mr. Marino. No.

1264 Ms. Williams. Mr. Marino votes no.

1265 Chairman Goodlatte. The gentleman from Tennessee?

1266 Mr. Cohen. Aye.

1267 Ms. Williams. Mr. Cohen votes aye.

1268 Chairman Goodlatte. Has every Member voted who wishes
1269 to vote?

1270 [No response.]

1271 Chairman Goodlatte. The clerk will report.

1272 Ms. Williams. Mr. Chairman, 10 Members voted aye; 19
1273 Members voted no.

1274 Chairman Goodlatte. And the amendment is not agreed to.
1275 Are there further amendments to H.R. 1153?

1276 Mr. Cicilline. Mr. Chairman?

1277 Chairman Goodlatte. For what purpose does the gentleman
1278 from Rhode Island seek recognition?

1279 Mr. Cicilline. Mr. Chairman, I have an amendment at the
1280 desk.

1281 Chairman Goodlatte. The clerk will report the
1282 amendment.

1283 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
1284 Cicilline. In Section --

1285 Chairman Goodlatte. Without objection, the amendment
1286 will be considered as read.

1287 [The amendment of Mr. Cicilline follows:]

1288

1289 Chairman Goodlatte. And the gentleman is recognized for
1290 5 minutes on his amendment.

1291 Mr. Cicilline. Thank you, Mr. Chairman.

1292 Mr. Chairman, this bill before us contains a
1293 shortsighted provision that terminates asylum status if the
1294 asylee returns to their country of origin without a
1295 compelling reason. Curiously, this provision comes with a
1296 specific exemption for Cuban nationals who return to Cuba,
1297 perhaps allowing for the possibility that these individuals
1298 may want to return to rebuild their country and press for
1299 democratic reforms there.

1300 There are other refugees, of course, with asylum status
1301 who may share the same desire. For example, the country of
1302 Liberia has suffered through substantial strife and conflict,
1303 most recently during 14 years of civil war that only ended in
1304 2003.

1305 During the civil war, roughly 250,000 people were
1306 killed, and thousands more sought refuge in other countries,
1307 many of whom now live in my district in Rhode Island. Even
1308 today, the United Nations maintains approximately 15,000
1309 peacekeeping soldiers in the country.

1310 During the conflict, the infrastructure of the country

1311 fell into ruins, and piped water access fell from 15 percent
1312 of the population in 1986 to less than 3 percent in 2008. It
1313 is estimated by the World Bank that addressing these needs
1314 will require sustained expenditures between \$350 million and
1315 \$600 million annually.

1316 The problems of the country, however, go beyond
1317 structural issues. Liberian law already criminalizes so-
1318 called "same-sex conduct," and its government has sought to
1319 pass even more repressive legislation.

1320 UNICEF estimates that 66 percent of women and girls in
1321 Liberia undergo female genital mutilation. And more
1322 recently, the country suffered through an outbreak of Ebola.

1323 My amendment would allow Liberian nationals to return to
1324 their country without fear of losing their status. It would
1325 allow Liberian engineers to restore the nation's crippled
1326 infrastructure. It would allow Liberian lawyers to help
1327 reform its civil justice and legal systems, and it would
1328 allow Liberian doctors, whose skills are in great demand in
1329 their native country, to rebuild its health system.

1330 So I urge my colleagues on both sides of the aisle to
1331 support this amendment.

1332 I thank you, Mr. Chairman, and yield back.

1333 Chairman Goodlatte. For what purpose does the gentleman
1334 from Utah seek recognition?

1335 Mr. Chaffetz. Mr. Chairman, I oppose the amendment.

1336 Chairman Goodlatte. The gentleman is recognized for 5
1337 minutes.

1338 Mr. Chaffetz. I thank you.

1339 And I thank the gentleman who has offered this
1340 amendment. He is one of my favorite Members in Congress.
1341 But that aside, I need to stand in opposition to this
1342 amendment.

1343 The bill terminates asylum status if an asylee returns
1344 to their home country absent changed circumstances or a
1345 change in country conditions. And that is the way it should
1346 be.

1347 If an asylum recipient, including one from Liberia, has
1348 a genuine fear of persecution, it is highly unlikely that he
1349 or she would voluntarily return. It seems counterproductive
1350 and counterintuitive that if they are so fearful that they
1351 have to claim asylum that they would voluntarily go back to
1352 that country.

1353 Aliens who obtained asylum benefits should lose those
1354 benefits should they feel it is safe enough to travel back

1355 home. Asylum seekers who return back home absent changed
1356 circumstances or a change in country conditions make a
1357 mockery of our asylum laws. Many are simply exploiting our
1358 Nation's compassion by returning to the very country which
1359 they claimed to have a "well-founded fear of persecution."

1360 If they go back so quickly, it seems apparent that they
1361 may have very well obtained asylum through fraudulent means.
1362 Recall that in April of 2002, the parents of those who are
1363 implicated in the Boston bombing marathon case came to the
1364 United States and applied for asylum, citing fears of
1365 persecution due to their ties in Chechnya.

1366 The parents received asylum and then filed for their
1367 four children, who received derivative asylum status. In
1368 2007, the family was granted legal permanent residence.
1369 Thereafter, the parents moved back home, and the children
1370 traveled back and forth to their native country, all
1371 subsequently becoming radicalized.

1372 Allowing asylum recipients to travel back and forth to
1373 the countries that supposedly persecuted them removes all
1374 credibility from our asylum system.

1375 And I urge my colleagues to vote no on this amendment.
1376 I think it is counterintuitive. It is counterproductive. It

1377 is not the spirit of which asylum was offered in the first
1378 place.

1379 And with that, Mr. Chairman, I yield back.

1380 Chairman Goodlatte. The question occurs on the
1381 amendment offered by the gentleman from Rhode Island.

1382 All those in favor, respond by saying aye.

1383 Those opposed, no.

1384 In the opinion of the chair, the noes have it. The
1385 amendment is not agreed to.

1386 Mr. Cicilline. Mr. Chairman, I ask for a recorded vote.

1387 Chairman Goodlatte. A recorded vote is requested, and
1388 the clerk will call the roll.

1389 Ms. Williams. Mr. Goodlatte?

1390 Chairman Goodlatte. No.

1391 Ms. Williams. Mr. Goodlatte votes no.

1392 Mr. Sensenbrenner?

1393 Mr. Sensenbrenner. No.

1394 Ms. Williams. Mr. Sensenbrenner votes no.

1395 Mr. Smith?

1396 Mr. Smith. No.

1397 Ms. Williams. Mr. Smith votes no.

1398 Mr. Chabot?

1399 [No response.]

1400 Ms. Williams. Mr. Issa?

1401 [No response.]

1402 Ms. Williams. Mr. Forbes?

1403 [No response.]

1404 Ms. Williams. Mr. King?

1405 [No response.]

1406 Ms. Williams. Mr. Franks?

1407 Mr. Franks. No.

1408 Ms. Williams. Mr. Franks votes no.

1409 Mr. Gohmert?

1410 Mr. Gohmert. No.

1411 Ms. Williams. Mr. Gohmert votes no.

1412 Mr. Jordan?

1413 [No response.]

1414 Ms. Williams. Mr. Poe?

1415 Mr. Poe. No.

1416 Ms. Williams. Mr. Poe votes no.

1417 Mr. Chaffetz?

1418 Mr. Chaffetz. No.

1419 Ms. Williams. Mr. Chaffetz votes no.

1420 Mr. Marino?

1421 Mr. Marino. No.

1422 Ms. Williams. Mr. Marino votes no.

1423 Mr. Gowdy?

1424 Mr. Gowdy. No.

1425 Ms. Williams. Mr. Gowdy votes no.

1426 Mr. Labrador?

1427 [No response.]

1428 Ms. Williams. Mr. Farenthold?

1429 Mr. Farenthold. No.

1430 Ms. Williams. Mr. Farenthold votes no.

1431 Mr. Collins?

1432 Mr. Collins. No.

1433 Ms. Williams. Mr. Collins votes no.

1434 Mr. DeSantis?

1435 Mr. DeSantis. No.

1436 Ms. Williams. Mr. DeSantis votes no.

1437 Ms. Walters?

1438 Ms. Walters. No.

1439 Ms. Williams. Ms. Walters votes no.

1440 Mr. Buck?

1441 Mr. Buck. No.

1442 Ms. Williams. Mr. Buck votes no.

1443 Mr. Ratcliffe?

1444 Mr. Ratcliffe. No.

1445 Ms. Williams. Mr. Ratcliffe votes no.

1446 Mr. Trott?

1447 [No response.]

1448 Ms. Williams. Mr. Bishop?

1449 Mr. Bishop. No.

1450 Ms. Williams. Mr. Bishop votes no.

1451 Mr. Conyers?

1452 Mr. Conyers. Aye.

1453 Ms. Williams. Mr. Conyers votes aye.

1454 Mr. Nadler?

1455 [No response.]

1456 Ms. Williams. Ms. Lofgren?

1457 Ms. Lofgren. Aye.

1458 Ms. Williams. Ms. Lofgren votes aye.

1459 Ms. Jackson Lee?

1460 Ms. Jackson Lee. Aye.

1461 Ms. Williams. Ms. Jackson Lee votes aye.

1462 Mr. Cohen?

1463 Mr. Cohen. Aye.

1464 Ms. Williams. Mr. Cohen votes aye.

1465 Mr. Johnson?

1466 [No response.]

1467 Ms. Williams. Mr. Pierluisi?

1468 Mr. Pierluisi. Aye.

1469 Ms. Williams. Mr. Pierluisi votes aye.

1470 Ms. Chu?

1471 Ms. Chu. Aye.

1472 Ms. Williams. Ms. Chu votes aye.

1473 Mr. Deutch?

1474 [No response.]

1475 Ms. Williams. Mr. Gutierrez?

1476 Mr. Gutierrez. Aye.

1477 Ms. Williams. Mr. Gutierrez votes aye.

1478 Ms. Bass?

1479 [No response.]

1480 Ms. Williams. Mr. Richmond?

1481 [No response.]

1482 Ms. Williams. Ms. DelBene?

1483 Ms. DelBene. Aye.

1484 Ms. Williams. Ms. DelBene votes aye.

1485 Mr. Jeffries?

1486 [No response.]

1487 Ms. Williams. Mr. Cicilline?
1488 Mr. Cicilline. Aye.
1489 Ms. Williams. Mr. Cicilline votes aye.
1490 Mr. Peters?
1491 Mr. Peters. Aye.
1492 Ms. Williams. Mr. Peters votes aye.
1493 Chairman Goodlatte. The gentleman from Iowa?
1494 Mr. King. No.
1495 Ms. Williams. Mr. King votes no.
1496 Chairman Goodlatte. Has every Member voted who -- the
1497 gentleman from Michigan, Mr. Trott?
1498 Mr. Trott. No.
1499 Ms. Williams. Mr. Trott votes no.
1500 Chairman Goodlatte. Has every Member voted who wishes
1501 to vote?
1502 [No response.]
1503 Chairman Goodlatte. The clerk will report.
1504 Ms. Williams. Mr. Chairman, 10 Members voted aye; 18
1505 Members voted no.
1506 Chairman Goodlatte. And the amendment is not agreed to.
1507 Are there further amendments to H.R. 1153? For what
1508 purpose does the gentleman from Illinois seek recognition?

1509 Mr. Gutierrez. I have an amendment at the desk.

1510 Chairman Goodlatte. The clerk will report the
1511 amendment.

1512 Ms. Williams. Amendment to H.R. 1153, offered by Mr.
1513 Gutierrez of Illinois. In Section --

1514 Chairman Goodlatte. Without objection, the amendment is
1515 considered as read.

1516 [The amendment of Mr. Gutierrez follows:]

1517

1518 Chairman Goodlatte. And the gentleman is recognized for
1519 5 minutes on his amendment.

1520 Mr. Gutierrez. Thank you, Mr. Chairman.

1521 In the bill, there is a special provision which does not
1522 exist in law today. That provision is if you live in a
1523 country, in a jurisdiction in which you wish to home school
1524 your children, and the authorities in that district persecute
1525 you, don't allow you to home school your children, you can
1526 make a claim for asylum in the United States of America.

1527 Now that case was taken all the way to the Supreme
1528 Court. So I imagine that the reason it is in the bill is
1529 because the courts of the United States has not found that.
1530 So we are setting a new precedent for asylum in the United
1531 States if you are a victim of persecution because you wish to
1532 home school your children.

1533 My amendment says the following. We are good with home
1534 schooling. If you are a victim of persecution for home
1535 schooling should be a reason to get asylum in the United
1536 States. But it also adds those fleeing domestic violence,
1537 those fleeing sexual violence, those fleeing gang violence or
1538 child abuse.

1539 In other words, I would think that at least those who

1540 are fleeing gang violence, sexual/domestic violence should
1541 have the same level of protection in obtaining asylum in the
1542 United States as those fleeing because they wish to home
1543 school their children.

1544 Let us just think about it a moment. Should a child, a
1545 15-year-old child, who is being repeatedly raped, abused, who
1546 is in fear of gang members and drug dealers who permeate her
1547 neighborhood, be afforded the same protection under this as
1548 someone who is being persecuted because they wish to home
1549 school their children?

1550 Should a woman who has no protection under the law in
1551 her country of jurisdiction who is consistently abused by her
1552 spouse be given the same protection and consideration under
1553 this bill as someone who is a victim of persecution because
1554 they wish to home school their children?

1555 Victims of gang violence where they permeate in
1556 neighborhoods who are murder capital of the world, should
1557 they be afforded the same opportunity and protection under
1558 this law to achieve asylum as those who home school their
1559 children?

1560 Our colleagues in the majority have decided that home
1561 schooling is a category that should be protected. I have no

1562 objection. But I think, as we look at this and we take home
1563 schooling and we take those that are victims of domestic
1564 violence, sexual abuse, gang and child abuse, should a victim
1565 of child abuse be afforded the same opportunity to asylum in
1566 the United States and preference in this bill as a child who
1567 was denied home schooling and whose parents were persecuted?

1568 Just think about it a moment. I think I am simply
1569 taking the part of the legislation in which they have a
1570 special carve-out for those who are suffering from
1571 persecution because of home schooling and saying, okay, let
1572 us simply add asylum cases for home schoolers -- that is what
1573 it says in the bill -- and victims fleeing domestic violence,
1574 sexual violence, gang violence, or child abuse.

1575 Let us go on the record whether or not we think child
1576 abuse, gang violence, sexual abuse, the exploitation of women
1577 should be a category equal to those who are fleeing because
1578 of home schooling.

1579 Thank you, Mr. Chairman.

1580 Chairman Goodlatte. For what purpose does the gentleman
1581 from Utah seek recognition?

1582 Mr. Chaffetz. Mr. Chairman, I oppose the amendment.

1583 Chairman Goodlatte. The gentleman is recognized for 5

1584 minutes.

1585 Mr. Chaffetz. I thank the chairman.

1586 I want to remind my colleagues on both sides of the
1587 aisle that we are still, if this bill to pass, there is still
1588 asylum. People can still pursue asylum, and they come from
1589 all walks of life and from all over the world.

1590 But I have deep concerns about this amendment as it is
1591 written and the way it is put forward. It would vastly
1592 expand the number of aliens who come to the United States
1593 illegally who would be eligible for asylum. Federal courts
1594 have long provided that, for instance, in the case of gang
1595 violence in a country is not a valid basis for asylum.

1596 There are many countries in the world that are,
1597 unfortunately, infested by gangs. The amendment would
1598 essentially encourage every person in such a country come to
1599 the United States illegally in hopes of receiving asylum on
1600 the basis that they are feeling such endemic conditions. It
1601 does not even require that they be persecuted, simply that
1602 they are fleeing gang violence in their country.

1603 America could not be responsible for absorbing such
1604 massive major segments of the population in every country of
1605 the world that have such a major gang violence problem. This

1606 amendment would encourage millions of aliens to make perilous
1607 illicit journey to the United States, which would be simply
1608 irresponsible.

1609 Asylum was always designated to protect aliens who have
1610 been and likely will be persecuted on the basis of specific
1611 factors, including race, religion, nationality, membership in
1612 a particular social group, or political opinion. It is a
1613 wide array of people that are qualified.

1614 The bill still allows for those claiming asylum, but
1615 this amendment I would oppose and yield back to the chairman.

1616 Thank you.

1617 Chairman Goodlatte. For what purpose does the gentleman
1618 from Puerto Rico seek recognition?

1619 Mr. Pierluisi. I move to strike the last word.

1620 Chairman Goodlatte. The gentleman is recognized for 5
1621 minutes.

1622 Mr. Pierluisi. I support the amendment presented by the
1623 gentleman from Illinois, and I yield the balance of my time
1624 to him.

1625 Mr. Gutierrez. Thank you so much. I thank the
1626 gentleman from Puerto Rico.

1627 The gentleman from Utah is absolutely correct. Race,

1628 religion, nationality, political. You are absolutely right.

1629 But at the same time, just as this gentleman suggests
1630 that there is no carve-out for those fleeing gang violence,
1631 for those fleeing abuse from their spouses or for those child
1632 abuse, there is a carve-out in the bill.

1633 Now, on the one hand, I guess what the gentleman is
1634 saying that it is okay that if everybody that is home
1635 schooling their children around the world suddenly read this
1636 bill and say, wow, in the past, home schooling was never a
1637 situation in which I could achieve asylum in the United
1638 States until this bill was passed. Now with the passing of
1639 this bill, should it ever become law, everyone around the
1640 world, home schoolers around the world, come to the United
1641 States.

1642 That is what the gentleman is saying about people who
1643 are going to flee gang violence. No. What simply the
1644 amendment says is if we are going to have a special, special,
1645 unprecedented carve-out for those that are fleeing their
1646 country not because of their race or religion or national or
1647 because of their political opinion, but because they decide
1648 to home school their children, that we should at the same
1649 level put the children that are fleeing abuse, rape, murder

1650 by gangs and drugs and cartels; women who are fleeing
1651 domestic abuse; children who are fleeing child abuse.

1652 I thought I read we are creating special new categories,
1653 which I know we are, by including those who are fleeing
1654 situations in which they cannot home school their children.
1655 So I am simply saying that as members of the Judiciary
1656 Committee, is it not -- is it not at least equal to, in terms
1657 of having an opportunity to achieve asylum in the United
1658 States, equal to if you have been raped, if you live in a
1659 neighborhood in which gangs control every element of the
1660 society, in which you fear for your life?

1661 Fear for your life because death comes to you. Should
1662 death and violence be at least equated to those who wish to
1663 home school their children? I think so.

1664 And that is why we propose the amendment.

1665 Mr. Labrador. Mr. Chair?

1666 Chairman Goodlatte. For what purpose does the gentleman
1667 from Idaho seek recognition?

1668 Mr. Labrador. To strike the last word.

1669 Chairman Goodlatte. The gentleman is recognized.

1670 Mr. Labrador. You know, this is why these hearings are
1671 so important because, as I listen to Mr. Gutierrez, who I

1672 deeply respect -- he is a good friend who has a great passion
1673 for this issue -- I understand now that he doesn't understand
1674 asylum law.

1675 Asylum law is not there to protect the victims of crime.
1676 Asylum law is there to protect those who are persecuted by
1677 the government. Those people who have been put in a special
1678 category by the laws of the United States because they have
1679 no protection of the government, and they are persecuted by
1680 the government.

1681 I understand his passion and his concern for the victims
1682 of the crimes nationwide and worldwide. But if you want to
1683 have a discussion, you can discuss whether this carve-out
1684 that the bill has is appropriate or not, whether it is
1685 appropriate for us to protect home schoolers.

1686 And remember, it is not home schoolers. You misspoke,
1687 and I don't think you did this on purpose. It is not every
1688 home schooler in the world that is protected by this bill.
1689 It is every home schooler in the world whose government is
1690 persecuting them because they are a home schooler.

1691 If you are a victim of a sexual crime and you are a
1692 victim of violence or you are a victim of child abuse, and
1693 you are being persecuted by the government, asylum law

1694 already protects you. But apparently, Mr. Gutierrez either
1695 willfully or unknowingly is refusing to understand what
1696 asylum law is about.

1697 Asylum law is only about protecting individuals from the
1698 government, from the government coming against them,
1699 persecuting them, murdering them, abusing them. And there
1700 are home schoolers out there who are being directly
1701 persecuted by their governments.

1702 Now we can have this debate whether that should be a
1703 carve-out or not, but to expand it to every victim of crime
1704 is to turn asylum law on its head, and I will turn -- and I
1705 am done with my time.

1706 Thank you very much. I yield back.

1707 Ms. Lofgren. Mr. Chairman?

1708 Chairman Goodlatte. For what purpose does the
1709 gentlewoman from California seek recognition?

1710 Ms. Lofgren. Strike the last word.

1711 Chairman Goodlatte. The gentlewoman is recognized.

1712 Ms. Lofgren. I would just like to note that although
1713 the gentleman from Idaho is correct to some extent, asylum
1714 law, as it is developed, also includes circumstances where
1715 the government fails to protect an individual. And so, we

1716 have instances where someone who has been a victim of, for
1717 example, female genital mutilation not by the government, but
1718 by someone else, but the government fails to protect that
1719 person. They are eligible for asylum.

1720 I think what the gentleman from Illinois is trying to
1721 note is that there has been a court decision that individuals
1722 who are not permitted to home school is not a valid claim of
1723 asylum. And that if that is the case, you know, isn't it
1724 just as serious to be abused for sexual purposes as to be
1725 denied the right to home school your child?

1726 And I would be happy to yield additional time to the
1727 gentleman from Illinois.

1728 Mr. Gutierrez. Thank you.

1729 And I thank the gentleman from Idaho for his comments.
1730 He is correct. I am not a lawyer. So I am not as skilled in
1731 the lawyerly ways. But I do understand a little bit about
1732 asylum law, not being a lawyer. I know you are a lawyer, and
1733 so it is kind of not a, how would I say, fair situation for
1734 me to be arguing with you, given your talent in the law and
1735 verse in the law.

1736 But I do understand one thing, and that is that this is
1737 a special carve-out. And I didn't say everyone. I did say

1738 on repeated occasions that if you are persecuted by your
1739 government and you are persecuted because you wish to home
1740 school your children.

1741 So everywhere around the world under this legislation,
1742 welcome to America if you home school your children and you
1743 are persecuted by your -- or your government does not protect
1744 you. I think the gentleman from Idaho forgets that it is not
1745 only if you are persecuted. But let us say you have a
1746 government and your religious affiliation is not being
1747 protected by that government. It isn't the government going
1748 after you. They simply allow others to abuse you and do not
1749 protect you. You have a right to asylum in the United States
1750 of America.

1751 Not because the government went after you, but because
1752 the government simply stood by and allowed it to happen.
1753 Either because they knowingly did that or because they do not
1754 have the capacity to do that.

1755 Now I would simply suggest that if you live in Honduras,
1756 the murder capital of the world, or if you live in a country
1757 in which gangs run the country, run the country. And that is
1758 a little bit exaggeration, run geographical areas of the
1759 country. And which people live in fear of them because the

1760 government either decides not to protect you or cannot
1761 protect you, you have a right to asylum in the United States
1762 of America.

1763 So all I am saying is in those situations where the
1764 government either decides not to protect you because you wish
1765 to home school your children or goes after you and says you
1766 must put your kids in a public school and you cannot home
1767 school, that that should be the same as a situation in which
1768 the government either decides we are going to be part of the
1769 abuse or we either refuse to protect you and/or unable to
1770 protect you from domestic violence, from child abuse, from
1771 gang violence, that those should be equal.

1772 So I do understand a little bit about the law. So it
1773 doesn't necessarily mean that the government has to persecute
1774 you. The government can, and I think we can have a long
1775 discussion and probably a very good discussion in which we
1776 would all agree that there are governments out there that
1777 cannot protect people from child abuse, that cannot protect
1778 especially children or women from domestic abuse, and that
1779 don't have laws on the place, that don't have social
1780 structures to do that.

1781 So I am simply saying if you are going to do a special

1782 carve-out once again for home schoolers, I think we should
1783 send a message around the world that we are just as concerned
1784 about home schoolers as we are about those who are suffering
1785 domestic abuse, child abuse, gang violence, and intimidation
1786 and murder. It ends their lives.

1787 Thank you very much.

1788 Ms. Lofgren. I yield back, Mr. Chairman.

1789 Chairman Goodlatte. For what purpose does the gentleman
1790 from Texas seek recognition?

1791 Mr. Farenthold. Strike the last word.

1792 Chairman Goodlatte. The gentleman is recognized for 5
1793 minutes.

1794 Mr. Farenthold. I would like to yield to the gentleman
1795 from Idaho, please.

1796 Mr. Labrador. Thank you, Mr. Chairman.

1797 Just one minute. Mr. Gutierrez made my point. The law
1798 already protects these children who are abused of child
1799 abuse. The law already protects all these people whose
1800 government is not protecting them. So we don't need the
1801 special carve-out.

1802 And maybe the gentleman should read his own amendment.

1803 The amendment does not say let us protect these people if the

1804 government does not protect them. The amendment says
1805 specifically that we should protect anybody who is an
1806 individual who is fleeing from these circumstances. Not a
1807 person who is fleeing persecution by the government.

1808 So maybe you need to read the amendment that you
1809 introduced because your amendment does not do what you claim
1810 it does.

1811 And I yield back to the gentleman.

1812 Mr. Cicilline. Mr. Chairman?

1813 Chairman Goodlatte. For what purpose does the gentleman
1814 from Rhode Island seek recognition?

1815 Mr. Cicilline. Mr. Chair, I move to strike the last
1816 word.

1817 Chairman Goodlatte. The gentleman is recognized for 5
1818 minutes.

1819 Mr. Cicilline. I appreciate the gentleman offering this
1820 amendment and for making what I think is a really, really
1821 important point. And with all due respect to my friend from
1822 Idaho, I think he is construing the purpose of asylum much,
1823 much too narrowly.

1824 We are talking about not only government action but, as
1825 has been mentioned, government inaction. When the government

1826 fails to act such that children are exposed to hideous
1827 conditions of violence that endanger their lives, when
1828 families and women are subjected to domestic violence, when
1829 children are the subject of sexual abuse, as described in the
1830 amendment.

1831 And what Mr. Gutierrez is simply saying is if we are
1832 going to create a special exception, let us be sure that the
1833 exception reflects our values as a country. Now I am not
1834 aware -- there may be some huge wave of violence against
1835 people who are trying to home school their children around
1836 the world. I have not heard a lot about that.

1837 What I have heard a lot about is children fleeing gang
1838 violence and murder and sexual abuse from many parts of the
1839 world. So let us at least be sure that our effort at
1840 reforming our law or changing our law reflects the current
1841 challenges that face children and families around the world
1842 and that reflect our values.

1843 And so, I think, as Mr. Gutierrez's amendment says, it
1844 doesn't require government action, as the gentleman from
1845 Idaho suggests it does. It shouldn't require government
1846 action. It is whether or not those conditions have been met,
1847 and of course, there are other parts of the statute that

1848 require there to be hearings and impose penalties for
1849 frivolous asylum claims. So there are all those mechanisms.

1850 So I applaud the gentleman for this excellent amendment.
1851 I hope everyone will support it because I think it respects
1852 who we are as a country, and I yield the balance of my time
1853 to Mr. Gutierrez.

1854 Mr. Gutierrez. Thank you so much.

1855 First of all, I apologize if I am not skilled in the
1856 ways of lawyerly argumentation. I make a simple argument --

1857 Mr. Cicilline. Reclaiming my time. Mr. Gutierrez,
1858 reclaiming my time.

1859 Mr. Gutierrez. Yes.

1860 Mr. Cicilline. I don't think there is any question you
1861 are well skilled.

1862 Mr. Gutierrez. Oh, well, thank you so much. But I
1863 didn't get to go to law school. So sometimes it makes it a
1864 little difficult when you argue with lawyers.

1865 But my amendment does say "fleeing." Fleeing. It does
1866 say it right here. Maybe the gentleman from Idaho missed
1867 that word. It says fleeing. Because that is exactly what I
1868 meant to put in the amendment.

1869 And fleeing means you are running away, and the reason

1870 you are running away? Because there is nobody there to take
1871 care of you. There is nobody there to protect you. And no
1872 one can argue, no one can argue that people flee and that
1873 there are government situations in which people flee because
1874 the government is there not to protect you.

1875 So I just want to say that, look, we can argue this the
1876 rest of the afternoon. The fact is that there is a special
1877 carve-out because the majority feels that there is this
1878 special persecution occurring around the world and that there
1879 is no protection under our current law for those who wish to
1880 home school their children, but do not feel that those
1881 fleeing violence either because of a complicit act of the
1882 government, an omission of the government, or simply the
1883 inability of the government to protect those very people from
1884 domestic abuse, from gang violence, from child abuse should
1885 be put at the same level as those fleeing and persecuted
1886 either because the government doesn't want to help or does
1887 intentionally go against those who wish to home school their
1888 children.

1889 I think this has been an enlightening debate for all of
1890 us, and I think we should just call the question.

1891 Chairman Goodlatte. I will take your advice. The

1892 question occurs on the amendment offered by the gentleman
1893 from Illinois.

1894 All those in favor, respond by saying aye.

1895 Those opposed, no.

1896 In the opinion of the chair, the noes have it. The
1897 amendment is not agreed to.

1898 Mr. Gutierrez. Ask for a roll call.

1899 Chairman Goodlatte. A recorded vote is requested, and
1900 the clerk will call the roll.

1901 Ms. Williams. Mr. Goodlatte?

1902 Chairman Goodlatte. No.

1903 Ms. Williams. Mr. Goodlatte votes no.

1904 Mr. Sensenbrenner?

1905 Mr. Sensenbrenner. No.

1906 Ms. Williams. Mr. Sensenbrenner votes no.

1907 Mr. Smith?

1908 [No response.]

1909 Ms. Williams. Mr. Chabot?

1910 [No response.]

1911 Ms. Williams. Mr. Issa?

1912 [No response.]

1913 Ms. Williams. Mr. Forbes?

1914 [No response.]
1915 Ms. Williams. Mr. King?
1916 Mr. King. No.
1917 Ms. Williams. Mr. King votes no.
1918 Mr. Franks?
1919 [No response.]
1920 Ms. Williams. Mr. Gohmert?
1921 Mr. Gohmert. No.
1922 Ms. Williams. Mr. Gohmert votes no.
1923 Mr. Jordan?
1924 Mr. Jordan. No.
1925 Ms. Williams. Mr. Jordan votes no.
1926 Mr. Poe?
1927 Mr. Poe. No.
1928 Ms. Williams. Mr. Poe votes no.
1929 Mr. Chaffetz?
1930 Mr. Chaffetz. No.
1931 Ms. Williams. Mr. Chaffetz votes no.
1932 Mr. Marino?
1933 Mr. Marino. No.
1934 Ms. Williams. Mr. Marino votes no.
1935 Mr. Gowdy?

1936 Mr. Gowdy. No.

1937 Ms. Williams. Mr. Gowdy votes no.

1938 Mr. Labrador?

1939 Mr. Labrador. No.

1940 Ms. Williams. Mr. Labrador votes no.

1941 Mr. Farenthold?

1942 Mr. Farenthold. No.

1943 Ms. Williams. Mr. Farenthold votes no.

1944 Mr. Collins?

1945 Mr. Collins. No.

1946 Ms. Williams. Mr. Collins votes no.

1947 Mr. DeSantis?

1948 Mr. DeSantis. No.

1949 Ms. Williams. Mr. DeSantis votes no.

1950 Ms. Walters?

1951 Ms. Walters. No.

1952 Ms. Williams. Ms. Walters votes no.

1953 Mr. Buck?

1954 Mr. Buck. No.

1955 Ms. Williams. Mr. Buck votes no.

1956 Mr. Ratcliffe?

1957 Mr. Ratcliffe. No.

1958 Ms. Williams. Mr. Ratcliffe votes no.
1959 Mr. Trott?
1960 Mr. Trott. No.
1961 Ms. Williams. Mr. Trott votes no.
1962 Mr. Bishop?
1963 Mr. Bishop. No.
1964 Ms. Williams. Mr. Bishop votes no.
1965 Mr. Conyers?
1966 Mr. Conyers. Aye.
1967 Ms. Williams. Mr. Conyers votes aye.
1968 Mr. Nadler?
1969 [No response.]
1970 Ms. Williams. Ms. Lofgren?
1971 Ms. Lofgren. Aye.
1972 Ms. Williams. Ms. Lofgren votes aye.
1973 Ms. Jackson Lee?
1974 [No response.]
1975 Ms. Williams. Mr. Cohen?
1976 Mr. Cohen. Aye.
1977 Ms. Williams. Mr. Cohen votes aye.
1978 Mr. Johnson?
1979 [No response.]

1980 Ms. Williams. Mr. Pierluisi?

1981 Mr. Pierluisi. Aye.

1982 Ms. Williams. Mr. Pierluisi votes aye.

1983 Ms. Chu?

1984 Ms. Chu. Aye.

1985 Ms. Williams. Ms. Chu votes aye.

1986 Mr. Deutch?

1987 [No response.]

1988 Ms. Williams. Mr. Gutierrez?

1989 Mr. Gutierrez. Aye.

1990 Ms. Williams. Mr. Gutierrez votes aye.

1991 Ms. Bass?

1992 [No response.]

1993 Ms. Williams. Mr. Richmond?

1994 Mr. Richmond. Aye.

1995 Ms. Williams. Mr. Richmond votes aye.

1996 Ms. DelBene?

1997 Ms. DelBene. Aye.

1998 Ms. Williams. Ms. DelBene votes aye.

1999 Mr. Jeffries?

2000 [No response.]

2001 Ms. Williams. Mr. Cicilline?

2002 Mr. Cicilline. Aye.

2003 Ms. Williams. Mr. Cicilline votes aye.

2004 Mr. Peters?

2005 Mr. Peters. Aye.

2006 Ms. Williams. Mr. Peters votes aye.

2007 Chairman Goodlatte. Has every Member voted who wishes

2008 to vote? The gentleman from Virginia?

2009 Mr. Forbes. No.

2010 Ms. Williams. Mr. Forbes votes no.

2011 Chairman Goodlatte. The clerk will report.

2012 Ms. Williams. Mr. Chairman, 10 Members voted aye --

2013 Chairman Goodlatte. The clerk will suspend.

2014 Mr. Issa. Mr. Chairman, how am I recorded?

2015 Chairman Goodlatte. The gentleman is not recorded. The

2016 gentleman from California?

2017 Mr. Issa. No.

2018 Ms. Williams. Mr. Issa votes no.

2019 Chairman Goodlatte. The gentleman from Texas?

2020 Mr. Smith. No.

2021 Ms. Williams. Mr. Smith votes no.

2022 Chairman Goodlatte. The gentleman from Georgia?

2023 Mr. Johnson. Aye.

2024 Ms. Williams. Mr. Johnson votes aye.

2025 Chairman Goodlatte. The clerk will report.

2026 Ms. Williams. Mr. Chairman, 11 Members voted aye; 21

2027 Members voted no.

2028 Chairman Goodlatte. And the amendment is not agreed to.

2029 Are there further amendments to H.R. 1153?

2030 [No response.]

2031 Chairman Goodlatte. A reporting quorum being present,

2032 the question is on the motion to report the bill, H.R. 1153,

2033 favorably to the House.

2034 Those in favor will say aye.

2035 Those opposed, no.

2036 The ayes have it, and the bill is ordered reported

2037 favorably to the House.

2038 Mr. Conyers. Mr. Chairman, may I have a record vote?

2039 Chairman Goodlatte. A recorded vote is requested, and

2040 the clerk will call the roll.

2041 Ms. Williams. Mr. Goodlatte?

2042 Chairman Goodlatte. Aye.

2043 Ms. Williams. Mr. Goodlatte votes aye.

2044 Mr. Sensenbrenner?

2045 Mr. Sensenbrenner. Aye.

2046 Ms. Williams. Mr. Sensenbrenner votes aye.
2047 Mr. Smith?
2048 Mr. Smith. Aye.
2049 Ms. Williams. Mr. Smith votes aye.
2050 Mr. Chabot?
2051 [No response.]
2052 Ms. Williams. Mr. Issa?
2053 Mr. Issa. Aye.
2054 Ms. Williams. Mr. Issa votes aye.
2055 Mr. Forbes?
2056 Mr. Forbes. Aye.
2057 Ms. Williams. Mr. Forbes votes aye.
2058 Mr. King?
2059 Mr. King. Aye.
2060 Ms. Williams. Mr. King votes aye.
2061 Mr. Franks?
2062 [No response.]
2063 Ms. Williams. Mr. Gohmert?
2064 Mr. Gohmert. Aye.
2065 Ms. Williams. Mr. Gohmert votes aye.
2066 Mr. Jordan?
2067 Mr. Jordan. Yes.

2068 Ms. Williams. Mr. Jordan votes yes.
2069 Mr. Poe?
2070 Mr. Poe. Yes.
2071 Ms. Williams. Mr. Poe votes yes.
2072 Mr. Chaffetz?
2073 Mr. Chaffetz. Yes.
2074 Ms. Williams. Mr. Chaffetz votes yes.
2075 Mr. Marino?
2076 Mr. Marino. Yes.
2077 Ms. Williams. Mr. Marino votes yes.
2078 Mr. Gowdy?
2079 Mr. Gowdy. Yes.
2080 Ms. Williams. Mr. Gowdy votes yes.
2081 Mr. Labrador?
2082 Mr. Labrador. Yes.
2083 Ms. Williams. Mr. Labrador votes yes.
2084 Mr. Farenthold?
2085 Mr. Farenthold. Yes.
2086 Ms. Williams. Mr. Farenthold votes yes.
2087 Mr. Collins?
2088 Mr. Collins. Yes.
2089 Ms. Williams. Mr. Collins votes yes.

2090 Mr. DeSantis?

2091 Mr. DeSantis. Yes.

2092 Ms. Williams. Mr. DeSantis votes yes.

2093 Ms. Walters?

2094 Ms. Walters. Aye.

2095 Ms. Williams. Ms. Walters votes aye.

2096 Mr. Buck?

2097 Mr. Buck. Yes.

2098 Ms. Williams. Mr. Buck votes yes.

2099 Mr. Ratcliffe?

2100 Mr. Ratcliffe. Yes.

2101 Ms. Williams. Mr. Ratcliffe votes yes.

2102 Mr. Trott?

2103 Mr. Trott. Yes.

2104 Ms. Williams. Mr. Trott votes yes.

2105 Mr. Bishop?

2106 Mr. Bishop. Yes.

2107 Ms. Williams. Mr. Bishop votes yes.

2108 Mr. Conyers?

2109 Mr. Conyers. No.

2110 Ms. Williams. Mr. Conyers votes no.

2111 Mr. Nadler?

2112 [No response.]

2113 Ms. Williams. Ms. Lofgren?

2114 Ms. Lofgren. No.

2115 Ms. Williams. Ms. Lofgren votes no.

2116 Ms. Jackson Lee?

2117 [No response.]

2118 Ms. Williams. Mr. Cohen?

2119 Mr. Cohen. No.

2120 Ms. Williams. Mr. Cohen votes no.

2121 Mr. Johnson?

2122 Mr. Johnson. No.

2123 Ms. Williams. Mr. Johnson votes no.

2124 Mr. Pierluisi?

2125 Mr. Pierluisi. No.

2126 Ms. Williams. Mr. Pierluisi votes no.

2127 Ms. Chu?

2128 Ms. Chu. No.

2129 Ms. Williams. Ms. Chu votes no.

2130 Mr. Deutch?

2131 Mr. Deutch. No.

2132 Ms. Williams. Mr. Deutch votes no.

2133 Mr. Gutierrez?

2134 Mr. Gutierrez. No.

2135 Ms. Williams. Mr. Gutierrez votes no.

2136 Ms. Bass?

2137 [No response.]

2138 Ms. Williams. Mr. Richmond?

2139 Mr. Richmond. No.

2140 Ms. Williams. Mr. Richmond votes no.

2141 Ms. DelBene?

2142 Ms. DelBene. No.

2143 Ms. Williams. Ms. DelBene votes no.

2144 Mr. Jeffries?

2145 [No response.]

2146 Ms. Williams. Mr. Cicilline?

2147 Mr. Cicilline. No.

2148 Ms. Williams. Mr. Cicilline votes no.

2149 Mr. Peters?

2150 Mr. Peters. No.

2151 Ms. Williams. Mr. Peters votes no.

2152 Chairman Goodlatte. Has every Member voted who wishes

2153 to vote?

2154 [No response.]

2155 Chairman Goodlatte. The clerk will report.

2156 Ms. Williams. Mr. Chairman, 21 Members voted aye; 12

2157 Members voted no.

2158 Chairman Goodlatte. The ayes have it, and the bill is
2159 ordered reported favorably to the House. Members will have 2
2160 days to submit views.

2161 Pursuant to notice, I now call up H.R. 1148 for purposes
2162 of markup and move that the committee report the bill
2163 favorably to the House.

2164 The clerk will report the bill.

2165 Ms. Williams. H.R. 1148, to amend the Immigration and
2166 Nationality Act to improve immigration law enforcement within
2167 the interior of the United States, and for other purposes.

2168 Chairman Goodlatte. Without objection, the bill is
2169 considered as read and open for amendment at any point.

2170 [The information follows:]

2171

2172 Chairman Goodlatte. And I will begin by recognizing
2173 myself for an opening statement.

2174 In 1986, Congress responded to an unprecedented
2175 immigration crisis by legalizing almost 3 million unlawful
2176 aliens. In order to ensure that the country would never
2177 again be faced with a breakdown in the rule of law of such
2178 magnitude, Americans were promised going forward vigorous
2179 enforcement of our immigration laws. Unfortunately, that
2180 promise has been honored largely in the breach.

2181 Today, nearly 30 years later, this committee is marking
2182 up an immigration bill which delivers the robust enforcement
2183 of our immigration laws within our borders that Americans
2184 demand. It is a fulfillment of our longstanding promise to
2185 the American people.

2186 Successful immigration reform must provide effective
2187 interior enforcement. This is an integral piece of the
2188 puzzle. We can't just be fixated on securing the border,
2189 which undoubtedly is an issue of paramount concern. We must
2190 also focus on enforcing the law regarding those aliens who
2191 make it past the border and legal immigrants who violate the
2192 terms of their visas.

2193 H.R. 1148, introduced by Congressman Trey Gowdy,

2194 chairman of the Subcommittee on Immigration and Border
2195 Security, decisively delivers such immigration enforcement.
2196 The primary reason why our immigration system is broken today
2197 is because administrations have, to large extent, ignored the
2198 enforcement of our immigration laws in the interior of the
2199 U.S.

2200 The non-enforcement has reached a new low under the
2201 Obama administration. Removals of unlawful and criminal
2202 aliens by U.S. Immigration Customs Enforcement from the
2203 interior of the U.S. have fallen by over half from 2008 to
2204 2014, from 234,770 to 102,224.

2205 Removals are down so dramatically because the Obama
2206 administration is twisting the concept of prosecutorial
2207 discretion beyond all recognition. All in an unprecedented
2208 effort to creation immigration enforcement-free zones.
2209 Removal is discouraged, if not outright prohibited, for
2210 millions of unlawful and criminal aliens not considered
2211 priorities.

2212 We cannot allow the Obama administration to continue
2213 unilaterally shutting down immigration enforcement efforts in
2214 the U.S. The American people have little trust that an
2215 administration which has not enforced the law in the past

2216 will do so in the future.

2217 Real immigration reform needs to have a mechanism to
2218 ensure that the President cannot simply turn off the switch
2219 on immigration enforcement. Mr. Gowdy's bill contains such a
2220 mechanism. Not only does the bill strengthen immigration
2221 enforcement by giving ICE agents the tools they need to
2222 enforce our laws, but it also ensures that where the Federal
2223 Government fails to act, States can pick up the slack.

2224 H.R. 1148 provides States and localities with
2225 congressional authorization to assist in the enforcement of
2226 Federal immigration law. This will present a tremendous
2227 force multiplier for the few thousand overburdened ICE agents
2228 who are spread around the country performing multiple
2229 missions and whose hands have been tied.

2230 H.R. 1148 will give States and localities the explicit
2231 congressional authorization the Supreme Court requires for
2232 them to enact and enforce their own immigration laws, as long
2233 as these laws are consistent with Federal law. States and
2234 localities acting in a totally voluntary manner can step in
2235 and protect their communities and their workers when the
2236 Federal Government either can't or won't.

2237 Mr. Gowdy's bill gives us a way to surmount the mistakes

2238 of the past with regard to enforcement of our immigration
2239 laws. However, that is only part of Mr. Gowdy's bill. H.R.
2240 1148 does so many other things to give DHS and ICE agents the
2241 tools they need to protect our communities.

2242 Let me just mention a few. The bill expands the types
2243 of serious criminal activity for which we can remove aliens,
2244 including criminal gang membership, drunk driving, and
2245 failure to register as a sex offender.

2246 The bill would help people like Jamiel Shaw, whose son
2247 was a star high school football player gunned down by an
2248 unlawful alien gang member. The bill requires the detention
2249 of unlawful aliens convicted of drunk driving so they cannot
2250 cause additional tragedies while DHS seeks their removal.

2251 The bill makes clear that criminal aliens in removal
2252 proceedings shall be detained throughout those proceedings.
2253 As a result of two Supreme Court decisions, DHS has to
2254 release thousands of dangerous aliens onto our streets each
2255 year who have been ordered removed, but whose removal has
2256 been stymied.

2257 The bill deals with this dilemma with a two-pronged
2258 approach. First, it utilizes language from former Chairman
2259 Smith's Keep Our Communities Safe Act to allow DHS to

2260 continue to detain dangerous aliens who cannot be removed.

2261 Second, it utilizes language from Judge Poe's Timely

2262 Repatriation Act to penalize countries who refuse to take

2263 back their aliens who have been ordered removed.

2264 H.R. 1148 provides a robust interior enforcement

2265 strategy that will maintain the integrity of our immigration

2266 system for the long term. It is a game-changing piece of

2267 legislation, and I thank Representative Gowdy for introducing

2268 it, and I urge my colleagues to support this bill.

2269 It is now my pleasure to recognize the gentleman from

2270 Michigan, Mr. Conyers, for his opening statement.

2271 Mr. Conyers. Mr. Chairman, I thank you very much, but I

2272 express disappointment in the measurement now offered by the

2273 gentleman from South Carolina, H.R. 1148.

2274 And the reason is quite simple. What we are doing here

2275 is going against the experience of the Major Cities Police

2276 Chiefs Association, who oppose the measure; the Law

2277 Enforcement Immigration Task Force, which opposes the

2278 measure; the National Conference of State Legislatures, as

2279 well as the United States Conference of Mayors; the National

2280 Association of Counties; and the National League of Cities.

2281 On that alone, I should rest my case. But I will take a

2282 couple more minutes to put it simply. This bill takes a
2283 dangerous approach to a complicated problem that they --
2284 these organizations and their leaders and I and many members
2285 of the committee feel will harm communities across the United
2286 States.

2287 Among the bill's greatest shortcomings is that it makes
2288 it a crime, potentially a felony, to be undocumented in this
2289 country. And that is not the kind of tough, but fair
2290 solution our nation needs.

2291 Another major problem with the bill is that by granting
2292 State and local law enforcement officers unprecedented and
2293 unchecked authority to enforce Federal immigration laws, the
2294 SAFE Act will, in fact, actually make our communities less
2295 safe. Converting all police officers into immigration agents
2296 will effectively force them to make public safety a distant
2297 second priority.

2298 Studies already show that when police officers become
2299 immigration agents, crime victims and witnesses fear to come
2300 forward. Crime goes unreported, and public safety suffers.
2301 And if State and localities decide the best way to promote
2302 public safety and community policing is to adopt policies
2303 regarding the immigration enforcement action of our police

2304 officers, this bill denies those jurisdictions cops on the
2305 beat grants that are designed to promote public safety and
2306 enhance police communities.

2307 By second-guessing States and localities and creating
2308 new conditions for receipt of these funds, the bill
2309 prioritizes immigration enforcement over public safety in
2310 every community across our Nation. I am sure we do not want
2311 this to happen.

2312 Although the title of the bill suggests it is meant to
2313 honor State and local enforcement, I encourage the bill's
2314 supporters to listen to what all those police chiefs and law
2315 enforcement, immigration task force members, and State
2316 legislatures and associations of county leaders and the
2317 National League of Cities members have to say. This
2318 legislation will result in widespread racial profiling and
2319 unconstitutional arrests of United States citizens and
2320 immigrants alike.

2321 I will ask unanimous consent to include the rest of my
2322 statement in the record, and I thank the gentleman.

2323 Mr. Gowdy. [presiding] Without objection.

2324 [The statement of Mr. Conyers follows:]

2325

2326 Mr. Gowdy. Thank the gentleman from Michigan.

2327 The chair would now recognize himself and then the
2328 gentlelady from California.

2329 The consensus in this country is that our current
2330 immigration system is broken, unworkable, and not operating
2331 in the best interests of Americans. It is also not fully
2332 being enforced, undercutting the bedrock of this republic,
2333 which is the adherence to and respect for the rule of law.

2334 Asking law enforcement officers not to enforce the law
2335 is nonsensical and responsible for the low morale among those
2336 who risk their lives so we do not have to. Previous attempts
2337 at immigration reform proved insufficient because if they
2338 were sufficient, we would not be having this markup, nor
2339 would we be having another national conversation about
2340 reform.

2341 Decisions by administrations from both parties to
2342 selectively enforce our immigration laws have had a negative
2343 effect on our system. Such is the case with the selective
2344 enforcement of any law, and one would think that we had
2345 learned this lesson sufficiently before.

2346 Simply put, while most Americans realize the current
2347 system does not work, they are also skeptical that Congress

2348 will actually do what it is supposed to do or that this or
2349 future administrations will actually enforce what reforms do
2350 pass. And this cynicism is, frankly, well earned, but it is
2351 also largely responsible for the reluctance of the American
2352 people to buy into systemic reform.

2353 There are many aspects of the current immigration system
2354 that need to be reformed, and to be clear, there will be some
2355 on the other side lamenting that we are starting with
2356 enforcement, as opposed to starting with legal status or
2357 children brought here before the age of legal accountability.

2358 Even last month, farmers, who happen to be friends of
2359 mine, approached me skeptical of E-Verify because they lack
2360 confidence that we can provide employment verification while
2361 also acknowledging the realities of farming and related
2362 industries. Cynicism, a lack of confidence in the
2363 policymakers, and a deep distrust of government are the real
2364 obstacles to legislative gains in any sector of government.

2365 In my judgment, we need to start with enforcement to
2366 demonstrate to our fellow citizens that we are serious about
2367 making sure this is the last time we have to visit
2368 immigration reform. An oft-repeated statistic bears
2369 mentioning again.

2370 Around 40 percent of those who are in this country
2371 unlawfully originally entered through lawful means. Real and
2372 verifiable border security is critical. Immigration reform
2373 cannot and will not be done without real verifiable and
2374 robust border security.

2375 A sovereign country should never apologize for having a
2376 secure border, any more than Congress apologizes for having
2377 metal detectors at almost every entry into the Capitol. But
2378 just as border security is a condition precedent, so, too, is
2379 the enforcement of our internal immigration laws if we are
2380 going to have a system that works and has any credibility in
2381 the eyes of both the American public and those who wish to
2382 legally immigrate here to live and work.

2383 Under the guise of prosecutorial discretion, this
2384 administration has handcuffed Federal immigration officers by
2385 instructing them not to enforce entire categories of the law.
2386 Therefore, a sustainable immigration solution needs to have
2387 mechanisms to ensure that the President, whether the one we
2388 have today or the one 10 years from now, simply cannot turn
2389 off the switch on enforcement.

2390 State and local law enforcement officers have a role in
2391 all forms of our criminal justice system. So why can't we

2392 give them a role in the enforcement of our immigration laws?

2393 We trust State and local law enforcement to enforce
2394 every category of law, from child sex abuse cases to murder
2395 cases, to narcotics trafficking, even to the speed limit on
2396 our interstate highway system, and there could be nothing
2397 more Federal or impact interstate commerce more than our
2398 interstate highway system.

2399 And no one complains when State and local law
2400 enforcement take the lead in these categories of enforcement.
2401 No one, frankly, complains when they show up at our town
2402 halls or the other events we have in our district because it
2403 is State and local law enforcement that we trust to provide
2404 security at our very own events.

2405 But somehow or another, we cannot trust them with this
2406 category of law, despite the fact that they would be subject
2407 to exactly the same constitutional rules as Federal law
2408 enforcement.

2409 There are 5,000 ICE agents that have the duty of
2410 enforcing our Nation's immigration law. Five thousand agents
2411 for 11 million undocumented aliens. And there are 730,000
2412 State and local enforcement officers in the United States.

2413 If we want a long-term sustainable solution, we have to

2414 address interior enforcement of our laws, and the selective
2415 enforcement of the law is destructive to our system, and
2416 ignoring laws because we wish they weren't laws is
2417 destructive to our system. And the result has been this
2418 pervading sense that our laws simply no longer matter.

2419 The American people have a right to expect and deserve
2420 more, and I will say this in conclusion. I am honored -- I
2421 am honored to name this bill after just two of the State and
2422 local law enforcement officers out of the tens of thousands
2423 of men and women who daily risk their lives to protect us.

2424 State and local law enforcement, I am honored to name
2425 this in honor of two of them. Because those two happened to
2426 give their life protecting us. So I will never apologize for
2427 giving the same people we trust in every other facet of life,
2428 including our own personal security at our own political
2429 events, if they are good enough to do that, they ought to be
2430 good enough to do immigration law.

2431 And with that, I would recognize the gentlelady from
2432 California.

2433 Ms. Lofgren. Thank you, Mr. Chairman.

2434 My colleagues who were on this committee in the 113th
2435 Congress know that we marked up a similar bill with a

2436 different name, the SAFE Act. At that time, the decision to
2437 take up a deportation-only bill seemed a bit surprising.

2438 Following the 2012 election, the Republican National
2439 Committee issued a report concluding that the Republican
2440 Party "must embrace and champion comprehensive immigration
2441 reform. If we do not, our party's appeal will continue to
2442 shrink to its core constituencies only."

2443 A bipartisan group in the House was making solid
2444 progress on a sensible bill to reform our immigration system,
2445 and the Senate had less than 1 week earlier begun debate on
2446 S. 744, a bipartisan immigration reform bill that ultimately
2447 passed by a supermajority in the Senate, 68 to 32.

2448 But rather than embracing comprehensive immigration
2449 reform, the so-called SAFE Act took us in the exact opposite
2450 direction. Knowing what we know now, it is hardly surprising
2451 that we are considering the bill once more.

2452 Last Congress, Republican leadership in the House
2453 squandered the opportunity to heed the advice of the RNC and
2454 the will of the American people, who overwhelmingly support
2455 immigration reform. For the first 2 months of this Congress,
2456 they focused all of their attention on eliminating DACA and
2457 subjecting DREAMers once more to the threat of deportation

2458 and blocking the administration's effort to offer temporary
2459 protection to deserving parents of American children and
2460 preventing the administration from prioritizing the removal
2461 of serious criminals over farm workers and nannies.

2462 I say that Republicans have focused all of their
2463 attention on these efforts because it is this fixation that
2464 made it impossible to properly fund the Department of
2465 Homeland Security until just hours before funding ran out.
2466 And even then, the department was funded over the objection
2467 of more than two-thirds of the House Republican Conference.

2468 Now let me provide a little more context for today's
2469 markup. Almost 10 years ago, this committee considered a
2470 bill that was similar to this bill in many key respects.
2471 Like this bill, H.R. 4437 turned millions of undocumented
2472 immigrants into criminals overnight, and like this bill, H.R.
2473 4437 turned State and local enforcement officers around the
2474 country into immigration agents.

2475 It also expanded mandatory and prolonged detention,
2476 denied due process and judicial review, and ignored the
2477 problems of racial profiling and unlawful discrimination that
2478 were sure to result from the language of the bill.

2479 Today, while the entire country is looking for solutions

2480 to our broken immigration system, which must include a path
2481 to earned permanent legal status for undocumented immigrants,
2482 this bill would instead turn those people into criminals.
2483 The bill makes unlawful presence a criminal offense and makes
2484 it a crime to overstay a visa by even a single day or to
2485 violate the terms of entry in even the most innocuous ways.

2486 The country has considered and rejected mass deportation
2487 or self-deportation. Members of this committee have admitted
2488 it is not realistic. So how can it make any more sense to
2489 imprison all of these people?

2490 The bill also allows every State and locality to pass
2491 its own civil and criminal immigration laws. It is bad
2492 enough that the bill makes every undocumented immigrant
2493 guilty of two new Federal crimes. By allowing State and
2494 localities to pass similar criminal laws, the bill will make
2495 the situation infinitely worse. Not even H.R. 4437 did that.

2496 Whereas the Supreme Court in the Arizona case explained
2497 the importance of Federal preemption by saying that, "It is
2498 fundamental that foreign countries concerned about the
2499 status, safety, and security of their nationals in the United
2500 States must be able to confer and communicate on the subject
2501 with one national sovereign, not 50 separate States."

2502 By allowing every State, county, and locality to
2503 implement, enact, and enforce their own immigration laws, the
2504 SAFE Act would multiply that problem one hundredfold.

2505 The bill also gives every State and local law
2506 enforcement officer in the country authority to investigate,
2507 identify, arrest, and detain people, pursuant to Federal,
2508 State, or local immigration laws.

2509 Yes, it is true. We all trust State and local police to
2510 enforce various laws. But that doesn't mean that when a
2511 highway patrol officer pulls someone over for speeding, we
2512 want that officer to also request 3 years' worth of Form
2513 1040s. Confirming a motorist's compliance with Federal tax
2514 laws is beyond the scope of that encounter.

2515 It is also worth noting that Federal courts have
2516 recognized for decades that immigration laws are, and this is
2517 a quote, "second only to the Internal Revenue Code in
2518 complexity. A lawyer is often the only person who could
2519 thread the labyrinth." And that is from the case of Castro-
2520 O'Ryan v. INS, a 9th Circuit case in 1987.

2521 Worse still, such officers in the bill are allowed to
2522 issue their own detainers that would allow them, according to
2523 the bill, to hold in prison or jail any noncitizen who has

2524 "served a prison sentence under State or local law until the
2525 Secretary can take the alien into custody." There is no
2526 limit on the duration of such detention, no requirement for
2527 probable cause or hearing before a judge. In fact, the
2528 provision does not even suggest that the State or local law
2529 enforcement officer has to even believe that the noncitizen
2530 is removable from the country before issuing that detainer
2531 and depriving that person of liberty.

2532 How many U.S. citizens and lawful permanent residents
2533 are going to be subjected to racial profiling and unlawful
2534 detention as a result of these provisions? So much for
2535 believing in small government and individual liberty.

2536 Several founding members of the House Freedom Caucus are
2537 on this committee, and I hope we can hear their views on
2538 these provisions. I believe that we agree that our
2539 immigration system is broken and that we need a solution that
2540 respects the rule of law and our common humanity.

2541 I believe we want to empower State and local enforcement
2542 personnel to do their jobs, which means, first and foremost,
2543 keeping their communities safe. I believe we all want to
2544 respect the Constitution and ensure that people are not
2545 deprived of liberty without due process or as a result of

2546 racial profiling or other forms of discrimination.

2547 Unfortunately, this bill simply fails to meet all these
2548 shared beliefs. Instead, the bill takes us back in time to
2549 an approach that has long been rejected by the American
2550 people.

2551 And I yield back my time.

2552 Mr. Gowdy. I thank the gentlelady from California.

2553 The committee will be in recess until 1:00 p.m.

2554 [Whereupon, at 12:11 p.m., the committee recessed, to
2555 reconvene at 1:31 p.m., the same day.]

2556 Chairman Goodlatte. The committee will reconvene. When
2557 the committee recessed, we were considering H.R. 1148, and
2558 the chairman and ranking member of the full committee and
2559 subcommittee had given their opening statements, and we are
2560 ready to consider amendments. I believe the gentleman from
2561 Iowa has a statement he would like to make. The gentleman is
2562 recognized for 5 minutes.

2563 Mr. King. Thank you, Mr. Chairman. I appreciate being
2564 recognized, and I appreciate the effort that has come
2565 together here to build this bill. It has taken a number of
2566 years to put the pieces together, and a greater number of
2567 years of some unhappy experiences in order to lay the

2568 foundation for this bill that is coming forward.

2569 And of all the components that are in there, I wanted to
2570 compliment the people who used the creativity to put this
2571 out. And I also wanted to thank the chairman, and the
2572 subcommittee chairman, the members of this committee, and the
2573 staff that have also seen fit to incorporate some of the
2574 ideas that I have worked on for years in this bill.

2575 This is a shorter term, the denaturalization of
2576 terrorists. That is a bill that I had drafted and
2577 introduced. Revocation of visas is another. The defunding
2578 of DACA, and DAPA, and the Morton memos, all that is
2579 something that I go back to 2011 on that particular issue.
2580 And then Federal funds for sanctuary cities and States was a
2581 piece that, if I remember, was in the previous decade when I
2582 first began to bring amendments on that one, as well as the
2583 issue that has been most recent that I have turned some real
2584 focus to is the immunity of State and local police that honor
2585 the ICE detainers.

2586 And that was something that was going along pretty well
2587 for a long time until there was an interim -- let us see. An
2588 interim chairman of ICE that issued a memorandum that said
2589 that the ICE detainers could be discretionary rather than

2590 mandatory. Now, when that happens and you end up with a
2591 situation where the law of the United States is undermined by
2592 a memorandum of an executive branch official, this closes
2593 that loophole back up again and restores the intent of
2594 Congress, and it restores the letter of the law.

2595 So I am quite pleased with the efforts that have been
2596 put into this, the judgment that has put this in the paper.
2597 Of course, I did not ask to be recognized. I think the bill
2598 is perfect. There is a little ways to go yet, and I hope to
2599 make it even better. But I want to make sure I was on the
2600 record before it went down the path, the amendment path, that
2601 a lot of good work is in this bill. I support the underlying
2602 bill, and I appreciate the opening statements on the part of
2603 the chairman and the subcommittee chairman, and I will
2604 eventually be around to urging its adoption. And I will
2605 yield back the balance of my time.

2606 Mr. Conyers. Mr. Chairman?

2607 Chairman Goodlatte. For what purpose does the gentleman
2608 seek recognition?

2609 Mr. Conyers. To strike the last word, sir.

2610 Chairman Goodlatte. The gentleman is recognized for 5
2611 minutes.

2612 Mr. Conyers. Thank you. Members of the committee --
2613 wait a minute. Oh, I am sorry. I will withdraw my request
2614 for time.

2615 Chairman Goodlatte. So then the question then arises,
2616 are there amendments to H.R. 1148?

2617 Mr. Conyers. Yes, there are.

2618 [Laughter.]

2619 Chairman Goodlatte. The gentleman from Michigan is
2620 recognized.

2621 Mr. Conyers. Thank you. I will yield to Mr. King.

2622 Chairman Goodlatte. The gentleman from Iowa is
2623 recognized.

2624 Mr. King. Mr. Chairman, I have an amendment at the
2625 desk.

2626 Chairman Goodlatte. The clerk will report the
2627 amendment.

2628 Mr. King. It is designated by my memo as Amendment 40.

2629 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.
2630 King of Iowa, at the end of the bill, add the following and
2631 amend the table of contents accordingly.

2632 Chairman Goodlatte. Without the objection, the
2633 amendment will be considered as read.

2634 [The amendment of Mr. King follows:]

2635

2636 Chairman Goodlatte. And the gentleman is recognized for
2637 5 minutes on his amendment.

2638 Mr. King. Thank you, Mr. Chairman. This is the first
2639 of three amendments that I hope to bring, perhaps four, that
2640 addresses a frustration in American civilization and American
2641 society. And this is rooted clear back in Old English common
2642 law where if you poach the king's deer, then if the king were
2643 satisfied with the justice, then you had no further recourse.
2644 I recognized this sitting in an American courtroom on a
2645 particular day. And so, when the criminal law has resolved
2646 this, then there is not a place for an individual to go back
2647 to.

2648 This amendment provides standing for private cause of
2649 action in civil court in order for someone who has been a
2650 victim of, and can show harm to bring a case before civil
2651 court to complete something that I believe should be resolved
2652 by the criminal court, especially with regard to deportation.
2653 So when the Federal government has exhausted itself as far as
2654 adjudicating someone who is unlawfully present in the United
2655 States, this amendment allows for an individual to take this
2656 issue to a civil court action, and grants them standing.

2657 And there are a number of precedents for this standing,

2658 I would say, existing in 31 U.S.C. 3730 that confers standing
2659 on private persons to bring a civil action for violations of
2660 False Claims Act, for example. There are multiple other
2661 cases.

2662 We set the standing. This amendment grants standing,
2663 and it grants relief in a methodology so that when you have
2664 an Administration that refuses to enforce immigration law, in
2665 fact, defies the Congress and the very letter of immigration
2666 law, and an individual is harmed, and I recall the name of
2667 Jamiel Shaw in the opening remarks, one of those individuals
2668 that might have a cause of action to go forward for
2669 completing the adjudication in civil court when the Federal
2670 government has exhausted all of its avenues.

2671 So, for example, if they decide that they would just
2672 simply stop the process and are not going to prosecute, and
2673 an individual is assaulted, perhaps run over by a car, and if
2674 they are killed, their family members could bring a civil
2675 action. If they survive they can be the plaintiff. But we
2676 have a President who has released 36,007 felons into the
2677 streets, and the public has no recourse. Members of Congress
2678 do not have actually an effective recourse on this, and that
2679 has been demonstrated within the last 2 or 3 weeks.

2680 So this is a subject matter that has not been very well
2681 examined by this committee in the time that I have had the
2682 privilege to sit on this committee, but the issue standing is
2683 something that Congress confers and the courts decide. But
2684 this grants standing to victims and their successors of
2685 immigration law after the Federal government has exhausted
2686 their alternatives. And it does not allow for the Federal
2687 government to simply take this case back and then decide to
2688 drop the case. It leaves the civilian plaintiff in place all
2689 the way through the process until the system is exhausted.
2690 So I would urge the adoption of this amendment, and I would
2691 yield back the balance of my time.

2692 Chairman Goodlatte. The chair thanks the gentleman.
2693 For what purpose does the gentleman from Michigan seek
2694 recognition?

2695 Mr. Conyers. To strike the last word.

2696 Chairman Goodlatte. The gentleman is recognized for 5
2697 minutes.

2698 Mr. Conyers. Thank you, Mr. Chairman. This amendment
2699 as I understand it authorizes United States citizens or
2700 people in lawful status to bring a civil action in Federal
2701 court on behalf of the United States for purposes of removing

2702 particular persons from the country. In order to bring a
2703 civil action against a deportable person, the person must
2704 have suffered harm to person or property caused by the non-
2705 citizen, and that harm must have resulted in a final
2706 judgment. And so, this amendment will prevent the Federal
2707 government itself from speaking with one voice on matters of
2708 foreign affairs.

2709 Now, take the Supreme Court matter of *Arizona v. United*
2710 *States*, which explained that Federal preemption over
2711 immigration is crucial because it is fundamental that foreign
2712 countries concerned about status, safety, and security of
2713 their nationals in the United States must be able to confer
2714 and communicate on this subject with one national sovereign,
2715 not 50 separate States. And this Supreme Court decision made
2716 clear that Federal immigration officials are entrusted with
2717 broad discretion under the law to decide whether or not to
2718 pursue deportation.

2719 For decades, the Supreme Court has recognized that
2720 discretion extends throughout the entire deportation process,
2721 and, as such, discretion can be warranted to address
2722 "immediate human concerns." It is bad enough that the
2723 underlying bill authorizes States and localities to enact

2724 their own immigration laws and to enforce Federal immigration
2725 laws. That will greatly harm and disrupt strong Federal
2726 interests that are implicated by our immigration system.

2727 And so, the King amendment takes this one giant step
2728 further. Now individuals would be able to appear on behalf
2729 of the United States in Federal court to pursue deportation
2730 of particular persons who harm them. And so, I conclude by
2731 suggesting to the members of the committee that the amendment
2732 will invite discrimination in many ways. The total
2733 delegation of immigration enforcement to States and
2734 localities creates, in effect, thousands of Joe Arpaio's all
2735 over the country. The King amendment has the potential to
2736 create even more than that.

2737 So when Congress created a Department of Homeland
2738 Security, we entrusted the Secretary with the responsibility
2739 of establishing national immigration enforcement policies.
2740 This amendment would seriously damage the ability of the
2741 Secretary to set sensible enforcement priorities by allowing
2742 potentially millions of citizens and lawful immigrants with
2743 the power to initiate the removal process themselves. So I
2744 warn my colleagues about some of the reasons that I am unable
2745 to support this amendment as it is now written, and I thank

2746 the chair.

2747 Chairman Goodlatte. For what purpose does the gentleman
2748 from South Carolina seek recognition?

2749 Mr. Gowdy. Move to strike the last word.

2750 Chairman Goodlatte. The gentleman is recognized for 5
2751 minutes.

2752 Mr. Gowdy. Mr. Chairman, I must oppose this amendment
2753 on inter alia constitutional grounds. The amendment no doubt
2754 is based on the author's well-founded frustration with the
2755 declining number of aliens DHS has been removing from the
2756 interior of the United States. However, as the Supreme Court
2757 of Arizona ruled in *State of Arizona v. Camargo*, the Federal
2758 power over aliens is exclusive and supreme in matters of
2759 their deportation and entry into the United States. The law
2760 does not allow a State to admit an alien into our Nation who
2761 is inadmissible under Federal law or who DHS has declined in
2762 its absolute discretion to admit.

2763 Likewise, a State cannot deport an alien on its own
2764 whether the alien was removable under Federal law or not.
2765 These powers are inherently the executive branch's and arise
2766 out of the foreign policy power of the executive branch. The
2767 Nation must speak with one voice with respect to foreign

2768 sovereigns. As the Supreme Court held, the Federal
2769 government representing as it does the collective interests
2770 of the States, it is entrusted with full and exclusive
2771 responsibility for the conduct of affairs with foreign
2772 sovereigns. This is a fundamental difference between a State
2773 penalizing an alien through civil or criminal sanctions for
2774 violating immigration laws and that State actually removing
2775 the person to a foreign country. In addition, as has been
2776 indicated earlier, the separation of powers doctrine provides
2777 Congress cannot delegate the executive branch's power of
2778 prosecutorial discretion outside of the executive branch.

2779 There is also, Mr. Chairman, a practical problem. Even
2780 the Department of Homeland Security cannot remove an alien
2781 without the cooperation of a foreign government. And
2782 Department of Homeland Security historically has had much
2783 difficulty with persuading many countries to issue the travel
2784 documents necessary to allow their nationals ordered removed
2785 to be repatriated. It is highly unlikely that most countries
2786 -- it is highly likely rather most countries would refuse to
2787 cooperate with entities other than the Federal government and
2788 their repatriation of their nationals. So for these reasons,
2789 I must oppose the amendment, and yield back my time.

2790 Chairman Goodlatte. For purpose does the gentleman from
2791 Arizona seek recognition?

2792 Mr. Franks. Mr. Chairman, I move to strike the last
2793 word.

2794 Chairman Goodlatte. The gentleman is recognized for 5
2795 minutes.

2796 Mr. Franks. Mr. Chairman, I would now yield to Mr. King
2797 from Iowa.

2798 Mr. King. I thank the gentleman from Arizona for
2799 getting me some time and yielding. I have been listening to
2800 the response from the gentleman from South Carolina. I think
2801 that might be a response for the next amendment I am
2802 bringing. But in my defense of this, I would say first in
2803 response to Mr. Conyers, the concerns that he has about this
2804 bill that there would be 50 different States setting up
2805 different policies, this amendment that I have only addresses
2806 taking it to a Federal court. So we would have a national
2807 policy rather than 50 State policies, at least presumably,
2808 although the judges do not always agree. So I think that
2809 resolves that particular concern.

2810 And you said it would prevent the Federal government
2811 from speaking with one voice. I think that this would be

2812 consistent back within the Federal courts, so that resolves
2813 that concern. I think it actually resolves the concerns that
2814 the gentleman from Michigan has raised.

2815 But I would raise one for the gentleman from Michigan,
2816 and that is that he has been a champion, although we have
2817 different viewpoints on the definition of it, of civil
2818 rights. And I would just pose this, that this amendment is
2819 about the civil rights of the crime victims who are victims
2820 of crimes committed by people who are unlawfully present in
2821 the United States. And when the Federal government has
2822 failed to provide that kind of relief by simply utilizing
2823 their prosecutorial discretion, then that individual has no
2824 recourse except accept the idea that it was the king's deer
2825 after all, and there is no recourse.

2826 It is not the king's deer, not in this country. We are
2827 a country that the power comes from God through the people.
2828 And so, we should be sympathetic to the civil rights of
2829 individuals who are essentially shut out of justice. And we
2830 probably will disagree on the verdict, but the verdict for
2831 O.J. Simpson, for example, in the criminal case found him not
2832 guilty. Not innocent, but not guilty. But yet there was a
2833 civil case that followed up on that, and there was a recourse

2834 then for the family.

2835 Now, whether you agree or not with the decisions that
2836 are made in that, this is in a way a similar way to approach
2837 this. When the Federal government fails its job in
2838 prosecuting and removing under criminal law in particular,
2839 then there is a recourse for the individual to go to civil
2840 court in a Federal courthouse and press for the natural
2841 conclusion that is prescribed by law, which is removal from
2842 the United States.

2843 So with that, and without further rebuttal to the
2844 gentleman from South Carolina, I think that this a good place
2845 for us to go, and I think people in this country deserve
2846 justice.

2847 Mr. Conyers. Would the gentleman yield?

2848 Mr. King. And I would yield.

2849 Mr. Conyers. I just wanted to thank the gentleman for
2850 his thorough analysis of this. It goes a little bit further
2851 than my simple, simplistic approach to this amendment, but I
2852 appreciate his explanations.

2853 Mr. King. And reclaiming my time and thanking the
2854 gentleman from Michigan, I would yield back to the gentleman
2855 from Arizona.

2856 Mr. Franks. I yield back, Mr. Chairman.

2857 Chairman Goodlatte. The question occurs on the
2858 amendment offered by the gentleman from Iowa, Mr. King.

2859 All those in favor respond by saying aye.

2860 Those opposed no?

2861 In the opinion of the chair, the noes have it, and the
2862 amendment is not agreed to.

2863 Mr. Conyers. Could I get a roll call vote?

2864 Chairman Goodlatte. A recorded vote is requested.

2865 Mr. Conyers. May I withdraw the request?

2866 Chairman Goodlatte. The request is withdrawn. Are
2867 there further amendments?

2868 Mr. Conyers. I have an amendment at the desk.

2869 Chairman Goodlatte. We have a vote. Let me see. We
2870 have a vote pending with 8 minutes and 30 seconds remaining,
2871 so let us recess the committee, and we will return
2872 immediately following this series of votes.

2873 Mr. Conyers. Okay. I will be the first one back.

2874 [Recess.]

2875 Chairman Goodlatte. The committee will reconvene. When
2876 we recessed we were considering amendments to H.R. 1148, and
2877 the gentleman from Michigan had been recognized for his

2878 amendment.

2879 Mr. Conyers. Thank you, Mr. Chairman. The bill itself
2880 represents a step backwards, I am sorry to report, in our
2881 Nation's efforts to reform our immigration system, and Title
2882 1 is the most troubling part. And so, my contribution to
2883 this procedure would be to strike Title 1 from the bill.

2884 Title 1, members of the committee, overturns much of the
2885 Supreme Court's decision in *Arizona v. United States*. Under
2886 Title 1, all 50 States and thousands of localities would be
2887 authorized to enact their own immigration enforcement laws --
2888 now, is that not an unthinkable result -- which will create
2889 an unworkable immigration enforcement regime that will
2890 decrease public safety and harm our Nation's foreign
2891 relations.

2892 In addition, Title authorizes State and local law
2893 enforcement to enforce nearly every aspect of Federal
2894 immigration law. This will have widespread negative
2895 consequences for communities throughout America, and will
2896 result in widespread racial profiling and unconstitutional
2897 arrests of American citizens and immigrants alike.

2898 We know this will happen because we saw it in Maricopa
2899 County where a Federal judge found recently that Sheriff Joe

2900 Arpaio engaged in a pattern of racially profiling Latinos
2901 under the guise of implementing immigration law. Just last
2902 night, Sheriff Arpaio admitted to the Federal court that he
2903 had been violating the Court's order and deserved to be held
2904 in contempt of court. Imagine that.

2905 Sheriff Arpaio's counsel wrote to the court, "There is
2906 nothing defendants can do to change what has already been
2907 done. But through entry of an order finding them in civil
2908 contempt and by implementing remedies discussed herein,
2909 defendants can express sincere remorse to the court and to
2910 plaintiffs, begin to make amends to those who have been
2911 injured, and take affirmative steps to ensure nothing like
2912 this occurs in the future." I only wonder whether this
2913 striking admission was made to avoid several depositions that
2914 already have been scheduled, including one of the sheriff
2915 himself. What more is he afraid the plaintiff would
2916 discover?

2917 We also saw this kind of abuse in Alamance County, North
2918 Carolina, which had its 287(g) agreement terminated based on
2919 findings of abuse by the Department of Justice itself.
2920 According to the Civil Rights Division's complaint filed in
2921 the pending lawsuit, the Alamance County sheriff explicitly

2922 ordered his staff to go out there -- this is a quotation --
2923 "and catch me some Mexicans." And "directed the deputies to
2924 arrest Hispanics, but not others, for minor infractions."

2925 So what does Title 1 of this bill do? Rather than
2926 improve on current practice and require more oversight of
2927 287(g) agreements, it grants total enforcement authority with
2928 no checks at all. Title 1 also ignores the needs of law
2929 enforcement. The Major Cities Police Chiefs Association
2930 wrote to the committee to explain that, "Preventing crime and
2931 protecting the public are the top priorities of chiefs and
2932 sheriffs across the land. For this reason, we regret that
2933 the police departments from all major metropolitan areas in
2934 the Nation must oppose your bill, H.R. 1148." I ask
2935 unanimous consent to enter this letter into the record.

2936 Chairman Goodlatte. Without objection.

2937 [The information follows:]

2938

2939 Mr. Conyers. Thank you. Title 1 also ignores the needs
2940 of States and local governments, and my amendment would
2941 eliminate Title 1 of the bill. This will help promote public
2942 safety and community policing, and at the very least prevent
2943 the spread of racial profiling and unconstitutional arrests
2944 and detentions around the country. And I thank the chairman.

2945 Chairman Goodlatte. The chair thanks the gentleman.
2946 The chair neglected to ask the clerk to report the amendment
2947 before you spoke on it, so we will fix that problem right
2948 now. And the clerk will report the amendment.

2949 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.
2950 Conyers, strike Title 1, and redesignate provisions, and
2951 amend the table of contents.

2952 Chairman Goodlatte. Without objection, the amendment
2953 will be considered as ready.

2954 [The amendment of Mr. Conyers follows:]

2955

2956 Chairman Goodlatte. And as the clerks distribute the
2957 amendment, I will ask the gentleman from South Carolina for
2958 what purpose he seeks recognition.

2959 Mr. Gowdy. Move to strike the last word.

2960 Chairman Goodlatte. The gentleman is recognized for 5
2961 minutes.

2962 Mr. Gowdy. Thank you, Mr. Chairman. I am opposed to
2963 this amendment and would encourage my colleagues to oppose it
2964 as well. This amendment strikes the most crucial provision
2965 of the bill, the provision ensuring State and local law
2966 enforcement can participate in the enforcement of our
2967 immigration laws. This provision is designed to end the
2968 current state of affairs in which the Nation's immigration
2969 laws go largely unenforced because this Administration has
2970 told DHS to simply not enforce the law.

2971 The bill adheres to the Supreme Court's requirement in
2972 *Arizona v. U.S.*, and grants States and localities specific
2973 congressional authorization to enact and enforce their own
2974 immigration laws. They may enact criminal and civil
2975 penalties that penalize conduct prohibited by criminal and
2976 civil provisions of the Federal immigration law, as long as
2977 long as the penalties do not exceed the relevant Federal

2978 penalties.

2979 The bill also provides law enforcement personnel of
2980 States and localities may -- emphasis on the word "may" --
2981 investigate, identify, apprehend, detain, or transfer to
2982 Federal custody aliens in the United States for purposes of
2983 assisting in the enforcement of the immigration laws of the
2984 United States. Without the assistance of State and local law
2985 enforcement, we have no mechanism to ensure the immigration
2986 laws will be enforced, despite an Administration that does
2987 not want to enforce them.

2988 This amendment also strikes other important provisions
2989 in the bill. It would strike the provision providing DHS may
2990 not refuse, absent compelling reason, to enter into 287(g)
2991 cooperative agreements at the request of States and
2992 localities who want to assist in the enforcement of Federal
2993 immigration laws. It would strike the provision providing
2994 State and local law enforcement officers assisting in the
2995 enforcement of Federal immigration laws are immune from
2996 personal liability to the same extent as our Federal
2997 immigration officers. It would strike the provision
2998 requiring information sharing between States and localities
2999 and the Federal government regarding removable aliens.

3000 It would strike the provision mandating that the Federal
3001 government take removable aliens into custody at the request
3002 of States and localities. It would strike the provision
3003 providing grants to local law enforcement agencies that
3004 assist in immigration law enforcement. It would strike the
3005 provision requiring that State and local law enforcement
3006 agencies honor Federal detainers for removable aliens so
3007 Federal agents can assume custody of the aliens. Finally, it
3008 would strike the provision to withhold State Criminal Alien
3009 Assistance Program grants, law enforcement grants, and DHS
3010 grants from States and localities that violate Federal
3011 immigration law by being sanctuary jurisdictions.

3012 So for these reasons and others, I would urge my
3013 colleagues to oppose the amendment.

3014 Mr. Conyers. Mr. Chairman, could I ask unanimous
3015 consent to include two letters, one from the Major Cities
3016 Chiefs Association and the other from the Law Enforcement
3017 Immigration Task Force?

3018 Chairman Goodlatte. Without objection, they will be
3019 made a part of the record.

3020 [The information follows:]

3021

3022 Mr. Conyers. Thank you.

3023 Chairman Goodlatte. And the question occurs on the

3024 amendment offered by the gentleman from Michigan.

3025 All those in favor, respond by saying aye.

3026 Those opposed, no.

3027 In the opinion of the chair, the noes have it, and the

3028 amendment is not agreed to.

3029 Mr. Conyers. Can we have a record vote, sir?

3030 Chairman Goodlatte. A recorded vote is requested, and

3031 the clerk will call the roll.

3032 Ms. Deterding. Mr. Goodlatte?

3033 Chairman Goodlatte. No.

3034 Ms. Deterding. Mr. Goodlatte votes no.

3035 Mr. Sensenbrenner?

3036 Mr. Sensenbrenner. No.

3037 Ms. Deterding. Mr. Sensenbrenner votes no.

3038 Mr. Smith?

3039 [No response.]

3040 Ms. Deterding. Mr. Chabot?

3041 Mr. Chabot. No.

3042 Ms. Deterding. Mr. Chabot votes no.

3043 Mr. Issa?

3044 [No response.]

3045 Ms. Deterding. Mr. Forbes?

3046 [No response.]

3047 Ms. Deterding. Mr. King?

3048 Mr. King. No.

3049 Mr. Deterding. Mr. King votes no.

3050 Mr. Franks?

3051 [No response.]

3052 Ms. Deterding. Mr. Gohmert?

3053 [No response.]

3054 Ms. Deterding. Mr. Jordan?

3055 Mr. Jordan. No.

3056 Ms. Deterding. Mr. Jordan votes no.

3057 Mr. Poe?

3058 Mr. Poe. No.

3059 Ms. Deterding. Mr. Poe votes no.

3060 Mr. Chaffetz?

3061 [No response.]

3062 Ms. Deterding. Mr. Marino?

3063 Mr. Marino. No.

3064 Ms. Deterding. Mr. Marino votes no.

3065 Mr. Gowdy?

3066 Mr. Gowdy. No.

3067 Ms. Deterding. Mr. Gowdy votes no.

3068 Mr. Labrador?

3069 Mr. Labrador. No.

3070 Ms. Deterding. Mr. Labrador votes no.

3071 Mr. Farenthold?

3072 Mr. Farenthold. No.

3073 Ms. Deterding. Mr. Farenthold votes no.

3074 Mr. Collins?

3075 Mr. Collins. No.

3076 Ms. Deterding. Mr. Collins votes no.

3077 Mr. DeSantis?

3078 [No response.]

3079 Ms. Deterding. Ms. Walters?

3080 Ms. Walters. No.

3081 Ms. Deterding. Ms. Walters votes no.

3082 Mr. Buck?

3083 Mr. Buck. No.

3084 Ms. Deterding. Mr. Buck votes no.

3085 Mr. Ratcliffe?

3086 Mr. Ratcliffe. No.

3087 Ms. Deterding. Mr. Ratcliffe votes no.

3088 Mr. Trott?

3089 [No response.]

3090 Ms. Deterding. Mr. Bishop?

3091 [No response.]

3092 Ms. Deterding. Mr. Conyers?

3093 Mr. Conyers. Aye.

3094 Ms. Deterding. Mr. Conyers votes aye.

3095 Mr. Nadler?

3096 [No response.]

3097 Ms. Deterding. Ms. Lofgren?

3098 Ms. Lofgren. Aye.

3099 Ms. Deterding. Ms. Lofgren votes aye.

3100 Ms. Jackson Lee?

3101 Ms. Jackson Lee. Aye.

3102 Ms. Deterding. Ms. Jackson Lee votes aye.

3103 Mr. Cohen?

3104 [No response.]

3105 Ms. Deterding. Mr. Johnson?

3106 Mr. Johnson. Aye.

3107 Ms. Deterding. Mr. Johnson votes aye.

3108 Mr. Pierluisi?

3109 [No response.]

3110 Ms. Deterding. Ms. Chu?

3111 Ms. Chu. Aye.

3112 Ms. Deterding. Ms. Chu votes aye.

3113 Mr. Deutch?

3114 [No response.]

3115 Ms. Deterding. Mr. Gutierrez?

3116 [No response.]

3117 Ms. Deterding. Ms. Bass?

3118 [No response.]

3119 Ms. Deterding. Mr. Richmond?

3120 [No response.]

3121 Ms. Deterding. Ms. DelBene?

3122 Ms. DelBene. Aye.

3123 Ms. Deterding. Ms. DelBene votes aye.

3124 Mr. Jeffries?

3125 Mr. Jeffries. Aye.

3126 Ms. Deterding. Mr. Jeffries votes aye.

3127 Mr. Cicilline?

3128 Mr. Cicilline. Aye.

3129 Ms. Deterding. Mr. Cicilline votes aye.

3130 Mr. Peters?

3131 [No response.]

3132 Chairman Goodlatte. The gentleman from Arizona?

3133 Mr. Franks. No.

3134 Ms. Deterding. Mr. Franks votes no.

3135 Chairman Goodlatte. The gentleman from Texas?

3136 Mr. Gohmert. No.

3137 Ms. Deterding. Mr. Gohmert votes no.

3138 Chairman Goodlatte. Has every member voted who wishes

3139 to vote?

3140 [No response.]

3141 Chairman Goodlatte. The clerk will report.

3142 Ms. Deterding. Mr. Chairman, 8 members voted aye, 16

3143 members voted no.

3144 Chairman Goodlatte. And the amendment is not agreed to.

3145 For what purpose does the gentleman from Iowa seek

3146 recognition?

3147 Mr. King. Mr. Chairman, I have an amendment at the

3148 desk.

3149 Chairman Goodlatte. The clerk will report the

3150 amendment.

3151 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.

3152 King of Iowa, in Section 102(b) of the bill --

3153 Chairman Goodlatte. Without objection, the amendment is

3154 considered as read.

3155 [The amendment of Mr. King follows:]

3156

3157 Chairman Goodlatte. And the gentleman is recognized for
3158 5 minutes on his amendment.

3159 Mr. King. Thank you, Mr. Chairman. Mr. Chairman, this
3160 is maybe, I will say, a simple amendment at least to
3161 understand. And what it does is it, and I will just read it
3162 right off the amendment. It says, "A State may remove any
3163 alien arrested or detained under this section who meets one
3164 of two conditions." One condition would be if they had
3165 already been ordered removed by an immigration judge or
3166 Federal court, and the other condition is that if they had
3167 received a notice to appear and did not comply with that
3168 notice. Those are the two conditions.

3169 And I would remind the committee here that the
3170 underlying bill takes a look at S.B. 1070 and *U.S. v.*
3171 *Arizona*, and supplants much of the decisions made by the
3172 Federal court that nullified Arizona and the other States'
3173 abilities to enforce immigration law. The one that does not
3174 appear to be in the underlying bill is the conferring of the
3175 authority to remove on the States.

3176 And so, my point is that this is good policy. We have a
3177 Federal government that has released, as I mentioned, 36,007
3178 felons out onto the streets of America. They have

3179 demonstrated not only their lack of will to enforce
3180 immigration law, but their determination not to enforce it.
3181 And when we have people by the tens of thousands, and perhaps
3182 even greater numbers, that are now walking the streets of
3183 America who have already been adjudicated for removal, then
3184 how a State protects itself, there are not very many options
3185 that are left. This is one, and it is a practical one.

3186 And I would also remind the body that the full floor of
3187 the House of Representatives last July voted to appropriate
3188 funds to the National Guards of the border States in order to
3189 secure the border. That is another conferral that might be
3190 otherwise characterized as Federal responsibilities on
3191 States. Our founding fathers envisioned that the States
3192 would be laboratories, and that there be limited powers of
3193 the Federal government.

3194 However, I will stipulate that the constitutional
3195 foundation for immigration law is in Article 1, and it says,
3196 "To establish an uniform rule of naturalization." That is
3197 the foundation of much of what we are doing here today. But
3198 we also delegate those responsibilities in a consistent
3199 constitutional way to the political subdivisions in this very
3200 bill, as well as in multiple other statutes that exist within

3201 the Federal Code.

3202 And so, this is not a question of constitutionality.

3203 This is a question of policy. Do we want the States to help
3204 the Federal government, and especially supplement the Federal
3205 government when the Federal government is not doing its job,
3206 to do the actual removal? So I would envision that if you
3207 are a State like Arizona under this amendment, and you
3208 encounter people in the normal course of law enforcement, and
3209 they have already been adjudicated for deportation or they
3210 have been ordered to appear and fail to appear, then they can
3211 be taken to the port of entry in the same fashion that the
3212 Federal government, or handed over to ICE at the option of
3213 the State. They work out that policy.

3214 But that is what this amendment does. It just adds
3215 another authority to the political subdivisions that is not
3216 written in the underlying bill, built on the same
3217 constitutional foundation. And what we are doing is we are
3218 addressing the Federal court's decision under *U.S. v.*
3219 *Arizona*. And so, I would urge the adoption of this amendment
3220 so that we can actually get some immigration enforcement. I
3221 would urge its adoption, and I would yield back the balance
3222 of my time.

3223 Chairman Goodlatte. For what purpose does the gentleman
3224 seek recognition?

3225 Mr. Conyers. I rise in opposition to the proposal.

3226 Chairman Goodlatte. The gentleman is recognized for 5
3227 minutes.

3228 Mr. Conyers. Thank you. Members of the committee, one
3229 of the essential functions of the Federal government is to
3230 decide who may enter and who must leave the country.
3231 Granting State and local law enforcement officials the
3232 authority to deport people runs counter to the very fabric of
3233 our Federal system of governance. The Supreme Court in the
3234 *Arizona* case explained that Federal preemption over
3235 immigration is crucial because, and I quote, "It is
3236 fundamental that foreign countries concerned about the
3237 status, safety, and security of their nationals in the United
3238 States must be able to confer and communicate on this subject
3239 with one national sovereign, not the 50 separate States."

3240 The ability of the Federal government to manage foreign
3241 affairs and international relations would be severely
3242 compromised if every single sheriff and police chief were
3243 granted the authority to physically remove people from the
3244 country. The *Arizona* court case made clear that Federal

3245 immigration officials are entrusted with broad discretion
3246 under the law to decide whether or not to pursue that
3247 deportation in the first place. For decades, the Supreme
3248 Court has recognized that discretion extends throughout the
3249 entire deportation process, and that such discretion can be
3250 warranted to address "immediate human concerns."

3251 It is bad enough that the underlying bill authorizes
3252 States and localities to enact their own immigration laws and
3253 to enforce Federal immigration laws. That will greatly harm
3254 the strong Federal interests that are implicated by our own
3255 immigration system. The amendment by our friend, Mr. King,
3256 takes this one giant step further by allowing States to
3257 actually deport people from the United States. I do not
3258 think we want that. So delegating the power of deportation
3259 to State and local law enforcement will wreak havoc on many
3260 people.

3261 The amendment would permit Sheriff Joe Arpaio to deport
3262 DREAMers, including young people who have outstanding orders
3263 of removal, but have been granted deferred action for
3264 childhood arrivals by the Federal government itself. The
3265 amendment would also permit State and local enforcement
3266 personnel to deport family members of American citizens who

3267 might be eligible for immigration relief. A person who might
3268 be eligible to reopen an old removal order in order to adjust
3269 status to lawful permanent residence, or apply for relief
3270 from removal, would be unable to do so if a State or locality
3271 is effectuating the deportation itself.

3272 The King amendment would allow State and local law
3273 enforcement to deport people who have not yet received the
3274 final order of removal and who may not be deportable. And
3275 so, we go on and on. I will put the rest of my statement in
3276 the record. And I think that I have suggested enough reasons
3277 why this would be highly improper and very unfeasible. I
3278 yield back the balance of my time.

3279 [The information follows:]

3280

3281 Chairman Goodlatte. The chair thanks the gentleman and
3282 recognizes himself. I must reluctantly oppose this amendment
3283 on constitutional and practical grounds. The amendment is
3284 based on justifiable frustration with the declining number of
3285 aliens that the Department of Homeland Security has been
3286 removing from the interior of the country. However, as the
3287 Supreme Court of Arizona ruled in *State of Arizona v.*
3288 *Carmago*, the Federal power over aliens is exclusive and
3289 supreme in matter of their deportation and entry into the
3290 United States.

3291 We could not and would not want to allow a State to be
3292 admitted into our Nation who was inadmissible under Federal
3293 law or who DHS has declined in its absolute discretion to
3294 admit. Likewise, we could not and would not want to allow a
3295 State to deport an alien on its own whether the alien was
3296 removal under Federal law or not. These powers inherently
3297 arise out of the foreign policy power of the executive
3298 branch.

3299 The Nation must speak with one voice with regard to
3300 foreign sovereigns. As the Supreme Court has stated, "The
3301 Federal government, representing as it does the collective
3302 interests of the States, is entrusted with full and exclusive

3303 responsibility for the conduct of affairs with foreign
3304 sovereignties." There is a fundamental difference between a
3305 State penalizing an alien through civil or criminal sanctions
3306 for violating immigration laws and that state actually
3307 removing the alien to a foreign country.

3308 In addition, as has been indicated earlier, the
3309 separation of powers doctrine provides that Congress cannot
3310 delegate an executive branch's power of prosecutorial
3311 discretion outside of the executive branch. There is also a
3312 practical problem. Even the Department of Homeland Security
3313 cannot remove an alien without the cooperation of a foreign
3314 government, and DHS historically has much difficulty with
3315 persuading many countries to issue the travel documents
3316 necessary to allow their nationals ordered removed to be
3317 repatriated. It is highly likely that most countries would
3318 refuse to cooperate with entities other than the Federal
3319 government in the repatriation of their nationals. And for
3320 these reasons I must reluctantly oppose the gentleman's
3321 amendment.

3322 For what purpose does the gentlewoman from California
3323 seek recognition?

3324 Ms. Lofgren. Mr. Chairman, I oppose the King amendment,

3325 and actually I had not realized that in the bill last year
3326 not only did we deal with the deportation issue, but
3327 apparently the admission issue. I was going to offer a
3328 second degree amendment that basically would have provided
3329 that if we grant the ability to States to deport, which I
3330 think is a terrible idea. I mean, there is no way for the
3331 States really to know whether the person has been granted
3332 deferred action, and, therefore, is not in a deportable
3333 status, although the bill would eliminate docket protection.

3334 And also, you cannot find out whether ICE was even able
3335 to get an in absentia removal in cases where the alien did
3336 not appear. And there are many times, and I have found this,
3337 and I am sure other practitioners have, where a notice is
3338 sent, and the individual does not get the notice. The
3339 localities would not know.

3340 But it seemed to me and the reason why I was going to
3341 offer the second degree amendment was that if we are going to
3342 allow States to deport, we ought to allow States that want
3343 immigrants to admit. And I know the State of Utah passed a
3344 law 4 years ago that purported a guest worker program for
3345 undocumented immigrants in the State of Utah. And the State
3346 of Utah passed another law to permit U.S. citizens residing

3347 in Utah to sponsor foreign nationals living abroad to come to
3348 Utah as residing immigrants. And Michigan Governor Rick
3349 Snyder is not purporting to admit immigrants, but is pressing
3350 the Federal government to allocate 50,000 visas for high-
3351 skilled immigrants to agree to live in Detroit. And it is
3352 worth noting that in large parts of the country in rural
3353 areas, for example, Iowa, the State population would have
3354 declined except for immigration.

3355 So I think the amendment is a bad one. Based on the
3356 chairman's statement of opposition and my belief that the
3357 amendment will be, therefore, rejected, I will not offer the
3358 second degree amendment. But should the committee not follow
3359 the chairman's direction, I would probably just offer that
3360 amendment. So with that, I think the amendment is a bad one,
3361 and I am prepared to offer my States can admit immigrant
3362 amendment should the committee not follow the chairman's
3363 direction. And with that, I would yield back.

3364 Chairman Goodlatte. For what purpose does the gentleman
3365 from Arizona seek recognition?

3366 Mr. Franks. Mr. Chairman, I would like to strike the
3367 last word.

3368 Chairman Goodlatte. The gentleman is recognized for 5

3369 minutes.

3370 Mr. Franks. Mr. Chairman, I would yield to the
3371 gentleman from Iowa.

3372 Mr. King. I thank the gentleman from Arizona for
3373 yielding, and, Mr. Chairman, I want to raise a point. We
3374 have a practical discussion here and then we have got a
3375 constitutional discussion here. And the part that was raised
3376 about the constitutional concerns does not seem to me to have
3377 been addressed very much in our debate over this amendment.
3378 And I think it is important for us to resolve the
3379 constitutional component of this regardless of the final fate
3380 of this amendment that is before this committee.

3381 And I will submit that this Federal government has the
3382 authority to subordinate its constitutional authority. We do
3383 that on a continual basis. The executive branch operates
3384 much of it because Congress grants that consent or
3385 occasionally turns a blind eye. And so, when you have
3386 someone who has been ordered adjudicated for deportation by
3387 the Federal government, and they are picked up by Sheriff
3388 Joe, as I believe Mr. Conyers mentioned, then their
3389 fingerprints go into the NCIC data, the ICE database. If it
3390 bounces back that individual is definitively identified as

3391 someone who has been adjudicated for removal from the
3392 country, ICE could pick them up at that point and take them
3393 directly to the port of entry if that is the most convenient
3394 way to resolve the enforcement of the law. And so, also that
3395 is the case if the Federal government seeks to or determines
3396 to subordinate this responsibility to the States.

3397 The foundation of this bill is about the authority of
3398 local law enforcement to work with the Federal government. I
3399 grew up in a law enforcement family, and I can remember
3400 growing up sitting around and looking up to a lot of
3401 uniformed law enforcement officers, but also looking up to
3402 FBI agents, Department of Criminal Investigation agents,
3403 highway patrol, county sheriffs, city police. All of them
3404 together might be working on the same case. Everybody was
3405 glad for everyone else's help, and none of them considered
3406 the idea that there were these divisions or separations
3407 between who enforced what law. It is a cooperative effort.

3408 Immigration is the only topic that I know where we have
3409 even had any kind of in-depth discussion, let alone
3410 litigation of *U.S. v. Arizona*, that seeks to separate these
3411 responsibilities and remove from the responsibilities of the
3412 local government. I say constitutionally this amendment is

3413 on very, very solid ground. I just wish to reassert that
3414 position regardless of the policy differences that we may
3415 have on this amendment.

3416 And then the policy side of this is, I take it another
3417 step of the way. Let us extrapolate the circumstances that
3418 we have today. We have a President of the United States, he
3419 announced multiple times clear back in March of 2011 with his
3420 first diocapes, and then on throughout that summer and into
3421 2012 with the four Morton memos that come to mind. And then
3422 I will say promised us -- it is one of the few promises he
3423 actually followed through on -- that first he did not have
3424 the authority to do what he did. He did not have the
3425 authority to rewrite immigration law. And after 22 public
3426 statements that have been documented, he went ahead on
3427 November 20th and announced that he was going to make these
3428 changes, and that it is a group of people of 5 or more
3429 million people.

3430 Now, think of what our founding fathers would have
3431 thought of this if we had had a President that usurped the
3432 Article 1 legislative authority of the United States Congress
3433 and put at great risk the security of the United States of
3434 America, and threatened to, I will say, change the character

3435 of America through an open borders process, do all of that.

3436 Where do we draw the line?

3437 I would take you back to Thomas Jefferson. If I could
3438 have found the exact quote, I would put it into the record
3439 today. But he contemplated the alternative beyond this, and
3440 I think we need to contemplate the alternative beyond this.
3441 If we do not have the will to impose our will on the
3442 President of the United States, the will of the people will
3443 be imposed, and eventually the rule of law will be restored.
3444 And this is a way to do so in a peaceful fashion and a
3445 practical fashion by implementing this with the support of
3446 local law enforcement.

3447 So I urge the adoption of this amendment, and I would
3448 yield back to the gentleman from Arizona.

3449 Chairman Goodlatte. Would the gentleman from Arizona
3450 yield?

3451 Mr. Franks. Yes, I will, sir.

3452 Chairman Goodlatte. I thank the gentleman for yielding.
3453 And I want to say to the gentleman from Iowa, I agree with
3454 much of what he says. First of all, I agree that we have a
3455 serious problem with the lack of enforcement of our laws by
3456 this President. Secondly, I agree that we want to have an

3457 increased role for State and local governments to be involved
3458 in that process, and, in fact, that is exactly what the bill
3459 offered by the gentleman from South Carolina does. It allows
3460 State and local governments to have a statutory right to
3461 participate in the enforcement of the law, but it does not
3462 give them a statutory right to go around the Federal
3463 government and have their own separate negotiations with
3464 foreign governments for the return of people who are not
3465 lawfully present in the United States.

3466 I think that is fraught with many practical problems,
3467 but I also think it is a constitutional issue as to whether
3468 or not the Congress could pass a law that would cede that
3469 authority to States to have that kind of negotiation with the
3470 foreign sovereigns and bypass the Article 2 powers of the
3471 President of the United States.

3472 So for those reasons, I again say I reluctantly oppose
3473 what the gentleman is trying to do. And the gentleman is
3474 welcome to continue to try to work with us to find more ways
3475 to enhance the ability to see what he is trying to accomplish
3476 is indeed accomplished. I think the bill offered by the
3477 gentleman from South Carolina goes as far as any I have seen
3478 thus far to enable that. And I am going to continue to work

3479 with the gentleman as we go from here to the floor and any
3480 further consideration of this issue. And I would invite the
3481 gentleman to join us in that effort, but I cannot support the
3482 approach that he is taking today where you could take someone
3483 to the border.

3484 And, of course, remember the border, we only share a
3485 land border with two countries, but we need to deport people
3486 from 195 countries. So that would entail making further
3487 arrangements to deliver them all the way to some country on
3488 the other side of the world. And for all of those reasons, I
3489 cannot join the gentleman in supporting his amendment, but I
3490 do commend him for his effort.

3491 The question occurs on the amendment offered by the
3492 gentleman from Iowa.

3493 All those in favor, respond by saying aye.

3494 Those opposed, no.

3495 In the opinion of the chair, the noes have it, and the
3496 amendment is not agreed to.

3497 Mr. King. May I have a recorded vote, sir?

3498 Chairman Goodlatte. A record vote has been recorded,
3499 and the clerk will call the roll.

3500 Ms. Deterding. Mr. Goodlatte?

3501 Chairman Goodlatte. No.

3502 Ms. Deterding. Mr. Goodlatte votes no.

3503 Mr. Sensenbrenner?

3504 Mr. Sensenbrenner. Aye.

3505 Ms. Deterding. Mr. Sensenbrenner votes aye.

3506 Mr. Smith?

3507 [No response.]

3508 Ms. Deterding. Mr. Chabot?

3509 Mr. Chabot. No.

3510 Ms. Deterding. Mr. Chabot votes no.

3511 Mr. Issa?

3512 [No response.]

3513 Ms. Deterding. Mr. Forbes?

3514 [No response.]

3515 Ms. Deterding. Mr. King?

3516 Mr. King. Aye.

3517 Mr. Deterding. Mr. King votes aye.

3518 Mr. Franks?

3519 Mr. Franks. No.

3520 Ms. Deterding. Mr. Franks votes no.

3521 Mr. Gohmert?

3522 Mr. Gohmert. Aye.

3523 Ms. Deterding. Mr. Gohmert votes aye.
3524 Mr. Jordan?
3525 Mr. Jordan. No.
3526 Ms. Deterding. Mr. Jordan votes no.
3527 Mr. Poe?
3528 Mr. Poe. No.
3529 Ms. Deterding. Mr. Poe votes no.
3530 Mr. Chaffetz?
3531 Mr. Chaffetz. No.
3532 Ms. Deterding. Mr. Chaffetz votes no.
3533 Mr. Marino?
3534 Mr. Marino. No.
3535 Ms. Deterding. Mr. Marino votes no.
3536 Mr. Gowdy?
3537 Mr. Gowdy. No.
3538 Ms. Deterding. Mr. Gowdy votes no.
3539 Mr. Labrador?
3540 Mr. Labrador. No.
3541 Ms. Deterding. Mr. Labrador votes no.
3542 Mr. Farenthold?
3543 Mr. Farenthold. No.
3544 Ms. Deterding. Mr. Farenthold votes no.

3545 Mr. Collins?

3546 Mr. Collins. No.

3547 Ms. Deterding. Mr. Collins votes no.

3548 Mr. DeSantis?

3549 [No response.]

3550 Ms. Deterding. Ms. Walters?

3551 Ms. Walters. No.

3552 Ms. Deterding. Ms. Walters votes no.

3553 Mr. Buck?

3554 Mr. Buck. No.

3555 Ms. Deterding. Mr. Buck votes no.

3556 Mr. Ratcliffe?

3557 Mr. Ratcliffe. No.

3558 Ms. Deterding. Mr. Ratcliffe votes no.

3559 Mr. Trott?

3560 Mr. Trott. No.

3561 Ms. Deterding. Mr. Trott votes no.

3562 Mr. Bishop?

3563 [No response.]

3564 Ms. Deterding. Mr. Conyers?

3565 Mr. Conyers. No.

3566 Ms. Deterding. Mr. Conyers votes no.

3567 Mr. Nadler?

3568 [No response.]

3569 Ms. Deterding. Ms. Lofgren?

3570 Ms. Lofgren. No.

3571 Ms. Deterding. Ms. Lofgren votes no.

3572 Ms. Jackson Lee?

3573 [No response.]

3574 Ms. Deterding. Mr. Cohen?

3575 Mr. Cohen. No.

3576 Ms. Deterding. Mr. Cohen votes no.

3577 Mr. Johnson?

3578 Mr. Johnson. No.

3579 Ms. Deterding. Mr. Johnson votes no.

3580 Mr. Pierluisi?

3581 Mr. Pierluisi. No.

3582 Ms. Deterding. Mr. Pierluisi votes no.

3583 Ms. Chu?

3584 Ms. Chu. No.

3585 Ms. Deterding. Ms. Chu votes no.

3586 Mr. Deutch?

3587 Mr. Deutch. No.

3588 Ms. Deterding. Mr. Deutch votes no.

3589 Mr. Gutierrez?

3590 [No response.]

3591 Ms. Deterding. Ms. Bass?

3592 [No response.]

3593 Ms. Deterding. Mr. Richmond?

3594 [No response.]

3595 Ms. Deterding. Ms. DelBene?

3596 Ms. DelBene. No.

3597 Ms. Deterding. Ms. DelBene votes no.

3598 Mr. Jeffries?

3599 Mr. Jeffries. No.

3600 Ms. Deterding. Mr. Jeffries votes no.

3601 Mr. Cicilline?

3602 [No response.]

3603 Ms. Deterding. Mr. Peters?

3604 [No response.]

3605 Chairman Goodlatte. The gentlewoman from Texas?

3606 Ms. Jackson Lee. No.

3607 Ms. Deterding. Ms. Jackson Lee votes no.

3608 Chairman Goodlatte. Has every member voted who wishes

3609 to vote?

3610 [No response.]

3611 Chairman Goodlatte. The clerk will report.

3612 Ms. Deterding. Mr. Chairman, 3 members voted aye, 25
3613 members voted no.

3614 Chairman Goodlatte. And the amendment is not agreed to.

3615 For what purpose does the gentlewoman from Texas seek
3616 recognition?

3617 Ms. Jackson Lee. I have an amendment at the desk,
3618 number 4.

3619 Chairman Goodlatte. The clerk will report the
3620 amendment.

3621 Ms. Deterding. Amendment to H.R. 1148, offered by Ms.
3622 Jackson Lee, strike Section 103 and redesignate provisions
3623 and conform the table of contents accordingly.

3624 [The amendment of Ms. Jackson Lee follows:]

3625

3626 Chairman Goodlatte. The gentlewoman is recognized for 5
3627 minutes on her amendment.

3628 Ms. Jackson Lee. Let me thank the chairman and the
3629 ranking member. We just finished a bipartisan vote that was
3630 the right vote that established the Federal jurisdiction over
3631 immigration issues. My amendment attempts to clarify the
3632 utilization of the NCIC database, and to strike that language
3633 by seemingly creating a separate criminal base for
3634 immigration violations that are not criminal and putting on
3635 the NCIC database that deals with criminal matters.

3636 Section 3 requires that the following information
3637 regarding civil immigration violations be added to the
3638 National Crime Information Center, NCIC, database. And let
3639 me be very clear. A number of us have been meeting over the
3640 last couple of days and certainly over weeks and months on
3641 our new concerns about terrorism, and the importance of
3642 databases, and keeping America safe.

3643 This is not an issue of keeping America safe for there
3644 is no divide or disagreement on that, but it is a matter of
3645 altering what has been a civil process into a criminal
3646 process. The SAFE Act is an initiative that drew the ire and
3647 opposition of many, many, many organizations that deal with

3648 immigration issues all the time.

3649 Let me express my deepest sympathy for any officer that
3650 dies in the line of duty, and we pay tribute to that officer,
3651 and we will do everything we can to bring that perpetrator to
3652 justice, be they undocumented or citizen. So the issue
3653 dealing with this tragedy should be done as any criminal
3654 issue. That person should be tried, adjudicated, brought to
3655 justice, and, where appropriate, remain in the Nation's jails
3656 or immediately and expeditiously deported.

3657 Any alien against whom a final order of removal in this
3658 instance of the SAFE Act has been issued, and any alien who
3659 has entered into a voluntary departure agreement, any alien
3660 who has overstayed their period of stay, and any alien whose
3661 visa has been revoked, the amendment would strike Section 3
3662 because that is the list of individuals to be put into the
3663 NCIC. These might be pharmacists. These might be doctors.
3664 These might be software technicians or students who have
3665 every reason to try to finish their education.

3666 I want to be very clear. The bad apples need to be
3667 treated as such, but a civil immigration process should not
3668 be made into a criminal process. The purpose of the NCIC
3669 database is to provide a computerized database ready for

3670 access by a criminal justice agency making an inquiry and for
3671 prompt disclosure of information in the system from other
3672 criminal justice agencies about crimes. Flooding the NCIC
3673 database with civil immigration violations would make it more
3674 difficult for law enforcement to do their jobs.

3675 This amendment would add literally millions of non-
3676 criminal records to the NCIC database. As a result, local
3677 law enforcement officers using the system would have to waste
3678 precious time deciding whether a hit in the system merited
3679 action. Local police rely on the NCIC to determine whether
3680 an individual that they have pulled over or detained is
3681 wanted on serious criminal charges by another jurisdiction,
3682 including the Federal government.

3683 We have already determined that this is a Federal
3684 responsibility, immigration enforcement, and this now throws
3685 this into a circumstance where local law enforcement are
3686 looking at hits. Rather than getting the rapists, and the
3687 bank robbers, and the murderers, we are looking for a grandma
3688 or a software engineer that is simply trying to have a better
3689 life.

3690 Mr. Conyers. Would the distinguished gentlelady from
3691 Texas yield?

3692 Ms. Jackson Lee. I would be happy to yield.

3693 Mr. Conyers. All I want to do is add my support to a
3694 very thoughtful amendment because we do not want to invite
3695 discriminatory police inquisition. And I thank the
3696 gentlelady for yielding.

3697 Ms. Jackson Lee. And I am going to conclude. I thank
3698 the ranking member for that very kind support, and ask my
3699 colleagues to support the Jackson Lee amendment, and ask the
3700 chairman for unanimous consent to put my entire statement
3701 into the record. And ask that use the simple process and
3702 logic of ensuring that the civil immigration system continues
3703 to be enforced, and that this particular listing is both
3704 inappropriate, unfortunate, and unhelpful to law enforcement
3705 in their prosecuting of the criminal laws of this Nation.

3706 With that, I yield back and ask for support of the
3707 Jackson Lee amendment.

3708 [The information follows:]

3709

3710 Chairman Goodlatte. The chair thanks the gentlewoman,
3711 and would inquire of the gentleman from Utah for what purpose
3712 does he seek recognition?

3713 Mr. Chaffetz. Mr. Chairman, I oppose the amendment.

3714 Chairman Goodlatte. The gentleman is recognized for 5
3715 minutes.

3716 Mr. Chaffetz. I thank the chairman. The amendment
3717 effectively undermines communication, coordination, and
3718 collaboration between local and Federal law enforcement in
3719 the enforcement of the immigration laws. Specifically, the
3720 amendment seeks to strike provisions in the bill requiring
3721 the immigration violator's file, which is already part of the
3722 National Criminal Identification Center database, including
3723 information that identifies aliens who have been ordered
3724 removed who have overstayed their visas.

3725 Currently, this file already contains records on
3726 criminal aliens, who immigration authorities have deported,
3727 and aliens with outstanding administrative warrants for
3728 removal. Additionally, the government is currently working
3729 on adding overstay information to the NCIC database.
3730 Including this information in NCIC is crucial to allowing
3731 State and local law enforcement officers to assist in the

3732 enforcement of our immigration laws. We already have more
3733 than 900,000 fugitive aliens who have been ordered deported
3734 who are still roaming our streets. Why would we not want to
3735 enable State and local law enforcement officials to identify
3736 and apprehend these fugitives, and certainly to have this
3737 information?

3738 An estimated 40 percent of unlawful aliens arrived here
3739 legally and stayed past the conclusion of their legal period
3740 of stay. They are just as culpable as aliens who have
3741 crossed our borders illegally. They have abused the
3742 privilege our country has granted them. Why would we not
3743 want to enable State and local law enforcement officers to
3744 identify and apprehend over stayers? Perhaps if this
3745 provision had already been in place, four of the 9/11
3746 hijackers who overstayed their visas and were encountered by
3747 local law enforcement would not have gone on to do what they
3748 did.

3749 If we want State and local law enforcement assistance to
3750 be effective in enforcing immigration laws, then these
3751 agencies need this tool. They need this information. They
3752 need this communication. We should not exclude it. I urge
3753 my colleagues to oppose the amendment and support the

3754 underlying bill.

3755 Ms. Jackson Lee. Would the gentleman yield? Would the
3756 gentleman yield for a moment? Would the gentleman yield?

3757 Mr. Chaffetz. Yes.

3758 Ms. Jackson Lee. We have found common ground on a
3759 number of issues. It has come to my understanding, many of
3760 us have served as judge and prosecutors, that law enforcement
3761 does not want this non-criminal information in NCIC. They
3762 have opposed efforts to expand the NCIC to include non-
3763 criminal immigration information because it undermines the
3764 central purpose of the system. So I really hope with
3765 criminal justice matters and warrants that we could yield to
3766 law enforcement that really do not want these civil matters
3767 in the NCIC. I yield back to the gentleman. Thank you.

3768 Mr. Chaffetz. Reclaiming my time, it is not my
3769 experience. In my opinion, I have spent an awful lot of time
3770 with these men and women who put their lives on the line day
3771 in and day out. They do not know what they are going to
3772 experience. And when they finally do find somebody to have
3773 the maximum amount of information as swiftly as possible to
3774 understand the situation that they have gotten themselves
3775 into, to give them a greater perspective on who they are

3776 dealing with, is of maximum importance.

3777 And I support the men and women who fight this good
3778 fight. We believe in good law and order. That is why I
3779 support this bill. I think it strengthens current law. But
3780 I do oppose the amendment, and with that I yield back, Mr.
3781 Chairman.

3782 Chairman Goodlatte. The question occurs on the
3783 amendment --

3784 Mr. Conyers. Mr. Chairman?

3785 Chairman Goodlatte. Oh, for what purpose does the
3786 gentleman from Michigan seek recognition?

3787 Mr. Conyers. I rise in support of this amendment.

3788 Chairman Goodlatte. The gentleman is recognized for 5
3789 minutes.

3790 Mr. Conyers. And merely want to say that law
3791 enforcement does not want this non-criminal information in
3792 the NCIC. So notwithstanding any one member's personal views
3793 about this, I am inclined to go along with those law
3794 enforcement leaders who oppose efforts to expand the NCIC to
3795 include non-criminal information.

3796 You see, this is a matter of relevant information, not
3797 just additional information. And it seems very important to

3798 me that district attorneys and former police chiefs have all
3799 made their opinions known based on their experience in law
3800 enforcement. And the value of NCIC can be compromised,
3801 sometimes lost, when we throw in thousands of civil
3802 immigration records that local police frequently are not
3803 trained or equipped to analyze. So I join in support of this
3804 amendment, and yield back the balance of my time.

3805 Chairman Goodlatte. The question occurs on the
3806 amendment offered by the gentlewoman from Texas.

3807 All those in favor, respond by saying aye.

3808 Those opposed, no.

3809 In the opinion of the chair, the noes have it.

3810 Ms. Jackson Lee. Roll call vote, Mr. Chairman.

3811 Chairman Goodlatte. A recorded vote is requested, and
3812 the clerk will call the roll.

3813 Ms. Deterding. Mr. Goodlatte?

3814 Chairman Goodlatte. No.

3815 Ms. Deterding. Mr. Goodlatte votes no.

3816 Mr. Sensenbrenner?

3817 Mr. Sensenbrenner. No.

3818 Ms. Deterding. Mr. Sensenbrenner votes no.

3819 Mr. Smith?

3820 [No response.]

3821 Ms. Deterding. Mr. Chabot?

3822 Mr. Chabot. No.

3823 Ms. Deterding. Mr. Chabot votes no.

3824 Mr. Issa?

3825 [No response.]

3826 Ms. Deterding. Mr. Forbes?

3827 [No response.]

3828 Ms. Deterding. Mr. King?

3829 Mr. King. No.

3830 Mr. Deterding. Mr. King votes no.

3831 Mr. Franks?

3832 Mr. Franks. No.

3833 Ms. Deterding. Mr. Franks votes no.

3834 Mr. Gohmert?

3835 Mr. Gohmert. No.

3836 Ms. Deterding. Mr. Gohmert votes no.

3837 Mr. Jordan?

3838 [No response.]

3839 Ms. Deterding. Mr. Poe?

3840 Mr. Poe. No.

3841 Ms. Deterding. Mr. Poe votes no.

3842 Mr. Chaffetz?

3843 Mr. Chaffetz. No.

3844 Ms. Deterding. Mr. Chaffetz votes no.

3845 Mr. Marino?

3846 Mr. Marino. No.

3847 Ms. Deterding. Mr. Marino votes no.

3848 Mr. Gowdy?

3849 Mr. Gowdy. No.

3850 Ms. Deterding. Mr. Gowdy votes no.

3851 Mr. Labrador?

3852 Mr. Labrador. No.

3853 Ms. Deterding. Mr. Labrador votes no.

3854 Mr. Farenthold?

3855 Mr. Farenthold. No.

3856 Ms. Deterding. Mr. Farenthold votes no.

3857 Mr. Collins?

3858 [No response.]

3859 Ms. Deterding. Mr. DeSantis?

3860 [No response.]

3861 Ms. Deterding. Ms. Walters?

3862 Ms. Walters. No.

3863 Ms. Deterding. Ms. Walters votes no.

3864 Mr. Buck?

3865 Mr. Buck. No.

3866 Ms. Deterding. Mr. Buck votes no.

3867 Mr. Ratcliffe?

3868 Mr. Ratcliffe. No.

3869 Ms. Deterding. Mr. Ratcliffe votes no.

3870 Mr. Trott?

3871 Mr. Trott. No.

3872 Ms. Deterding. Mr. Trott votes no.

3873 Mr. Bishop?

3874 [No response.]

3875 Ms. Deterding. Mr. Conyers?

3876 Mr. Conyers. Aye.

3877 Ms. Deterding. Mr. Conyers votes aye.

3878 Mr. Nadler?

3879 [No response.]

3880 Ms. Deterding. Ms. Lofgren?

3881 Ms. Lofgren. Aye.

3882 Ms. Deterding. Ms. Lofgren votes aye.

3883 Ms. Jackson Lee?

3884 Ms. Jackson Lee. Aye.

3885 Ms. Deterding. Ms. Jackson Lee votes aye.

3886 Mr. Cohen?

3887 Mr. Cohen. Aye.

3888 Ms. Deterding. Mr. Cohen votes aye.

3889 Mr. Johnson?

3890 Mr. Johnson. Aye.

3891 Ms. Deterding. Mr. Johnson votes aye.

3892 Mr. Pierluisi?

3893 Mr. Pierluisi. Aye.

3894 Ms. Deterding. Mr. Pierluisi votes aye.

3895 Ms. Chu?

3896 Ms. Chu. Aye.

3897 Ms. Deterding. Ms. Chu votes aye.

3898 Mr. Deutch?

3899 [No response.]

3900 Ms. Deterding. Mr. Gutierrez?

3901 [No response.]

3902 Ms. Deterding. Ms. Bass?

3903 [No response.]

3904 Ms. Deterding. Mr. Richmond?

3905 [No response.]

3906 Ms. Deterding. Ms. DelBene?

3907 Ms. DelBene. Aye.

3908 Ms. Deterding. Ms. DelBene votes aye.
3909 Mr. Jeffries?
3910 Mr. Jeffries. Aye.
3911 Ms. Deterding. Mr. Jeffries votes aye.
3912 Mr. Cicilline?
3913 [No response.]
3914 Ms. Deterding. Mr. Peters?
3915 [No response.]
3916 Chairman Goodlatte. Has every member who wishes to
3917 vote? The gentleman from Ohio?
3918 Mr. Jordan. No.
3919 Ms. Deterding. Mr. Jordan votes no.
3920 Chairman Goodlatte. The clerk will report.
3921 Ms. Deterding. Mr. Chairman, 9 members voted aye, 17
3922 members voted no.
3923 Chairman Goodlatte. And the amendment is not agreed to.
3924 For what purpose does the gentleman from Iowa seek
3925 recognition?
3926 Mr. King. Mr. Chairman, I have an amendment at the desk
3927 designated King 37.
3928 Chairman Goodlatte. The clerk will report the
3929 amendment.

3930 Ms. Deterding. Amendment to H.R. 1148 --

3931 Mr. Marino. Mr. Chair?

3932 Chairman Goodlatte. For what purpose does the gentleman
3933 from Pennsylvania seek recognition?

3934 Mr. Marino. A point of order --

3935 Chairman Goodlatte. A point of order has been reserved,
3936 and the clerks will distribute the amendment. The amendment
3937 shall be considered as read.

3938 [The amendment of Mr. King follows:]

3939

3940 Chairman Goodlatte. And the gentleman is recognized on
3941 his amendment.

3942 Mr. King. Thank you, Mr. Chairman. My amendment,
3943 actually it is very simple. And before I heard the point of
3944 order reserved, I just expected that I was filling a hole
3945 that might have been an oversight in that. The underlying
3946 bill expands the enforcement of immigration authority broadly
3947 to political subdivisions in the country, and they left out
3948 the subdivision that actually guards the United States
3949 Capitol.

3950 And it occurred to me as I watched this Judiciary
3951 Committee fill up here during a hearing some time back, and
3952 as at least 10 members' of Congress offices were filled up
3953 with self-professed people who said that they were unlawfully
3954 present in the United States, that it would follow that they
3955 are unlawfully present in 2141 of the Judiciary Committee
3956 room. And it occurred me to me as I watched the Capitol Hill
3957 Police respond, that they did not seem to be particularly
3958 vigorous. They might have hesitated as to whether they had
3959 the authority to enforce immigration law because there has
3960 been so much verbiage coming out of some of this committee
3961 over the last several years to that effect.

3962 And so, to fix this oversight, if highway patrol, and
3963 county sheriffs, and city police, and law enforcement
3964 enforcements officers of the political subdivisions are
3965 granted the authority under the underlying bill, it seems
3966 only clearly and simply logical that the very people that
3967 protect us in this room should have that same authority. And
3968 so, that is the simplicity of my amendment. It simply plugs
3969 in Capitol Hill Police along with the rest of the law
3970 enforcement personnel, and gives them the authority to do
3971 that, which the other officers would under the underlying
3972 bill. That is to investigate, identify, apprehend, arrest,
3973 detain, or transfer to custody of the Secretary of Homeland
3974 Security aliens for the purpose of enforcing the immigration
3975 laws of the United States, to the same extent as other
3976 Federal law enforcement personnel.

3977 I think that does adequately explain the amendment, and
3978 urge its adoption, expeditiously I might add, and yield back
3979 the balance of my time.

3980 Chairman Goodlatte. Does the gentleman from
3981 Pennsylvania insist on his point of order?

3982 Mr. Marino. Yes, I insist on my point of order,
3983 Chairman.

3984 Chairman Goodlatte. The gentleman is recognized for 5
3985 minutes on the point of order.

3986 Mr. Marino. Chairman, I wholeheartedly agree with my
3987 friend in principle. However, this amendment addresses the
3988 responsibilities and function of the United States Capitol
3989 Hill Police, a subject that is within the jurisdiction of the
3990 House Administration Committee. Because the amendment would
3991 extend beyond the jurisdiction of this committee and
3992 implicate the jurisdiction of a new committee that currently
3993 does not have a referral on the bill, I insist on my point of
3994 order. I yield back.

3995 Chairman Goodlatte. The chair thanks the gentleman.
3996 Does the gentleman from Iowa wish to be heard on the point of
3997 order?

3998 Mr. King. I would, Mr. Chairman.

3999 Chairman Goodlatte. The gentleman is recognized for 5
4000 minutes.

4001 Mr. King. If I heard the gentleman's point correctly,
4002 and I did not anticipate his point prior to him raising it.
4003 If I heard it correctly, his point is that it is the
4004 jurisdiction of another committee, the management, I will
4005 say, the oversight of the Capitol Hill Police. And with full

4006 respect to the gentleman, I would make the point that I think
4007 that his point is redundant. We could look at other
4008 committees that have some jurisdiction also over law
4009 enforcement. We are conferring authority on all of the
4010 political subdivisions in the country, and if we devolve down
4011 into that argument, we are never going to be able to
4012 accomplish anything with regard to the underlying bill.

4013 And so, I would submit to the chairman and the
4014 parliamentarian that if the gentleman from Pennsylvania's
4015 parliamentary point is to be sustained, then it should be
4016 sustained on all the other subject matter in the bill, and
4017 that would get us into a convoluted argument that would
4018 immobilize the United States Congress itself. So with that,
4019 I would disagree with the gentleman's reserved point of
4020 order, and urge that my amendment be otherwise adopted.

4021 Chairman Goodlatte. The chair thanks the gentleman.
4022 The chair is prepared to rule. The amendment in question
4023 does implicate the jurisdiction of the House Administration
4024 Committee, a committee that does not currently have a
4025 referral on the bill. Therefore, the amendment is not
4026 germane, and the point of order is sustained.

4027 For what purpose does the gentlewoman from -- she is not

4028 here. For what purpose does the gentleman from Georgia seek
4029 recognition?

4030 Mr. Johnson. Mr. Chairman, I have an amendment at the
4031 desk.

4032 Chairman Goodlatte. The clerk will report the
4033 amendment.

4034 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.
4035 Johnson of Georgia, strike Subsection (b) of Section 111 of
4036 the bill, and redesignate succeeding --

4037 Mr. Johnson. I ask that it be considered as read, Mr.
4038 Chairman.

4039 Chairman Goodlatte. The amendment has been read.

4040 [The amendment of Mr. Johnson follows:]

4041

4042 Chairman Goodlatte. And the gentleman is recognized for
4043 5 minutes on his amendment.

4044 Mr. Johnson. Thank you, Mr. Chairman. H.R. 1148 gives
4045 State and local law enforcement officers unprecedented
4046 detention authority in two ways. First, it authorizes State
4047 or local law enforcement officers to hold undocumented
4048 immigrants for up to 48 hours after they have completed their
4049 prison sentences to give ICE officers who work for DHS time
4050 to take the individuals into Federal custody where they are
4051 again held until they are deported.

4052 Second, and most egregious, this bill grants State or
4053 local law enforcement officials the ability to issue a
4054 detainer that allows them to hold any non-citizen who has
4055 served a prison sentence under State or local law
4056 indefinitely until ICE can take custody of the individual.
4057 This provision of the bill is particularly overbroad. It
4058 does not even specify that State or local law enforcement
4059 agencies have to make a determination as to whether or not
4060 the individual is deportable or inadmissible. This is
4061 unacceptable, and it is also un-American.

4062 As written, deportable individuals can be held in prison
4063 indefinitely. This is not only a deprivation of human rights

4064 and a waste of billions of dollars in taxpayer money, but it
4065 is also a handout to the private prison industry. This bill
4066 keeps private detention centers safe from ever being shut
4067 down. My amendment would strike Section 111(b) of the bill.
4068 This section allows law enforcement officers to arbitrarily
4069 and indefinitely detain undocumented immigrants after the
4070 basis for their arrest has ended. Section 111(b), in my
4071 humble opinion, is blatantly unconstitutional.

4072 When has America ever deemed it wise to grant unbridled
4073 discretion to States to detain people after the basis of
4074 their arrest has ended? Surely, ladies and gentlemen, that
4075 is un-American and unacceptable. I have long objected to
4076 America's massive detention system. We should all be
4077 concerned that immigration detention is the fastest-growing
4078 incarceration system in America. I would think my colleagues
4079 who value liberty and justice would find this indefinite
4080 detention problematic, no matter what the legal status of the
4081 individual is. I yield back.

4082 Chairman Goodlatte. The chair thanks the gentleman.
4083 For what purpose does the gentleman from Texas seek
4084 recognition?

4085 Mr. Ratcliffe. Move to strike the last word.

4086 Chairman Goodlatte. The gentleman is recognized for 5
4087 minutes.

4088 Mr. Ratcliffe. Thank you, Mr. Chairman. I would like
4089 to speak in opposition to this amendment. As a former U.S.
4090 attorney and one who has handled hundreds of Federal
4091 immigration cases, I can speak both personally and
4092 professionally to the fact that the ability to issue
4093 detainers is critical both for ICE agents and for local law
4094 enforcement officers to be able to identify and ultimately
4095 remove criminal aliens who are currently in Federal, State or
4096 local custody.

4097 Unfortunately, that ability was severely impacted when
4098 back on December 21st of 2012, then ICE Director John Morton
4099 issued a new detainer policy whereby the Obama Administration
4100 began to limit local law enforcement ability to issue
4101 detainers unless an alien fell under the Administration's new
4102 priorities, priorities which required a number of very
4103 prescriptive and, frankly, hard to meet conditions that
4104 needed to be established.

4105 The negative impact of that policy shift very quickly
4106 became evident as detainers issued dropped precipitously
4107 because ICE officers simply stopped issuing detainers to

4108 aliens that they knew would subsequently be released under
4109 these new priorities. And because of that, local law
4110 enforcement then and now is forced to release unlawful and
4111 criminal aliens that they encounter every year.

4112 Now, this has not always been the case. Previously, and
4113 during my time as a prosecutor in these cases, ICE had
4114 permitted local law enforcement to issue detainers pursuant
4115 to 287(g), the program within INA, also known as the jail
4116 model. And under this option it allowed for correctional
4117 officers to screen those arrested or convicted of crimes by
4118 accessing Federal databases to determine that person's
4119 immigration status. And when in those circumstances and
4120 unlawful or removable alien was detected, local officers had
4121 the authority to issue an immigration detainer and to notify
4122 to arrange transportation to a Federal detention facility
4123 prior to deportation. In that respect, that provision of
4124 287(g) was very much a force multiplier with respect to
4125 combating crime in local communities, like those in East
4126 Texas that I represent.

4127 Unfortunately, this tool has been shut down by way of
4128 this Administration's policy. Section 111(b) of Mr. Gowdy's
4129 bill simply allows local law enforcement officers to do what

4130 they were previously able to do under the law, but are now
4131 barred by the Obama Administration from doing. Based on this
4132 provision, local law enforcement would again be able to issue
4133 a detainer, hold the alien so that Federal authorities could
4134 pick them up, and then process for removal as the law
4135 originally allowed and intended.

4136 And with respect to the gentleman from Georgia, while I
4137 appreciate amendments offered in the spirit of improving the
4138 bill, I respectfully disagree that this amendment does that
4139 when it seeks to strike this vitally important detainer
4140 provision in Mr. Gowdy's bill. And I, therefore, urge my
4141 colleagues to oppose this amendment, and I yield back.

4142 Chairman Goodlatte. The question occurs on the
4143 amendment offered by the gentleman from Georgia.

4144 All those in favor, respond by saying aye.

4145 Those opposed, no.

4146 In the opinion of the chair, the noes have it. The
4147 amendment is not agreed to.

4148 Mr. Johnson. I ask for a recorded vote.

4149 Chairman Goodlatte. A recorded vote is requested, and
4150 the clerk will call the roll.

4151 Ms. Deterding. Mr. Goodlatte?

4152 Chairman Goodlatte. No.

4153 Ms. Deterding. Mr. Goodlatte votes no.

4154 Mr. Sensenbrenner?

4155 Mr. Sensenbrenner. No.

4156 Ms. Deterding. Mr. Sensenbrenner votes no.

4157 Mr. Smith?

4158 [No response.]

4159 Ms. Deterding. Mr. Chabot?

4160 Mr. Chabot. No.

4161 Ms. Deterding. Mr. Chabot votes no.

4162 Mr. Issa?

4163 [No response.]

4164 Ms. Deterding. Mr. Forbes?

4165 [No response.]

4166 Ms. Deterding. Mr. King?

4167 Mr. King. No.

4168 Mr. Deterding. Mr. King votes no.

4169 Mr. Franks?

4170 Mr. Franks. No.

4171 Ms. Deterding. Mr. Franks votes no.

4172 Mr. Gohmert?

4173 [No response.]

4174 Ms. Deterding. Mr. Jordan?
4175 [No response.]
4176 Ms. Deterding. Mr. Poe?
4177 Mr. Poe. No.
4178 Ms. Deterding. Mr. Poe votes no.
4179 Mr. Chaffetz?
4180 Mr. Chaffetz. No.
4181 Ms. Deterding. Mr. Chaffetz votes no.
4182 Mr. Marino?
4183 Mr. Marino. No.
4184 Ms. Deterding. Mr. Marino votes no.
4185 Mr. Gowdy?
4186 Mr. Gowdy. No.
4187 Ms. Deterding. Mr. Gowdy votes no.
4188 Mr. Labrador?
4189 Mr. Labrador. No.
4190 Ms. Deterding. Mr. Labrador votes no.
4191 Mr. Farenthold?
4192 Mr. Farenthold. No.
4193 Ms. Deterding. Mr. Farenthold votes no.
4194 Mr. Collins?
4195 Mr. Collins. No.

4196 Ms. Deterding. Mr. Collins votes no.
4197 Mr. DeSantis?
4198 Mr. DeSantis. No.
4199 Ms. Deterding. Mr. DeSantis votes no.
4200 Ms. Walters?
4201 Ms. Walters. No.
4202 Ms. Deterding. Ms. Walters votes no.
4203 Mr. Buck?
4204 Mr. Buck. No.
4205 Ms. Deterding. Mr. Buck votes no.
4206 Mr. Ratcliffe?
4207 Mr. Ratcliffe. No.
4208 Ms. Deterding. Mr. Ratcliffe votes no.
4209 Mr. Trott?
4210 Mr. Trott. No.
4211 Ms. Deterding. Mr. Trott votes no.
4212 Mr. Bishop?
4213 [No response.]
4214 Ms. Deterding. Mr. Conyers?
4215 Mr. Conyers. Aye.
4216 Ms. Deterding. Mr. Conyers votes aye.
4217 Mr. Nadler?

4218 [No response.]

4219 Ms. Deterding. Ms. Lofgren?

4220 Ms. Lofgren. Aye.

4221 Ms. Deterding. Ms. Lofgren votes aye.

4222 Ms. Jackson Lee?

4223 [No response.]

4224 Ms. Deterding. Mr. Cohen?

4225 [No response.]

4226 Ms. Deterding. Mr. Johnson?

4227 Mr. Johnson. Aye.

4228 Ms. Deterding. Mr. Johnson votes aye.

4229 Mr. Pierluisi?

4230 Mr. Pierluisi. Aye.

4231 Ms. Deterding. Mr. Pierluisi votes aye.

4232 Ms. Chu?

4233 [No response.]

4234 Ms. Deterding. Mr. Deutch?

4235 [No response.]

4236 Ms. Deterding. Mr. Gutierrez?

4237 [No response.]

4238 Ms. Deterding. Ms. Bass?

4239 [No response.]

4240 Ms. Deterding. Mr. Richmond?
4241 [No response.]
4242 Ms. Deterding. Ms. DelBene?
4243 Ms. DelBene. Aye.
4244 Ms. Deterding. Ms. DelBene votes aye.
4245 Mr. Jeffries?
4246 Mr. Jeffries. Aye.
4247 Ms. Deterding. Mr. Jeffries votes aye.
4248 Mr. Cicilline?
4249 Mr. Cicilline. Aye.
4250 Ms. Deterding. Mr. Cicilline votes aye.
4251 Mr. Peters?
4252 Mr. Peters. Aye.
4253 Ms. Deterding. Mr. Peters votes aye.
4254 Chairman Goodlatte. The gentlewoman from Texas?
4255 Ms. Jackson Lee. Aye.
4256 Ms. Deterding. Ms. Jackson Lee votes aye.
4257 Chairman Goodlatte. The clerk will report.
4258 Ms. Deterding. Mr. Chairman, 9 members voted aye, 17
4259 members voted no.
4260 Chairman Goodlatte. And the amendment is not agreed to.
4261 For what purpose does the gentleman from South Carolina

4262 seek recognition?

4263 Mr. Gowdy. I have an amendment at the desk, Mr.

4264 Chairman.

4265 Chairman Goodlatte. The clerk will report the

4266 amendment.

4267 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.

4268 Gowdy of South Carolina, in Section 1 of the bill, strike --

4269 Chairman Goodlatte. Without objection, the amendment

4270 will be considered as read.

4271 [The amendment of Mr. Gowdy follows:]

4272

4273 Chairman Goodlatte. And the gentleman from South
4274 Carolina is recognized for 5 minutes on his amendment.

4275 Mr. Gowdy. Thank you, Mr. Chairman. I am offering an
4276 amendment to update the title of H.R. 1148 to include the
4277 name of Deputy Danny Oliver, a Sacramento County sheriff's
4278 deputy. Our plan, Mr. Chairman, was always to name the bill
4279 after these two law enforcement officers who died protecting
4280 others. But at the time of the introduction, due to a
4281 logistical issue we were not able to add the name of Deputy
4282 Oliver. And I want to remedy that today, and I want to
4283 explain why I want to remedy that today.

4284 Mr. Chairman, on a Friday afternoon last October, the
4285 Oliver family had just left home for vacation when word came
4286 that six police officers had been wounded during a gun battle
4287 in Roseville. "We're going home, aren't we," Susan Oliver
4288 asked her husband, Danny, and the Sacramento sheriff's deputy
4289 turned around his family RV and headed back to work. He was
4290 shot and killed that Friday in the parking lot of a Motel 6.
4291 He grew up in a tough part of town, which his wife, Susan,
4292 allowed him to understand people and gave him the street
4293 sense that served him well as a sheriff's deputy. His wife
4294 said he saw a lot of not okay things growing up, and he

4295 wanted to make those environments better.

4296 The man suspected of killing Deputy Oliver, Luis
4297 Bracamonte, had also been accused in the shooting death of
4298 Placer County sheriff's detective, Michael David, Jr., that
4299 same day in Auburn. Detective Davis was killed when he and
4300 his partner approached the truck they believe was stolen by
4301 the suspect, now defendant. Michael Davis, Jr. served as
4302 Placer County sheriff's detective. According to the
4303 *Sacramento Bee*, police work was where his heart was. He was
4304 killed in the line of duty 26 years to the day after his
4305 father perished in a helicopter crash during a police mission
4306 in Southern California. And at his funeral, Mr. Chairman,
4307 his brother Jason, who also worked for the Placer County
4308 Sheriff's Office said, "I worked alongside my hero in the
4309 greatest profession in the world. We were living a dream
4310 working together doing what our father had done."

4311 And I do think it is important to note we have a
4312 tendency to see the uniform and the badge, but both of these
4313 men were husbands, and fathers, and respected members of the
4314 community. And I said in my earlier remarks, it is an honor
4315 for me to name anything after women and men who are willing
4316 to do what we are not willing to do, or willing to do what we

4317 cannot do. And I would say this. However people want to
4318 vote on the underlying bill is their business. I would
4319 encourage all of my colleagues, though, regardless of how you
4320 are going to vote and regardless of what your position on
4321 immigration reform is, to at least research the lives of
4322 these two men so you will have a little better sense of why
4323 we want to honor them at least with the title of a bill. And
4324 if you study their lives, you will offer a word of thanks for
4325 their willingness to serve and sacrifice, and you will offer
4326 a prayer of peace for those that they left behind. With
4327 that, I will yield back.

4328 Chairman Goodlatte. The chair thanks the gentleman, and
4329 joins him in support of his amendment.

4330 For what purpose does the gentlewoman from California
4331 seek recognition?

4332 Ms. Lofgren. To strike the last word. I will not use 5
4333 minutes.

4334 Chairman Goodlatte. The gentlewoman is recognized for 5
4335 minutes.

4336 Ms. Lofgren. I would just like to note that as chair of
4337 the California Democratic delegation, our delegation very
4338 much appreciates the service and the sacrifice made by these

4339 law enforcement officers. I had the chance to meet the widow
4340 of one of the officers at the State of the Union event in
4341 Leader Pelosi's office. It is Placer County. And I do not
4342 think if this bill had been law, would not have saved their
4343 lives, but I very much agree that we should honor them. And
4344 I certainly would vote for this amendment, and I thank the
4345 gentleman for offering it. And with that, I would yield
4346 back.

4347 Chairman Goodlatte. The chair thanks the gentlewoman.

4348 The question occurs on the amendment offered by the
4349 gentleman from South Carolina.

4350 All those in favor, respond by saying aye.

4351 Opposed, no.

4352 The ayes have it, and the amendment is agreed to.

4353 Chairman Goodlatte. For what purpose does the
4354 gentlewoman from Washington State seek recognition?

4355 Ms. DelBene. I have an amendment at the desk.

4356 Chairman Goodlatte. The clerk will report the
4357 amendment.

4358 Ms. Deterding. Amendment to H.R. 1148, offered by Ms.
4359 DelBene, strike Section 607 --

4360 Chairman Goodlatte. Without objection, the amendment is

4361 considered as read.

4362 [The amendment of Ms. DelBene follows:]

4363

4364 Chairman Goodlatte. And the gentlewoman is recognized
4365 for 5 minutes on her amendment.

4366 Ms. DelBene. Thank you, Mr. Chair. H.R. 1148 is
4367 another misguided enforcement only approach to our broken
4368 immigration system, and it would needlessly attack reforms
4369 that ought to be bipartisan priorities for all of us.
4370 Specifically, it blocks the Administration from implementing
4371 a November 20th, 2014 memo that was designed to support
4372 American high-skilled businesses and workers as well proven
4373 entrepreneurs. My amendment strikes this language to
4374 preserve these important initiatives.

4375 Not long ago, I had the privilege of sitting down with a
4376 group of talented, hardworking individuals who came to this
4377 country under a variety of circumstances, but all had one
4378 thing in common. They were living proof of a broken H-1B
4379 program. I spoke to one woman who came here with her husband
4380 who had been hired by a technology company. She has a
4381 master's in computer science that allowed her to hold a
4382 prestigious engineering job in the aerospace industry back
4383 home, but was unable to put her expertise to use here in the
4384 United States.

4385 It is alarming that exceptionally talented individuals

4386 like her are in these circumstances when our foreign
4387 competitors are allowing spouses of high-skilled immigrants
4388 to work. So not only are we failing to take full advantage
4389 of the talent, we are making U.S. companies less attractive
4390 to the workers that they need. In the 21st century global
4391 economy, we cannot afford to lose a single competitive
4392 advantage.

4393 The Administration's changes would capitalize on the
4394 talents of entrepreneurs and help U.S. companies attract and
4395 retain the best and the brightest, something we should all
4396 have an interest in. U.S. companies across the Nation would
4397 benefit from my home State of Washington, to California,
4398 Texas, Illinois, Georgia, Virginia, and New York. My
4399 amendment would also allow increased job portability of high-
4400 skilled workers, which is critical to ensuring that wages and
4401 job opportunities for all workers, including U.S. workers, do
4402 not stagnate.

4403 Many H-1B workers who are sponsored for an employment-
4404 based green card must wait in line for many years or even
4405 decades, and while waiting in line some workers will want to
4406 accept a promotion or change employers. To do this without
4407 jeopardizing their immigration status or their pending

4408 application for a green card, these workers have to make sure
4409 the new job is in the "same or similar occupational
4410 classification as the job for which the immigration petition
4411 was filed." However, because of the long-term failure, the
4412 USCIS, their failure to issue guidance as to the meaning or
4413 "same" or "similar," workers are often hesitant to accept a
4414 promotion or to change employers for fear of taking the risk
4415 that such a promotion or change in employment would not be
4416 considered same or similar. Instead, they remain in their
4417 current job long after they have outgrown the position. New
4418 guidance will help maximize the talents of such people, and
4419 to raise wages for all workers.

4420 Finally, using the National Interest Waiver to
4421 facilitate green cards for accomplished entrepreneurs will
4422 create jobs and spur growth. The Immigration and Nationality
4423 Act permits foreign nationals who hold advanced degrees or
4424 have exceptional abilities in the sciences, arts, or
4425 business, to obtain EB-2 immigrant visas. The statute allows
4426 qualified individuals to self-petition for a visa without an
4427 employer, but only if the government determines that doing so
4428 would be in the U.S. national interests. Neither the INA nor
4429 the implementing regulations define the term "national

4430 interests," so DHS has significant leeway here.

4431 To help our country retain successful entrepreneurs who
4432 have already demonstrated the ability to create jobs and
4433 generate substantial revenue, the Department intends to issue
4434 guidance pertaining to the circumstances in which it would be
4435 in the national interests for an entrepreneur to be able to
4436 self-petition for an EB-2 visa. Again, this is the kind of
4437 common sense reform we should be encouraging, not blocking.

4438 The changes preserved by my amendment are supported by
4439 both tech and venture capitalists. It is no secret that the
4440 tech industry hopes that the Administration would have gone
4441 further on November 20th, but the memorandum that today's
4442 bill seeks to block is nevertheless recognized as a step in
4443 the right direction. For example, the National Venture
4444 Capital Association's president, Bobby Franklin, said, "In
4445 the absence of a congressional action to fix our broken
4446 immigration system, we appreciate President Obama's
4447 leadership on this important issue by targeting solutions to
4448 help foreign-born entrepreneurs build their businesses in the
4449 U.S. President Obama has made clear he understands the
4450 important role the entrepreneurial ecosystem plays in our
4451 economy, and is prepared to do all he can to ensure the U.S.

4452 remains the global hub of innovation."

4453 There is no question that our immigration system is
4454 broken, and I believe most of us in this room would welcome
4455 the opportunity to vote on comprehensive reform. In the
4456 meantime, we must do what we can, and I urge my colleagues to
4457 support my amendment and allow the important reforms the
4458 Administration has outlined to take place. Thank you, Mr.
4459 Chair, and I yield back.

4460 Chairman Goodlatte. The chair thanks the gentlewoman.

4461 For what purpose does the gentleman from Georgia seek
4462 recognition?

4463 Mr. Collins. Mr. Chair, I move to strike the last word.

4464 Chairman Goodlatte. The gentleman is recognized for 5
4465 minutes.

4466 Mr. Collins. Thank you, Mr. Chairman. I must oppose
4467 this amendment. I appreciate the gentlelady offering it.
4468 But Section 212 of the Immigration and Nationality Act allows
4469 the DHS Secretary in his discretion to parole into the United
4470 States temporarily under such conditions as he may prescribe
4471 only on a case-by-case basis for urgent humanitarian reasons
4472 or significant public benefit, any alien applying for
4473 admission to the United States. Congress added this

4474 limitation use only on a case-by-case basis for urgent and
4475 humanitarian reasons or significant public benefit in the
4476 Illegal Immigration Reform and Immigrant Responsibility Act
4477 of 1996.

4478 The House report stated that this limitation was
4479 intended to end the use of parole authority to create an ad
4480 hoc immigration policy or to supplement current immigration
4481 categories without congressional approval. That is worth re-
4482 hearing again. It was intended. This is what the House
4483 report said, is intended to end the use of this parole
4484 authority without congressional approval.

4485 This bill defunds, as the House did in January a
4486 November 20th memo issued by DHS Secretary Johnson that it
4487 does exactly what Congress forbid in 1996. The memo permits
4488 DHS to grant parole status to certain investors, researchers,
4489 founders of start-up enterprises who supposedly have been
4490 awarded substantial U.S. investor financing or otherwise hold
4491 the promise of innovation and job creation. In doing so, the
4492 memo blatantly creates an ad hoc immigration policy and
4493 supplements current immigration categories without
4494 constitutional approval.

4495 Through the memo, the Obama Administration is abusing

4496 the parole statute and taking action that the 1996 act made
4497 clear only Congress can take. It is yet one more example of
4498 the Obama Administration making an end run around the
4499 Congress.

4500 This committee will have ample opportunity to consider
4501 high-skilled immigration reform when we take up Mr. Issa's
4502 Skills Visa Act. That is the appropriate time and place to
4503 consider immigration policy regarding investors, researchers,
4504 and start-up enterprises. In fact, the Skills Visa Act, as
4505 passed by the Judiciary Committee last Congress, created an
4506 entirely new green card category for foreign entrepreneurs.
4507 H.R. 1148 defunds the Obama Administration's November 20th
4508 memo that abuses the purposes of the parole statute. The
4509 amendment we are now considering strikes that provision of
4510 the bill.

4511 The amendment thus endorses the Administration's misuse
4512 of the parole power and Administration action in the
4513 contravention of the intent of Congress. I, therefore, urge
4514 all of my colleagues to oppose this amendment. With that, I
4515 yield back, Mr. Chairman.

4516 Chairman Goodlatte. The question occurs --

4517 Mr. Conyers. Mr. Chairman?

4518 Chairman Goodlatte. For what purpose does the gentleman
4519 from Michigan seek recognition?

4520 Mr. Conyers. I want to support the DelBene amendment.

4521 Chairman Goodlatte. The gentleman is recognized for 5
4522 minutes.

4523 Mr. Conyers. We have under discussion whether allowing
4524 the Administration to implement its memorandum to capitalize
4525 on the talents of entrepreneurs and help companies attract
4526 and retain high-skilled immigrants. And my point in
4527 supporting it is that it will increase job portability for
4528 high-skilled workers to better protect American workers.
4529 What is wrong with that? I think it is a great idea.

4530 Many H-1B workers who are sponsored for an employment-
4531 based green card, must wait in line for many years, and I
4532 hate to say it, even sometimes more than 1 decade. Who wants
4533 that? While waiting in line, many workers will want to
4534 accept a promotion or change employers, and in order to do so
4535 without jeopardizing their immigration status or their
4536 pending job application for a green card, such workers must
4537 ensure that the new job is in the same or similar
4538 occupational classification as the job for which the
4539 immigration petition was filed. Now, I think this is a bit

4540 too much.

4541 I compliment the gentlelady on her amendment, and urge
4542 its careful consideration by every member of the committee.
4543 And I yield to the gentlelady from California, Ms. Lofgren.

4544 Ms. Lofgren. I thank the gentleman for yielding. I
4545 listened carefully to what my colleague from Georgia said
4546 about parole, but I think it is important to note that what
4547 the bill would do is far broader than the parole issue that
4548 he referenced, and would appear to eliminate anything,
4549 including those efforts being made subject to rule, from
4550 going into effect.

4551 And let us just talk about what the practical effect of
4552 some of this is. One of the things that is definitely in the
4553 weeds but important is OPT, optional practical training.
4554 That is proposed to be extended in time as part of a
4555 connection with graduate and post-graduate education in STEM
4556 fields. Why is that important? I will tell you. You know,
4557 recently I was out in Silicon Valley, my home, and I think
4558 the original thought I had when OPT was extended for STEM
4559 Ph.D. recipients was that it would give time for the very
4560 messed up H-1B process to unfold. But what, in fact,
4561 happened for a lot of these hot shots was that it gave them

4562 enough to line up their venture capital and found their
4563 companies that then created jobs, and that is an important
4564 thing. This bill would prohibit that. I cannot believe that
4565 that is something that we would want to do. It is definitely
4566 not in the national interests to do that.

4567 It has been much celebrated that the spouses of H-1B
4568 visa holders under the memorandum are permitted to accept
4569 employment. Why is that important? Well, for two reasons.
4570 One, because of the back logs in permanent residence visas in
4571 some categories, you can have someone in an H-1B visa
4572 category for many, many, many years. And while those many
4573 years of waiting for a visa number to come up are going on,
4574 the spouse is unable to work. Well, that is not competitive.
4575 I mean, there are places in other parts of the world where
4576 spouses are permitted to work. And I will tell you, you have
4577 got some hot shot has options. They do not have to work in
4578 the United States. They could work in other countries.

4579 So we have got to be competitive. And what the
4580 Administration has done is to make us more competitive for
4581 top talent internationally. This bill would prohibit that,
4582 and I do not think that is a good thing for the country. So
4583 these are some specific examples of what has gone well.

4584 Obviously it is not everything we need to do. Only
4585 legislation can do that. But there are some significant
4586 improvements that were made in the high tech arena. This
4587 bill would undo them, and I think that would be a mistake.
4588 And so, I thank you, Mr. Conyers for yielding, and yield
4589 back.

4590 Mr. Gowdy. [presiding] The question is on the
4591 amendment.

4592 Those in favor, say aye.

4593 Those opposed, say no.

4594 In the opinion of the chair, the noes have it, and the
4595 amendment is not agreed to.

4596 Ms. DelBene. Mr. Chair, I ask for a recorded vote.

4597 Mr. Gowdy. A recorded vote has been requested. The
4598 clerk will call the roll.

4599 Ms. Deterding. Mr. Goodlatte?

4600 Chairman Goodlatte. No.

4601 Ms. Deterding. Mr. Goodlatte votes no.

4602 Mr. Sensenbrenner?

4603 Mr. Sensenbrenner. No.

4604 Ms. Deterding. Mr. Sensenbrenner votes no.

4605 Mr. Smith?

4606 [No response.]

4607 Ms. Deterding. Mr. Chabot?

4608 Mr. Chabot. No.

4609 Ms. Deterding. Mr. Chabot votes no.

4610 Mr. Issa?

4611 [No response.]

4612 Ms. Deterding. Mr. Forbes?

4613 [No response.]

4614 Ms. Deterding. Mr. King?

4615 Mr. King. No.

4616 Mr. Deterding. Mr. King votes no.

4617 Mr. Franks?

4618 [No response.]

4619 Ms. Deterding. Mr. Gohmert?

4620 [No response.]

4621 Ms. Deterding. Mr. Jordan?

4622 [No response.]

4623 Ms. Deterding. Mr. Poe?

4624 [No response.]

4625 Ms. Deterding. Mr. Chaffetz?

4626 [No response.]

4627 Ms. Deterding. Mr. Marino?

4628 [No response.]

4629 Ms. Deterding. Mr. Gowdy?

4630 Mr. Gowdy. No.

4631 Ms. Deterding. Mr. Gowdy votes no.

4632 Mr. Labrador?

4633 Mr. Labrador. No.

4634 Ms. Deterding. Mr. Labrador votes no.

4635 Mr. Farenthold?

4636 Mr. Farenthold. No.

4637 Ms. Deterding. Mr. Farenthold votes no.

4638 Mr. Collins?

4639 Mr. Collins. No.

4640 Ms. Deterding. Mr. Collins votes no.

4641 Mr. DeSantis?

4642 [No response.]

4643 Ms. Deterding. Ms. Walters?

4644 Ms. Walters. No.

4645 Ms. Deterding. Ms. Walters votes no.

4646 Mr. Buck?

4647 Mr. Buck. No.

4648 Ms. Deterding. Mr. Buck votes no.

4649 Mr. Ratcliffe?

4650 Mr. Ratcliffe. No.

4651 Ms. Deterding. Mr. Ratcliffe votes no.

4652 Mr. Trott?

4653 [No response.]

4654 Ms. Deterding. Mr. Bishop?

4655 Mr. Bishop. No.

4656 Ms. Deterding. Mr. Bishop votes no.

4657 Mr. Conyers?

4658 Mr. Conyers. Aye.

4659 Ms. Deterding. Mr. Conyers votes aye.

4660 Mr. Nadler?

4661 [No response.]

4662 Ms. Deterding. Ms. Lofgren?

4663 Ms. Lofgren. Aye.

4664 Ms. Deterding. Ms. Lofgren votes aye.

4665 Ms. Jackson Lee?

4666 [No response.]

4667 Ms. Deterding. Mr. Cohen?

4668 [No response.]

4669 Ms. Deterding. Mr. Johnson?

4670 [No response.]

4671 Ms. Deterding. Mr. Pierluisi?

4672 [No response.]

4673 Ms. Deterding. Ms. Chu?

4674 [No response.]

4675 Ms. Deterding. Mr. Deutch?

4676 [No response.]

4677 Ms. Deterding. Mr. Gutierrez?

4678 Mr. Gutierrez. Aye.

4679 Ms. Deterding. Mr. Gutierrez votes aye.

4680 Ms. Bass?

4681 [No response.]

4682 Ms. Deterding. Mr. Richmond?

4683 Mr. Richmond. Aye.

4684 Ms. Deterding. Mr. Richmond votes aye.

4685 Ms. DelBene?

4686 Ms. DelBene. Aye.

4687 Ms. Deterding. Ms. DelBene votes aye.

4688 Mr. Jeffries?

4689 Mr. Jeffries. Aye.

4690 Ms. Deterding. Mr. Jeffries votes aye.

4691 Mr. Cicilline?

4692 Mr. Cicilline. Aye.

4693 Ms. Deterding. Mr. Cicilline votes aye.

4694 Mr. Peters?

4695 Mr. Peters. Aye.

4696 Ms. Deterding. Mr. Peters votes aye.

4697 Mr. Gowdy. How is the gentleman from Texas recorded?

4698 Ms. Deterding. Not recorded.

4699 Mr. Gowdy. The gentleman from Texas?

4700 Mr. Poe. No.

4701 Ms. Deterding. Mr. Poe votes no.

4702 Mr. Gowdy. The gentleman from Pennsylvania?

4703 Mr. Marino. No.

4704 Ms. Deterding. Mr. Marino votes no.

4705 Mr. Gowdy. The gentleman from Florida?

4706 Mr. Deutch. Aye.

4707 Ms. Deterding. Mr. Deutch votes aye.

4708 Mr. Gowdy. The gentlelady from Texas?

4709 Ms. Jackson Lee. Ms. Jackson Lee votes aye.

4710 Mr. Gowdy. The gentleman from Texas?

4711 Mr. Gohmert. No.

4712 Ms. Deterding. Mr. Gohmert votes no.

4713 Mr. Gowdy. The clerk will report.

4714 Ms. Deterding. Mr. Chairman, 10 members voted aye, 15

4715 members voted no.

4716 Mr. Gowdy. And the amendment is not agreed to.
4717 Are there any other amendments?
4718 Ms. Jackson Lee. Mr. Chairman?
4719 Mr. Gowdy. Yes, the gentlelady from Texas? Do you have
4720 an amendment at the desk?
4721 Ms. Jackson Lee. Amendment Number 5, I believe. 6 on
4722 the roster. Thank you.
4723 Mr. Gowdy. The clerk will report.
4724 Ms. Deterding. Amendment to H.R. 1148, offered by Ms.
4725 Jackson Lee --
4726 Mr. Gowdy. Without objection, the amendment is
4727 considered as read.
4728 [The amendment of Ms. Jackson Lee follows:]
4729

4730 Mr. Gowdy. And the gentlelady is recognized.

4731 Ms. Jackson Lee. Thank you very much, Mr. Chairman.

4732 Again, I want to emphasize the bipartisan spirit that we have
4733 had on a number of issues dealing with the Judiciary
4734 Committee, whether it is patent and copyright, or whether it
4735 is now convergence on criminal justice matters. My amendment
4736 would strike the mandatory minimums. Unfortunately, the
4737 statute we are considering today includes mandatory minimum
4738 sentences as the penalties for the offenses it prohibits.

4739 Without question, the acts prohibited by the statute
4740 will often require long sentencing. We have no quarrel with
4741 that. We have no quarrel with the long sentencing on
4742 discretion being rendered. However, mandatory minimum
4743 sentences are the wrong way to determine the punishment under
4744 this or any other statute. While I continue to seek to
4745 remove mandatory minimum sentencing from the Criminal Code,
4746 that broader effort is for another day. I will say, however,
4747 that many of you know that in some instances, dealing with
4748 children, I recognize that some legislation has included
4749 those mandatory minimums. These issues continue the journey,
4750 however, in the pathway for adding mandatory minimums over
4751 and over again.

4752 With respect to the bill we are considering today, a
4753 convicted person would face mandatory penalties of 2, 4, and
4754 5 years depending on the circumstances of the crime alleged.
4755 In addition to these mandatory minimum sentences, the bill
4756 also provides for maximum sentences of 15, 20, and 25 years,
4757 respectively. Instead of applying these mandatory sentences
4758 to the prohibited acts, my amendment would subject an
4759 offender to fines and/or the maximum of 15, 20, and 25 years,
4760 respectively, in prison. Statutory minimums of these
4761 lengths, instead of a mandatory minimum, would allow for the
4762 court to impose the appropriate and possibly very lengthy
4763 sentence as required by the facts of the case.

4764 Earlier today, I we had a vigorous discussion at another
4765 meeting on some of the disparities in the use of mandatory
4766 minimums. I can assure you there are population that
4767 unfortunately are at the short end of the stick on mandatory
4768 minimums, not short sentencing, but short in terms of
4769 fairness and justice. The imposition of a sentence in a
4770 Federal court should be a matter for the judge working with
4771 the sentencing guidelines and the facts to set a sentence
4772 that fits the unique circumstances, including aggravating and
4773 mitigating factors of each case.

4774 There are heinous cases that come before our courts of
4775 justice either by way of being tried by a judge in some
4776 instances or being tried by a jury. We know that sometimes
4777 sentences must be rendered that are very steep. But the
4778 discretion and the facts and sentencing guidelines should be
4779 the guide. Given the nature of the unique factual
4780 circumstances of each offender and the nature of the crime
4781 and the role of the judge in evaluating each case, which will
4782 be particularly important. While long sentences may be
4783 appropriate in the facts of a particular case, we in Congress
4784 cannot know the facts of each case in advance.

4785 Mr. Chairman, there are approximately 75,000 persons in
4786 the Federal system right under mandatory minimums. I can
4787 assure you they have long since paid for their crime. We
4788 would do better to take that \$100,000 plus that it take to
4789 keep them incarcerated to have them rehabilitated and
4790 contributing back to society. Make it very clear that I am
4791 aware of heinous acts and would hope and would expect the
4792 justice to address them. Mandatory minimum penalties are
4793 already a major issue of concern for our criminal justice
4794 system, and we should not make matters worse by extending
4795 their scope. Studies of mandatory minimums conclude that

4796 they fail to reduce crime, they waste the taxpayers' money,
4797 and they often require the imposition of sentences that
4798 violate common sense.

4799 Mr. Chairman, I am advised that during the 113th
4800 Congress, this committee's bipartisan Over-Criminalization
4801 Task Force worked diligently to assess our Federal Criminal
4802 Code and make recommendations for improvements. That effort
4803 focused on over federalization, over incarceration, and
4804 collateral consequences among other issues. At the task
4805 force hearing titled "Agency Perspectives" held on July 11th,
4806 2014, we heard from our stakeholders, Federal agencies, the
4807 Federal defendant services, the U.S. Sentencing Commission,
4808 the Judicial Conference of the United States, and the U.S.
4809 Department of Justice. And the testimony of Judge Irene M.
4810 Keeley, testifying on behalf of the Judicial Conference and
4811 in reference for mandatory minimums, stated, "Mandatory
4812 minimums, in the opinion of the Conference, are wasteful."

4813 I ask my colleagues to support this amendment, and I ask
4814 the chairman to have unanimous consent to place the rest of
4815 my statement into the record. With that, I yield back.

4816 Mr. Gowdy. Without objection.

4817 [The information follows:]

4818

4819 Mr. Gowdy. The gentlelady yields back. For what
4820 purpose does the former district attorney of Colorado seek
4821 recognition?

4822 Mr. Buck. Move to strike the last word.

4823 Mr. Gowdy. The gentleman is recognized.

4824 Mr. Buck. I oppose this amendment. The mandatory
4825 minimum sentences that this amendment seeks to eliminate are
4826 for extremely serious offenses. Illegal reentry of aliens
4827 who have been removed after being convicted of serious
4828 felonies, including murder, rape, and kidnapping. Why would
4829 we not want to ensure that these criminal aliens actually
4830 serve appropriate sentences? Why would we not want to deter
4831 other deported felons from ever seeking reentry into the
4832 U.S.? Eliminating mandatory minimums would only reward these
4833 offenders. Mandatory minimums prevent judges from imposing
4834 no jail time or greatly disparate sentences for serious
4835 offenders.

4836 Since the *Booker* decision in 2005, the Federal
4837 Sentencing Guidelines have become discretionary. Mandatory
4838 minimums are the only way to prevent judges from imposing
4839 sentences far below the guideline range for egregious
4840 immigration violators. There is no perfect system. If you

4841 give judges unlimited discretion, it results in significant
4842 sentencing disparities based on the views of each individual
4843 judge. A mandatory guideline system, which is what he had
4844 before *Booker*, worked best at decreasing disparity, but still
4845 allow for upward and downward departures based on the merits
4846 of the individual case. In our post-*Booker* environment,
4847 without mandatory minimums there is no minimum sentence for
4848 any crime. The bill's mandatory minimums help establish
4849 uniform sentences no matter the judge or district. This is
4850 an absolute necessity for alien felons who have illegally
4851 returned to the U.S. after their removal.

4852 The amendment strikes these mandatory minimums, and I
4853 must oppose it, and I yield back.

4854 Mr. Gowdy. The gentleman from Colorado yields back.

4855 Mr. Richmond. Mr. Chair?

4856 Mr. Gowdy. I think the gentleman from Louisiana caught
4857 my attention. I will then go to the gentleman from Idaho.
4858 But I now go to my friend from Louisiana, Mr. Richmond.

4859 Mr. Richmond. Mr. Chairman, I would move to strike the
4860 last word.

4861 Mr. Gowdy. The gentleman is recognized.

4862 Mr. Richmond. With that, I would time to my good friend

4863 from Texas, Ms. Sheila Jackson Lee.

4864 Mr. Gowdy. The gentlelady is recognized.

4865 Ms. Jackson Lee. I thank you. The distinguished U.S.
4866 attorney from Colorado raises a specter that should be
4867 answered, and I can answer the question. I believe that
4868 there is no doubt as we have listened to the sentencing
4869 Commission and we have listened to a number of judges, that
4870 there would no divide, no space between the sentencing of a
4871 judge having listened to the facts of a heinous circumstance
4872 of a murderer, of someone who had done a dastardly, and we
4873 could expect that they would give no jail time or that they
4874 would not adhere to some of the sharpest sentencing.

4875 The point that we are making is that there are
4876 circumstances that require the intellect of the court, the
4877 sentencing guidelines, and a number of other guidance that
4878 will be much fairer in its sentencing than the mandatory
4879 minimums. And so, I am sure that the U.S. attorney who spoke
4880 eloquently from Colorado made his case in the courtroom as I
4881 have seen lawyers make their case in criminal defense and
4882 criminal prosecution such that a sentence was rendered. And
4883 in 9 times out of 10, they were not soft sentences for
4884 heinous and horrible acts that were recounted.

4885 So I would just suggest that, again, we are going down
4886 the pathway that proves to be wasteful, costly, 75,000
4887 mandatory minimum incarcerated persons in our Federal system,
4888 of which these individuals would add to. And the question
4889 would be, could their sentence not be of some other level and
4890 more appropriate. And so, I would ask my colleagues to
4891 support the Jackson-Lee amendment. With that, I yield back
4892 to the gentleman from Louisiana and thank him for his
4893 kindness.

4894 Mr. Richmond. And, Mr. Chairman, I would yield back.

4895 Mr. Gowdy. The gentleman from Louisiana yields back.
4896 The chair now recognizes the gentleman from Idaho, Mr.
4897 Labrador.

4898 Mr. Labrador. Thank you, Mr. Chairman. I move to
4899 strike the last word.

4900 Mr. Gowdy. The gentleman is recognized.

4901 Mr. Labrador. Thank you. I wonder if the gentlelady
4902 from Texas would yield to a question. I am not a big
4903 supporter of mandatory minimum sentences, but I am having
4904 some trouble with the third section of your amendment, which
4905 deals with crimes for murder, rape, kidnapping, or felony.
4906 Would the gentlelady agree to amend her amendment to remove

4907 that section? At least I can only speak for myself. I know
4908 I could probably support the amendment if it was drafted in
4909 that way, but with that section that includes those heinous
4910 crimes, I do not think I can support this amendment.

4911 Ms. Jackson Lee. Let me say how pleased I am to know
4912 the gentleman's commitment, which I am aware of, on mandatory
4913 minimums. We are trying to find where that language is. It
4914 might be in our striking. But I would offer to say that my
4915 answer to that is that I feel that is taken care of by the
4916 framework in which I offered in my statement, which is by the
4917 judges. And it is something tainted when we say "judge's
4918 discretion." It look as if we are saying the judges'
4919 willingness to just open the door and let people out.

4920 But what I am saying is that the Judge's discretion, the
4921 sentencing guideline, which these are guidelines, can raise
4922 it higher. And so my perspective is that the murders and
4923 rapists would not be getting away, that they would be guided
4924 by the judge's right interpretation, the prosecutor's
4925 presentation of sentencing guidelines. And to the gentleman,
4926 I would offer to say that those who warrant that
4927 incarceration would rightly get it under the framework that I
4928 am discussing. That is why I strike the entire section.

4929 Mr. Labrador. Thank you. And reclaiming my time, I
4930 then have a difficult time supporting this amendment with
4931 that language in there. If we look at this, this is for the
4932 reentry of a criminal alien who has been convicted of some
4933 pretty serious crimes. And even though I oppose mandatory
4934 minimum sentences, I understand why some members of this
4935 committee will not vote to strike that. But with my friendly
4936 proposal, I know that I can vote for the amendment, and maybe
4937 suspect that other members of the committee might be able to
4938 support the amendment. With that I yield back.

4939 Mr. Gowdy. The gentleman from Idaho yields back. The
4940 question is on --

4941 Ms. Jackson Lee. I am so sorry. He yielded back. We
4942 were trying to find --

4943 Mr. Gowdy. Well, he yielded back to the chair. The
4944 gentleman controlled the time, the gentleman from Idaho.

4945 Ms. Jackson Lee. He did? All right.

4946 Mr. Gowdy. The gentlelady from California is
4947 recognized.

4948 Ms. Jackson Lee. Thank you.

4949 Ms. Lofgren. Strike the last word, and yield to the
4950 gentlelady from Texas.

4951 Mr. Gowdy. The gentlelady is recognized.

4952 Ms. Jackson Lee. To answer the gentleman, and, again,
4953 we might not find a place of agreement. I am not disagreeing
4954 with the heinousness, or inappropriateness, or the wrongness
4955 of that individual crossing, again, into the United States.,
4956 that individual being caught and then put into the criminal
4957 justice system or put into the system based upon the fact
4958 that they are a felon having perpetrated these crimes. What
4959 I am saying is that that is one instance that the person
4960 would be entrapped or in the system. I could not imagine
4961 that that individual without the language in this bill would
4962 not be appropriately incarcerated for the appropriate period
4963 of time.

4964 That is my simple answer on the basis of not suggesting
4965 that we are giving a free ride to murderers and rapists, of
4966 which all of us realize that we do not want in this country,
4967 and we have all stood for deportation, the President as well,
4968 for those persons that would be felons and that would be
4969 doing harm here to the United States. And with that, I yield
4970 back.

4971 Ms. Lofgren. And I would yield back.

4972 Mr. Gowdy. The gentlelady from California yields back.

4973 The question is on the amendment.

4974 Those in favor, say aye.

4975 Those opposed, no.

4976 In the opinion of the chair, the noes have it --

4977 Ms. Jackson Lee. Roll call.

4978 Mr. Gowdy. The gentlelady from Texas has requested a

4979 roll call vote, a recorded vote. The clerk will call the

4980 roll.

4981 Ms. Deterding. Mr. Goodlatte?

4982 [No response.]

4983 Ms. Deterding. Mr. Sensenbrenner?

4984 Mr. Sensenbrenner. No.

4985 Ms. Deterding. Mr. Sensenbrenner votes no.

4986 Mr. Smith?

4987 Mr. Smith. No.

4988 Ms. Deterding. Mr. Smith votes no.

4989 Mr. Chabot?

4990 Mr. Chabot. No.

4991 Ms. Deterding. Mr. Chabot votes no.

4992 Mr. Issa?

4993 [No response.]

4994 Ms. Deterding. Mr. Forbes?

4995 [No response.]

4996 Ms. Deterding. Mr. King?

4997 Mr. King. No.

4998 Mr. Deterding. Mr. King votes no.

4999 Mr. Franks?

5000 [No response.]

5001 Ms. Deterding. Mr. Gohmert?

5002 Mr. Gohmert. No.

5003 Ms. Deterding. Mr. Gohmert votes no.

5004 Mr. Jordan?

5005 [No response.]

5006 Ms. Deterding. Mr. Poe?

5007 [No response.]

5008 Ms. Deterding. Mr. Chaffetz?

5009 [No response.]

5010 Ms. Deterding. Mr. Marino?

5011 Mr. Marino. No.

5012 Ms. Deterding. Mr. Marino votes no.

5013 Mr. Gowdy?

5014 Mr. Gowdy. No.

5015 Ms. Deterding. Mr. Gowdy votes no.

5016 Mr. Labrador?

5017 Mr. Labrador. No.

5018 Ms. Deterding. Mr. Labrador votes no.

5019 Mr. Farenthold?

5020 Mr. Farenthold. No.

5021 Ms. Deterding. Mr. Farenthold votes no.

5022 Mr. Collins?

5023 Mr. Collins. No.

5024 Ms. Deterding. Mr. Collins votes no.

5025 Mr. DeSantis?

5026 [No response.]

5027 Ms. Deterding. Ms. Walters?

5028 Ms. Walters. No.

5029 Ms. Deterding. Ms. Walters votes no.

5030 Mr. Buck?

5031 Mr. Buck. No.

5032 Ms. Deterding. Mr. Buck votes no.

5033 Mr. Ratcliffe?

5034 Mr. Ratcliffe. No.

5035 Ms. Deterding. Mr. Ratcliffe votes no.

5036 Mr. Trott?

5037 [No response.]

5038 Ms. Deterding. Mr. Bishop?

5039 Mr. Bishop. No.

5040 Ms. Deterding. Mr. Bishop votes no.

5041 Mr. Conyers?

5042 Mr. Conyers. Aye.

5043 Ms. Deterding. Mr. Conyers votes aye.

5044 Mr. Nadler?

5045 [No response.]

5046 Ms. Deterding. Ms. Lofgren?

5047 [No response.]

5048 Ms. Deterding. Ms. Jackson Lee?

5049 Ms. Jackson Lee. Aye.

5050 Ms. Deterding. Ms. Jackson Lee votes aye.

5051 Mr. Cohen?

5052 [No response.]

5053 Ms. Deterding. Mr. Johnson?

5054 Mr. Johnson. Aye.

5055 Ms. Deterding. Mr. Johnson votes aye.

5056 Mr. Pierluisi?

5057 Mr. Pierluisi. Aye.

5058 Ms. Deterding. Mr. Pierluisi votes aye.

5059 Ms. Chu?

5060 [No response.]

5061 Ms. Deterding. Mr. Deutch?
5062 [No response.]
5063 Ms. Deterding. Mr. Gutierrez?
5064 Mr. Gutierrez. Aye.
5065 Ms. Deterding. Mr. Gutierrez votes aye.
5066 Ms. Bass?
5067 [No response.]
5068 Ms. Deterding. Mr. Richmond?
5069 Mr. Richmond. Aye.
5070 Ms. Deterding. Mr. Richmond votes aye.
5071 Ms. DelBene?
5072 Ms. DelBene. Aye.
5073 Ms. Deterding. Ms. DelBene votes aye.
5074 Mr. Jeffries?
5075 Mr. Jeffries. Aye.
5076 Ms. Deterding. Mr. Jeffries votes aye.
5077 Mr. Cicilline?
5078 [No response.]
5079 Ms. Deterding. Mr. Peters?
5080 Mr. Peters. Aye.
5081 Ms. Deterding. Mr. Peters votes aye.
5082 Mr. Gowdy. The gentleman from Virginia?

5083 Chairman Goodlatte. No.

5084 Ms. Deterding. Mr. Goodlatte votes no.

5085 Mr. Gowdy. The gentleman from Texas?

5086 Mr. Poe. No.

5087 Ms. Deterding. Mr. Poe votes no.

5088 Mr. Gowdy. The gentlelady from California?

5089 Ms. Lofgren. Aye.

5090 Ms. Deterding. Ms. Lofgren votes aye.

5091 Mr. Gowdy. The clerk will report.

5092 Ms. Deterding. Mr. Chairman, 10 members voted aye, 16

5093 members voted no.

5094 Mr. Gowdy. And the amendment is not agreed to.

5095 Mr. Conyers. Mr. Chairman?

5096 Mr. Gowdy. The gentleman from Michigan?

5097 Mr. Conyers. Might I ask unanimous consent to put in a

5098 report of the Over-Criminalization Task Force, of which I was

5099 a member, pages 13 through 21? The minority report from the

5100 Over-Criminalization Task Force.

5101 Mr. Gowdy. Without objection.

5102 Mr. Conyers. Thank you, sir.

5103 [The information follows:]

5104

5105 Mr. Gowdy. Are there any other amendments? The
5106 gentleman from Iowa, for what purpose do you seek
5107 recognition?

5108 Mr. King. I have an amendment at the desk designated
5109 King 44.

5110 Mr. Gowdy. The gentleman from Iowa is recognized. The
5111 clerk will report the amendment.

5112 Ms. Deterding. Amendment to H.R. 1148 --

5113 Mr. Gowdy. Without objection, the amendment is
5114 considered as read.

5115 [The amendment of Mr. King follows:]

5116

5117 Mr. Gowdy. And the gentleman from Iowa is recognized.

5118 Mr. King. Thank you, Mr. Chairman. This amendment is
5119 an amendment that is, I will call this, the first attempt
5120 written over the lunchtime today to define "prosecutorial
5121 discretion" as our review of the underlying bill. And as I
5122 said in my opening remarks, it has significantly good points
5123 in it. It has in it a reporting on prosecutorial discretion
5124 in several different categories, five or six if I recall.

5125 But I was just a little surprised that we seem to
5126 overlook the very definition of "prosecutorial discretion."
5127 And as convoluted and difficult as it is to arrive at a
5128 precise and concise definition of "prosecutorial discretion,"
5129 I think we have ended up with the judicial branch of
5130 government that has a vague understanding, and they are a
5131 little bit, let us say, uncertain about Congress' intent with
5132 prosecutorial discretion. We have gotten along well with it
5133 over the years. However, in real circumstances, though, we
5134 have a President who decided to exploit what he considered,
5135 and now has created these huge loopholes under his implied
5136 definition of prosecutorial discretion.

5137 Some on this committee will remember then Secretary of
5138 Homeland Security, Janet Napolitano, sitting down at this

5139 table testifying and being examined over the initial policies
5140 of, I will say, group discretionary amnesty delivered by the
5141 President, which began with the DACA memos and then with the
5142 Morton memos. And I have discussed that somewhat briefly in
5143 this committee. But I recall her assertion over and over
5144 again in her testimony that it is on an individual basis
5145 only. On an individual basis only. And, in fact, in the
5146 original document, as I read down through it and marked it
5147 up, there were seven references in a one-and-a-half page as
5148 to the prosecutorial discretion being on an individual basis
5149 only.

5150 Well, I accept that definition. I think that is
5151 correct. And I believe that when one goes outside an
5152 individual basis and creates categories or classes of people,
5153 that it is no longer prosecutorial discretion. If one would
5154 review the 33-page document which was the legal opinion of
5155 the Office of Legal Counsel that directed the President, at
5156 least supposedly, on his November 20th executive amnesty as
5157 unconstitutional executive amnesty that he issued on November
5158 20th of 2014, one will note in there dozens of references to
5159 prosecutorial discretion and other adjectives that refer to
5160 the same or similar thing.

5161 And so, this effort to define prosecutorial discretion
5162 references it being case-by-case. In fact, it is short
5163 enough. I will read some of this into the record. "It shall
5164 be considered a valid official action," which prosecutorial
5165 discretion I think universally we agree is, "when it consists
5166 of a Federal official's decision to refrain to prosecute a
5167 person who otherwise is culpable under the law, only on a
5168 case-by-case basis, exclusively on express and not implied
5169 priorities specified by Congress and statute." And the
5170 second component is, "shall not be considered a valid
5171 official action when administered or created on a categorical
5172 basis."

5173 The original claim of prosecutorial discretion that I
5174 referenced and that was testified to by Janet Napolitano in
5175 that year, which I am going to guess was 2012, created four
5176 different classes of people. It was clear to me when I read
5177 that memo that the government is asserting on an individual
5178 basis only, but the result is that they created categories.
5179 And if there is any doubt, we are looking now at millions of
5180 people, several categories, but totaling 5 or plus million
5181 people on a November 20th executive edict. Clearly they are
5182 categories of people.

5183 The White House has announced or the Department of
5184 Homeland Security in a DHS memo announced, and by the way,
5185 they are legislating in every method that you can imagine,
5186 Mr. Chairman. It comes in the methods of a third tier U.S.
5187 Treasury website to amend Obamacare, for example, or it comes
5188 in the form of the President stepping up to the podium
5189 usually at noon on a Friday and making an asserting into the
5190 record it is speaking law into the record. And we have the
5191 memos of November 20th that create huge classes of people,
5192 classes of people that sum up over 5 million by their
5193 assertion, perhaps 2 or 3 times that by what history has to
5194 say.

5195 So I think it is incumbent upon this Congress to
5196 precisely and carefully and judiciously define "prosecutorial
5197 discretion." As I said at the beginning, this is the first
5198 attempt to do this, and I am open to discussion and dialogue
5199 on it. But I do believe that it is our obligation to give
5200 direction to the executive branch and the judicial branch of
5201 government on this component that we agree is necessary
5202 prosecutorial discretion.

5203 With that, I would urge its deliberation, and I would
5204 yield back the balance of my time.

5205 Ms. Lofgren. Mr. Chairman?

5206 Mr. Gowdy. The gentleman from Iowa yields back. Before
5207 I got to the -- well, I will go to the gentlelady from
5208 California. The gentlelady from California is recognized.

5209 Ms. Lofgren. Yes. I think that this is a really bad
5210 idea, and let me explain why. In the immigration arena,
5211 Congress provides enough funding to remove about 4 percent of
5212 the undocumented population in any given year. And we have
5213 said by statute that the Administration is directed to set
5214 priorities for removal, I think reflecting the fact that we
5215 have failed to provide sufficient funding to remove every
5216 single undocumented person even if we thought that was a good
5217 idea. So the idea that you should not allow for the use of
5218 judgment on which of those 4 percent should be taken up is
5219 not rational, in my judgment.

5220 But the amendment goes far broader than that because it
5221 talks about all Federal law. I remember years ago, we had
5222 Moffett Field Naval Air Station, and I was in the Federal
5223 District Court in San Jose. There was the magistrate. And
5224 he had a sailor in front of him, and the sailor was there for
5225 a traffic violation. And I remember the sailor saying, what
5226 is this, a Federal offense? And the fact is it was because

5227 that traffic violation had occurred on the Naval Air Station.

5228 But to say that you could not make a distinction as a
5229 prosecutor between traffic violations on a Federal base
5230 versus a serious drug deal or smuggling is not reasonable.
5231 And the truth is that we have not and probably cannot specify
5232 for every U.S. attorney in every office in the United States
5233 how they are going to use their discretion, which they have
5234 to use because they do not have limitless resources.

5235 So I understand what the gentleman is trying to do on
5236 immigration. I disagree with him. DACA and DAPA are going
5237 to be case-by-case reviews. But this would, it is a term of
5238 art, mess up Federal prosecutions, federally across the
5239 United States in a way that would be serious and problematic.
5240 And it is a very bad amendment, and I would urge that we
5241 oppose it. And I thank the gentleman, and I would yield
5242 back.

5243 Mr. Gowdy. I thank the gentlelady from California. And
5244 I would say this to the gentleman from Iowa. I am remarkably
5245 sensitive to and remarkably receptive to a conversation about
5246 the limits, if any, on this doctrine called prosecutorial
5247 discretion. And even though I will probably come down on the
5248 opposite side of the gentleman from Iowa's amendment, I want

5249 to make it very clear that you have started a conversation
5250 that needed to be started years ago frankly. There are
5251 categories of law that require you to perform certain acts,
5252 like registering for selective service. There are categories
5253 of the law that prohibit certain acts, like the possession of
5254 child pornography. And there are categories of law whereby
5255 one branch of government directs another branch of government
5256 to do something.

5257 It is stunning to me assert that prosecutorial
5258 discretion applies with equal force and vigor in all
5259 categories of the law. And to argue as such would be absurd
5260 because if the legislative branch told the executive branch
5261 to submit a budget by April 1st, is the executive branch then
5262 free to apply the doctrine of prosecutorial discretion and
5263 decide they are just not going to submit a budget by that
5264 date? That is much closer to anarchy than it is to anything
5265 remotely resembling prosecutorial discretion.

5266 What gives me pause is this. The case law, and I have,
5267 as I know the gentleman from Iowa, and I am sure the
5268 gentlelady from California and others, have looked and
5269 searched for some paradigm by which the judicial branch
5270 guides this debate about prosecutorial discretion. And in

5271 the case *In Re City of Aiken*, as I was discussing with the
5272 gentleman from Iowa, that is a D.C. Court of Appeals case.
5273 And Judge Kavanaugh attempted to set the limits of this thing
5274 we call prosecutorial discretion, and he did it emanating
5275 from the pardon power that the President has. And none of
5276 that question it. That is constitutional in significance.
5277 It is specifically mentioned.

5278 I am not sure that the doctrine on prosecutorial
5279 discretion emanates from the pardon power. I am sure of
5280 this. Even really good ideas, and I will give you a for
5281 instance. In South Carolina, in my State, which I love, but
5282 it ranks traditionally in the top 10 in the Nation in terms
5283 of domestic violence. In the top 10 in the Nation in men
5284 killing women. So there was a legislative remedy proposed
5285 directing that prosecutors, many of whom are on this
5286 committee with us, prosecutors in South Carolina cannot
5287 dismiss a domestic violence case. We call it a no drop
5288 policy. You cannot drop a domestic violence case. And that
5289 sounds great as a legislative remedy in a State that is
5290 struggling with that issue. But the reality is you can never
5291 tie the hands of the executive branch like that because we
5292 may actually someone who was falsely accused.

5293 So you are right to argue for a case-by-case analysis.
5294 I think what the President would say to the gentleman from
5295 Iowa if he were here is that he doing it on a case-by-case
5296 basis. It is just you and I disagree that he is doing it on
5297 a case-by-case basis. So the law we would agree on, it is
5298 the application of the law that we take such exception to.
5299 And I would say this to my friend from Iowa, I think rather
5300 than a change in the law, it is going to have to be a change
5301 at the helm of the executive branch frankly is the remedy
5302 that we are probably going to have to settle for at some
5303 point or another.

5304 But I do thank the gentleman for raising the issue, and
5305 even though I will come down on the other side of his
5306 amendment, it is not due to a lack of sensitivity that surely
5307 to goodness there have to be some limitations, or else the
5308 executive branch can fail to enforce wholesale areas of the
5309 law, including election laws. I think he is scheduled to
5310 leave office in a couple of years. Is that one open to
5311 negotiation, too? So we do need to have this conversation,
5312 but I am not entirely convinced that it is today.

5313 So the gentleman from Texas, Mr. Farenthold.

5314 Mr. Farenthold. Thank you. I reluctantly have to rise

5315 to oppose this amendment. I think it is pretty clear that
5316 there are some pretty serious abuses of prosecutorial
5317 discretion. My many years ago law school prosecutorial
5318 discretion was to take in the special circumstances of the
5319 case. What we are seeing now, and I think what the
5320 gentleman's amendment is trying to address, is a wholesale
5321 application of prosecutorial discretion, not because of the
5322 individual cases, but because folks in the Administration
5323 just do not like the law, and they are using prosecutorial
5324 discretion as an excuse.

5325 And I like the intent of Mr. King's amendment. But my
5326 concern is we will never be able to factor in and come up
5327 with express priorities of Congress to come up with every
5328 possible circumstance that would arise as a need for
5329 prosecutorial discretion. I mean, it is obvious
5330 prosecutorial discretion, it is appropriate not to get
5331 prosecuted for speeding if you are rushing to the hospital.
5332 I mean, that makes sense. In the immigration field, maybe
5333 delaying a removal proceeding while a child is being treated
5334 for cancer is appropriate.

5335 But take speeding. Suppose we were to elect a district
5336 attorney in a city -- and it is a State issue, but it is a

5337 good example -- that had no problem with speeding and to
5338 exercise prosecutorial discretion on all speeding cases.
5339 Every highway in that area would become the Audubon, and that
5340 is not what prosecutorial discretion is for. It is for
5341 individual cases, looking at the unique and circumstances.
5342 It is not for avoiding fatefully executing the laws of this
5343 country because you do not like them. It has got to be based
5344 on unique circumstances.

5345 It is up to Congress to decide whether laws are good and
5346 bad, and change them, and then send them to the President.
5347 It is not for the President or a prosecutor to make those
5348 decisions unilaterally. And I am going to have to oppose
5349 this amendment because it does not allow for dealing with
5350 very unique circumstances, which back in law school days is
5351 what I understood prosecutorial discretion to mean. And so,
5352 I will yield back.

5353 Mr. Gowdy. The gentleman from Texas yields back. The
5354 gentleman from Texas, Mr. Gohmert.

5355 Mr. Gohmert. Thank you, Mr. Chairman, and I agree with
5356 my two friends who have spoken on the amendment in part, and
5357 that is the part that I agree that there is a significant
5358 abuse of prosecutorial discretion by this Administration and

5359 by this Attorney General as encouraged by the Commander-in-
5360 Chief. And unlike my good friends, I am going to vote for it
5361 because I think it adequately addresses the issue.

5362 It was pointed out, gee, the President might say that I
5363 am granting rights based on a case-by-case consideration, but
5364 when we look at the conjunction "and," and part two, I think
5365 it makes clear, "shall not be considered a valid official
5366 action when administered or created on a categorical basis."
5367 And I think anybody that argues that the President has not
5368 granted amnesty on a categorical basis would be without basis
5369 him or herself.

5370 So I think the amendment does what needs to be done. It
5371 does not address what you do if you have an executive branch
5372 that refuses to follow the laws that have been duly passed by
5373 Congress and signed by another President who just refuses to
5374 follow the law. There are other parts of Constitution and
5375 law that deal with people that do that.

5376 But I think is not only a noble effort. I think by
5377 having the conjunction "and" and requiring it cannot be done
5378 on a categorical basis, as the President has been doing, that
5379 it addresses something very important, and I plan for it And
5380 I would yield such time as I have left to my friend from

5381 Iowa, Mr. King.

5382 Mr. King. I thank the gentleman from Texas for
5383 yielding. And I am sitting here listening to this debate,
5384 and I am listening to the gentleman from South Carolina, who
5385 said the law we would agree on. But I am having trouble
5386 identifying the law that defines prosecutorial discretion. I
5387 think the concept we agree on perhaps rather than the law.

5388 And there are some other concepts that I think that we
5389 agree on, at least on this side of the aisle, and probably
5390 many on the other side of the aisle. That is, under
5391 prosecutorial discretion, there can be no classes of people
5392 created under a definition that would be a memo of the
5393 executive branch. If Congress passes the law, if there are
5394 going to be classes created, we create the classes. That is
5395 the law. You cannot create classes of people. You cannot
5396 create groups of people. You cannot create categories of
5397 people. And you have to do prosecutorial discretion on an
5398 individual basis only.

5399 I would be, I guess, a bit surprised if that --

5400 Ms. Lofgren. Would the gentleman yield?

5401 Mr. King. The gentleman controls the time from Texas,
5402 but I would be happy to yield.

5403 Mr. Gohmert. I yield.

5404 Ms. Lofgren. I think that is not correct, and let me
5405 give you an example. You could have a policy that if there
5406 is a compelling and serious medical condition of the
5407 applicant, that that is something that should be considered
5408 for discretion, and then you do a case-by-case and see, in
5409 fact, does this person have a serious medical condition. So
5410 I think the two are not at odds, and I thank the gentleman
5411 for yielding.

5412 Mr. King. And reclaiming the gentleman from Texas'
5413 time, that seems to be a bit of anomaly, but perhaps there
5414 are some of those circumstances along the way. None of them
5415 rise to the level of what the President has done, and he has
5416 exploited this circumstance to the point where this very
5417 republic is at risk. And I am concerned about the next step
5418 of the people if we are not able to reign the President in.

5419 And some are optimistic that there will be a change in
5420 the presidency. I am, too. But there will be another
5421 President behind that, and the precedents that are
5422 established in this presidency will be conferred upon the next
5423 presidency. And yet I feel the rhythm of this place, and I
5424 think I know the result of what would come should this be a

5425 recorded vote on this amendment. And I believe it is more
5426 important that we preserve the principle for discussion and
5427 the opportunity to bring a carefully-worded amendment to the
5428 floor that defines "prosecutorial discretion" than it is to
5429 perhaps have the news media report that prosecutorial
5430 discretion now has been granted carte blanche to the
5431 President of the United States to classes of millions of
5432 people. That is a great risk if I insist on this.

5433 So at this point then, I would instead ask unanimous
5434 consent to withdraw my amendment.

5435 Mr. Gowdy. Without objection, the chair thanks the
5436 gentleman from Iowa. The amendment is withdrawn.

5437 Are there any other amendments?

5438 The gentleman from Illinois, Mr. Gutierrez?

5439 Mr. Gutierrez. Thank you. I have an amendment at the
5440 desk, Mr. Chairman.

5441 Mr. Gowdy. The clerk will report the amendment.

5442 Ms. Deterding. Amendment to H.R. 1148 --

5443 Mr. Gowdy. Without objection, the amendment is
5444 considered as read.

5445 [The amendment of Mr. Gutierrez follows:]

5446

5447 Mr. Gowdy. And the gentleman from Illinois is
5448 recognized.

5449 Mr. Gutierrez. Thank you. So this amendment strikes
5450 particular sections of the SAFE Act, which defund the
5451 President's executive actions of November 20th, 2014, and it
5452 is two particular memos. I first want to tell a brief story.
5453 So Hector Nunez is a member of the U.S. Army Reserve, and he
5454 is a U.S. citizen by birth. He married his wife who is
5455 undocumented. She came here when she was a young kid at the
5456 age of 6.

5457 But what is even more compelling is that Mr. Hector
5458 Nunez served in Kuwait and Afghanistan, and he routinely
5459 placed his life in danger because what did he do? He was a
5460 combat engineer sweeping for IEDs. Now, Mr. Nunez said,
5461 well, I am an American citizen. I am a member of the armed
5462 services. I am going to be deployed for the third time. So
5463 he applied for a visa for his wife. They went down to Ciudad
5464 Juarez for their consular interview, and they told them,
5465 nope, not even with that order that you have currently to go
5466 and deploy once again in combat action. We are not going to
5467 allow you bring your wife back to the United States.

5468 So he had this dilemma, and the dilemma was the

5469 following. On the one hand, he had served two terms in
5470 Afghanistan and Kuwait, and he was deployed a third time.
5471 And the other, he could not get his wife back to the United
5472 States of America, nor their two American citizen children,
5473 which they had had because there is a 3- and a 10-year bar.

5474 So what happened was that we parole in place for the
5475 undocumented families. What does that mean? That means if
5476 you are enlisted. So I took this case, Mr. Chairman, to the
5477 Secretary of Homeland Security at that point, and we got him
5478 humanitarian relief, and she was brought back to the United
5479 States of America. Subsequently, the Barack Obama
5480 Administration decided that we should not put members of the
5481 armed forces at risk of deciding whether they are going to
5482 fulfill their enlisted in the armed forces of the United
5483 States or try to get their spouses back to the United States
5484 and not be in fear of deportation.

5485 So what we did is this Administration used parole in
5486 place. One of the things that your defunding says that those
5487 military families seeking to enlist. So right now, Mr. Nunez
5488 could simply go and say, you know something? I am going to
5489 ask my wife to be paroled in place, and I can get that done
5490 because I am a member of the armed forces. So that situation

5491 would never happen again.

5492 But here is the problem. We have American citizens --
5493 American citizens -- that are applying to enlist in the armed
5494 forces of the United States, and are being rejected by the
5495 armed forces of the United States for one reason and one
5496 reason only, because they either have children or a spouse
5497 that are undocumented outside. That is the only reason. Not
5498 their loyalty, not their fidelity, not their ability, not
5499 their desire. So if you defund this executive order, which
5500 is simply an expansion of the executive order allowing other
5501 military that are American citizens, that is what you do.

5502 Number two, there is a second thing that I think that we
5503 do not understand that we are doing, and that is the
5504 expansion of provisional waiver so that not only the spouses
5505 and children of U.S. citizens can apply, but the spouses of
5506 children and lawful permanent residents and adult children of
5507 U.S. citizens and lawful permanent residents.

5508 Here is what happens. Right now I go out and I am a
5509 permanent resident of the United States, and I marry
5510 somebody, and I go try to get my wife her visa, and it gets
5511 granted. Says, oh, Luis, you are a permanent resident? Yes.
5512 Luis, you are in good standing? Yes. Hey, we went through a

5513 background check on your wife, Luis. She came out clear, and
5514 you are married, we got that. So they grant her, but now I
5515 got to take her back to her country of origin, and when I do,
5516 they say stay there.

5517 What I am simply saying is we should test whether or not
5518 my wife can get a provisional waiver. That is all it is, a
5519 provisional waiver. So I understand before I take her back
5520 to the Philippines, to Ireland, to Poland -- yes, millions of
5521 people are not from Mexico, for all of those countries around
5522 the world. Before I take her back, I can apply for a
5523 provisional waiver that says she is excluded from the 3- and
5524 the 10-year bar.

5525 If I am an American citizen, Mr. Chairman, I can get
5526 that provisional waiver. But since we treat in our
5527 immigration law spouses and children, legal permanent
5528 residents, and citizens that they can achieve green cards for
5529 their family members, we should not defund the President's
5530 order because what it says is I can go and apply and say,
5531 government, I have met all the requirements. I want to make
5532 sure that before I leave to go pick up my wife's or spouse's
5533 visa, that I can apply for an exemption to the 3- and the 10-
5534 year bar. And that gets done in the United States.

5535 It does not exclude me. I still have to go and prove
5536 extreme hardship to a judge. I still have to prove it to the
5537 judge. It does not say, oh, apply. The President did not
5538 eliminate the 3- and the 10-year bar. He simply said before
5539 I go to that country, I get to do that here in the United
5540 States of America. It just seems to me that legal permanent
5541 residents, those that are legally admitted to the United
5542 States of America, we do grant them the ability to get visas
5543 for their spouses and children. We should know whether or
5544 not they can overcome the 3- and the 10-year bar while they
5545 are in the United States of America before they leave the
5546 United States of America.

5547 If you defund this, you have stopped legal permanent
5548 residents from two things. Number one, being in the military
5549 of the United States of America and serving because this
5550 disqualifies them if you defund it, and number two, saying
5551 that I cannot figure out or find out from the government of
5552 the United States if whether or not my cancer that I am dying
5553 of is going to qualify me as a permanent resident to get my
5554 wife released so that she can get a green card here in the
5555 United States of America.

5556 Mr. Gowdy. I thank my friend from Illinois. The chair

5557 will now recognize the former U.S. Attorney from
5558 Pennsylvania, Mr. Marino.

5559 Mr. Marino. Thank you, Mr. Chairman. Move to strike
5560 the last word.

5561 Chairman Goodlatte. The gentleman is recognized.

5562 Mr. Marino. I oppose this amendment that allows funds
5563 to be used for two of the President's executive immigration
5564 actions that constitute an unconstitutional overreach of
5565 executive authority. According to U.S. Censorship and
5566 Immigration Services, "Humanitarian parole is used sparingly
5567 to bring someone who is otherwise inadmissible into the
5568 United States for a temporary period of time due to a
5569 compelling emergency." Parole may be granted "based on
5570 urgent humanitarian reasons or if there is a significant
5571 public benefit."

5572 The Immigration and Nationality Act requires that parole
5573 be granted on a case-by-case basis. Unfortunately, the Obama
5574 Administration has decided to abuse the parole authority
5575 granted to it by Congress, and use it to allow entire classes
5576 of people who would otherwise not be eligible for admission
5577 to the U.S. to come here.

5578 One of the execution memos this amendment seeks to fund

5579 builds on an earlier abuse of parole authority by the Obama
5580 Administration. Specifically, on November 15th, 2013, then
5581 U.S. Citizenship and Immigration Service, USCIS, issued a
5582 memo regarding the grant of parole to unlawful alien spouses,
5583 children, and parents of active duty and former armed
5584 services and ready reserve service members. The memo
5585 provided that the relatives of anyone who has ever served in
5586 the U.S. armed forces for any period of time, and without
5587 regard to whether discharge was honorable or dishonorable
5588 discharge are eligible to receive parole on a categorical
5589 basis.

5590 Neither the statute governing parole and its legislative
5591 history, nor the implementing regulations contemplate parole
5592 for, number one, aliens who are already present in the United
5593 States, two, an entire category of aliens, or, three, an
5594 indefinite period of time. USCIS has interpreted the statute
5595 to allow indefinite parole for an entire category of aliens
5596 who are present in the U.S. illegally.

5597 On November 20, 2014, DHS Secretary Johnson issued a
5598 memo expanding the parole availability to the family members
5599 of U.S. citizens and LPRs who simply "seek to enlist in the
5600 U.S. armed forces." What does "seek to enlist" mean? Aside

5601 from the ambiguity, such a categorical use for parole was
5602 never contemplated by the statute. And, in fact, as this
5603 committee stated in 1996, "Parole should not be used to
5604 create an ad hoc immigration policy or to supplement current
5605 immigration categories without congressional approval." Not
5606 only is this parole in place policy not consistent with the
5607 statutory intent of the use of parole, but USCIS is not even
5608 implementing the February 2013 parole policy for military
5609 family members in a responsible manner.

5610 In fact, in December of 2013, committee staff met with
5611 USCIS officials to discuss the details of the parole in place
5612 process set out in the November 2013 memo. During the
5613 meeting, number one, USCIS admitted that the service member
5614 is never contacted to determine whether he or she wants the
5615 unlawful aliens to receive parole in place. Number two,
5616 USCIS admitted there is no process in place to verify that
5617 the service member actually served in the armed forces.
5618 Number three, USCIS admitted that parole in place could be
5619 granted even if the service members was dishonorably
5620 discharged.

5621 Number four, USCIS admitted that the service member
5622 could have felony convictions, and his or her immediate

5623 relatives would still be eligible for parole in place. Five,
5624 USCIS admitted that even in cases of divorce, a service
5625 member's ex-spouse could be eligible for parole in place.
5626 And six, USCIS admitted that an unlawful alien's immediate
5627 relatives could still receive parole in place despite
5628 criminal record.

5629 Under the November 20, 2014 memo, unlawful alien family
5630 members of an individual who may ultimately never even be
5631 allowed to enter the military will receive parole. Clearly
5632 this is the creation of a new ad hoc immigration category.
5633 And I urge my colleagues to oppose this amendment, and I
5634 yield back the remainder of my time.

5635 Mr. Gowdy. The gentlelady from California is
5636 recognized.

5637 Ms. Lofgren. I would like to strike the last word.

5638 Mr. Gowdy. The gentlelady is recognized.

5639 Ms. Lofgren. I want to talk about the extreme hardship
5640 waiver, which this issue is very connected to. I was here on
5641 the committee in 1996 when we created the 3- and 10-year
5642 admissibility bar. I thought at the time it was a bad idea
5643 because these are all individuals who would otherwise be
5644 legal under the then existing law. And what we ended up

5645 doing was creating something called a waiver for extreme
5646 hardship, but we never defined what that was.

5647 Now, the way that we have left it is you have to apply
5648 for that waiver outside the United States, and, of course, as
5649 soon as you do, you trigger the bar. And so, you know, I
5650 have met people in this situation where, you know, have got
5651 your wife and three kids, and you do not know whether your
5652 wife is going to be stuck in another country for 10 years, so
5653 people do not do it.

5654 2 years ago, USCIS adopted a formal notice and comment
5655 rulemaking, which is the way many people think, you know, all
5656 of this should have been done. And it provided for a
5657 definition which has long been missing, and it is actually
5658 more narrowly crafted than the waiver that the Congress
5659 initiated, which should be a winner to many of my colleagues
5660 on the other side of the aisle.

5661 Now, it provides that the guidance is that extreme
5662 hardship can be demonstrated through factors such as family
5663 ties to the United States and the country of removal,
5664 conditions in the country of removal, the age of the U.S.
5665 citizen or lawful permanent resident spouse, length of
5666 residence in the U.S., relevant medical and mental health

5667 conditions, financial hardships. And you do not get anything
5668 that you would not otherwise get, other than knowing what the
5669 answer is. And it allows people actually to do something
5670 that we all say we want, which is to become a legal immigrant
5671 using the legal immigration system.

5672 I think that Mr. Gutierrez's amendment actually would
5673 allow that process to move forward and to gain legal status
5674 the right way, which was what then Chairman Lamar Smith,
5675 chairman of the Immigration Subcommittee, said that he wanted
5676 to do at the time. So the memorandum seeks to make the
5677 provisional waiver process align more closely with
5678 congressional intent.

5679 The current process is too narrow. And we are talking
5680 about people who are eligible under the current immigration
5681 laws, but for the change, the statutory 3- and 10-year bar.
5682 These are almost entirely spouses. I mean, there are a few
5683 exceptions, but mainly they are the husbands and wives of
5684 American citizens who have a visa number immediately
5685 available to them. And it has long been the case that the
5686 husbands and wives of American citizens are permitted to be
5687 the beneficiary of applications and gain their permanent
5688 residence. I think it is a huge mistake to upset this

5689 process. It is well underway. It is serving the country,
5690 and thousands of American citizens whose spouses live in
5691 fear.

5692 And I will just close with a personal story. I will not
5693 mention the name, but a young man who I knew in California.
5694 He was an only child, apple of his mother's eye. He had just
5695 received his master's degree, and he and his high school
5696 sweetheart, they had been seeing each other since they were
5697 in high school. They were in love. He asked her to marry
5698 him, and it was only a week before the wedding that she said
5699 there is something I have go to tell you. I was brought to
5700 the United States when I was 2 months old.

5701 They went ahead and got married. They now have three
5702 children. He is an American citizen. He is a well-educated
5703 person. She has lived here all her life, and they are
5704 productive people. But she cannot get from point A to B
5705 because of this 3- and 10-year bar. Finally, there is a way
5706 to put some order into this system. Unless Mr. Gutierrez's
5707 amendment is approved, this bill would upend that in a way
5708 that does not well serve our country.

5709 So I strongly recommended that we approve Mr.
5710 Gutierrez's amendment, and I would yield back.

5711 Mr. Gowdy. The gentlelady yields back. And the
5712 gentleman from Texas, for what purpose do you seek
5713 recognition?

5714 Mr. Farenthold. Strike the last word.

5715 Mr. Gowdy. The gentleman is recognized.

5716 Mr. Farenthold. Section 607 is a reaction or a result
5717 of abuses by the executive branch of prosecutorial
5718 discretion. It is a debate we have had throughout the day
5719 today. I would support and am very sympathetic to many of
5720 the cases Mr. Gutierrez pointed out, which support in some
5721 instances changing the law to deal with that. Would
5722 recognize it in some cases those might be on a one-on-one
5723 individual basis, appropriate for prosecutorial discretion.

5724 But because there have been such abuses of prosecutorial
5725 discretion allowing entire classes of folks to be eligible
5726 for prosecutorial discretion, the pendulum has swung too far.
5727 And Section 607 of this bill is designed to stop that.
5728 Unfortunately, you know, there are some individual cases that
5729 are going to cause some hardship for folks, but this is a
5730 result of us attempting to defend the Constitution.

5731 I cannot support this amendment because I believe such a
5732 broad application of prosecutorial discretion in determining

5733 the criteria for it through executive action is a failure to
5734 take care to faithfully execute the laws of the United
5735 States, and is an intrusion upon the power of Congress to set
5736 and define those categories. I look forward to a discussion
5737 in the near future about how we can improve our immigration
5738 system and make it more compassionate. But now is not the
5739 time to do that. We have got to get the borders secure
5740 first, and we have got to stop illegal unconstitutional
5741 actions first.

5742 So I am going to have to oppose this amendment, and urge
5743 my colleagues to do the same. I yield back.

5744 Mr. Gowdy. The gentleman from Texas yields back.

5745 The question is on the amendment.

5746 Those in favor, say aye.

5747 Those opposed, say no.

5748 Boy, it was close, but I think the noes have it. The
5749 amendment is not agreed to.

5750 Mr. Gutierrez. I ask for a recorded vote.

5751 Mr. Gowdy. The gentleman from Illinois requests a
5752 recorded vote. The clerk will call the roll.

5753 Ms. Deterding. Mr. Goodlatte?

5754 [No response.]

5755 Ms. Deterding. Mr. Sensenbrenner?
5756 [No response.]
5757 Ms. Deterding. Mr. Smith?
5758 Mr. Smith. No.
5759 Ms. Deterding. Mr. Smith votes no.
5760 Mr. Chabot?
5761 Mr. Chabot. No.
5762 Ms. Deterding. Mr. Chabot votes no.
5763 Mr. Issa?
5764 Mr. Issa. No.
5765 Ms. Deterding. Mr. Issa votes no.
5766 Mr. Forbes?
5767 [No response.]
5768 Ms. Deterding. Mr. King?
5769 Mr. King. No.
5770 Mr. Deterding. Mr. King votes no.
5771 Mr. Franks?
5772 [No response.]
5773 Ms. Deterding. Mr. Gohmert?
5774 [No response.]
5775 Ms. Deterding. Mr. Jordan?
5776 [No response.]

5777 Ms. Deterding. Mr. Poe?
5778 Mr. Poe. No.
5779 Ms. Deterding. Mr. Poe votes no.
5780 Mr. Chaffetz?
5781 Mr. Chaffetz. No.
5782 Ms. Deterding. Mr. Chaffetz votes no.
5783 Mr. Marino?
5784 Mr. Marino. No.
5785 Ms. Deterding. Mr. Marino votes no.
5786 Mr. Gowdy?
5787 Mr. Gowdy. No.
5788 Ms. Deterding. Mr. Gowdy votes no.
5789 Mr. Labrador?
5790 [No response.]
5791 Ms. Deterding. Mr. Farenthold?
5792 Mr. Farenthold. No.
5793 Ms. Deterding. Mr. Farenthold votes no.
5794 Mr. Collins?
5795 Mr. Collins. No.
5796 Ms. Deterding. Mr. Collins votes no.
5797 Mr. DeSantis?
5798 Mr. DeSantis. No.

5799 Ms. Deterding. Mr. DeSantis votes no.
5800 Ms. Walters?
5801 Ms. Walters. No.
5802 Ms. Deterding. Ms. Walters votes no.
5803 Mr. Buck?
5804 Mr. Buck. No.
5805 Ms. Deterding. Mr. Buck votes no.
5806 Mr. Ratcliffe?
5807 Mr. Ratcliffe. No.
5808 Ms. Deterding. Mr. Ratcliffe votes no.
5809 Mr. Trott?
5810 Mr. Trott. No.
5811 Ms. Deterding. Mr. Trott votes no.
5812 Mr. Bishop?
5813 Mr. Bishop. No.
5814 Ms. Deterding. Mr. Bishop votes no.
5815 Mr. Conyers?
5816 [No response.]
5817 Ms. Deterding. Mr. Nadler?
5818 [No response.]
5819 Ms. Deterding. Ms. Lofgren?
5820 Ms. Lofgren. Aye.

5821 Ms. Deterding. Ms. Lofgren votes aye.

5822 Ms. Jackson Lee?

5823 [No response.]

5824 Ms. Deterding. Mr. Cohen?

5825 [No response.]

5826 Ms. Deterding. Mr. Johnson?

5827 Mr. Johnson. Aye.

5828 Ms. Deterding. Mr. Johnson votes aye.

5829 Mr. Pierluisi?

5830 Mr. Pierluisi. Aye.

5831 Ms. Deterding. Mr. Pierluisi votes aye.

5832 Ms. Chu?

5833 Ms. Chu. Aye.

5834 Ms. Deterding. Ms. Chu votes aye.

5835 Mr. Deutch?

5836 [No response.]

5837 Ms. Deterding. Mr. Gutierrez?

5838 Mr. Gutierrez. Aye.

5839 Ms. Deterding. Mr. Gutierrez votes aye.

5840 Ms. Bass?

5841 [No response.]

5842 Ms. Deterding. Mr. Richmond?

5843 Mr. Richmond. Aye.

5844 Ms. Deterding. Mr. Richmond votes aye.

5845 Ms. DelBene?

5846 Ms. DelBene. Aye.

5847 Ms. Deterding. Ms. DelBene votes aye.

5848 Mr. Jeffries?

5849 Mr. Jeffries. Aye.

5850 Ms. Deterding. Mr. Jeffries votes aye.

5851 Mr. Cicilline?

5852 Mr. Cicilline. Aye.

5853 Ms. Deterding. Mr. Cicilline votes aye.

5854 Mr. Peters?

5855 Mr. Peters. Aye.

5856 Ms. Deterding. Mr. Peters votes aye.

5857 Mr. Gowdy. The gentleman from Michigan?

5858 Mr. Conyers. Aye.

5859 Ms. Deterding. Mr. Conyers votes aye.

5860 Mr. Gowdy. The gentlelady from Texas?

5861 Ms. Jackson Lee. Aye.

5862 Ms. Deterding. Ms. Jackson Lee votes aye.

5863 Mr. Gowdy. The clerk will report.

5864 Ms. Deterding. Mr. Chairman, 12 members voted aye, 16

5865 members voted no.

5866 Mr. Gowdy. And the amendment is not agreed to.

5867 Are there other amendments?

5868 Mr. Chu. Mr. Chair, I have an amendment at the desk.

5869 Mr. Gowdy. The gentlelady from California is

5870 recognized. The clerk will report the amendment.

5871 Ms. Deterding. Amendment to H.R. 1148 offered by Ms.

5872 Chu --

5873 Mr. Gowdy. The clerk will report the amendment.

5874 Ms. Deterding. Amendment to H.R. 1148, offered by Ms.

5875 Chu of California --

5876 Mr. Gowdy. Without objection, the amendment is

5877 considered as read.

5878 [The amendment of Ms. Chu follows:]

5879

5880 Mr. Gowdy. And the gentlewoman from California is
5881 recognized.

5882 Mr. Chu. Mr. Chair, my amendment would eliminate the
5883 failed 287(g) program, and ensure that we clearly prohibit
5884 racial and religious profiling when enforcing our immigration
5885 laws. Instead of ending the problematic 287(g) program, the
5886 SAFE Act expands its use and ensures that local law
5887 enforcement, not the Federal government, are the ones
5888 enforcing our immigration laws.

5889 Section 112 of the bill would flip on its head authority
5890 over immigration enforcement by requiring the Federal
5891 government to delegate its authority to State and local
5892 jurisdiction at their request. In fact, it constrains DHS by
5893 restricting the Agency's ability to terminate such
5894 agreements. Such a reversal of authority over immigration
5895 enforcement would be unprecedented. The 287(g) program
5896 wastes tens of millions of dollars annually. It should be
5897 terminated, not expanded.

5898 As if that were not enough, the DHS Office of the
5899 Inspector General and the Government Accountability Office
5900 have documented significant problems in 287(g) priorities,
5901 training, and oversight, including the arrest of non-

5902 criminals rather than individuals who threaten national
5903 security or public safety, as well as an absence of adequate
5904 ICE supervision and insufficient training of State and local
5905 law enforcement officers. And while some claim that 287(g)
5906 helps enforce our immigration laws, it actually diverts
5907 critical law enforcement resources and makes our communities
5908 less safe.

5909 By encouraging the police to do the Federal government's
5910 job, 287(g) breeds mistrust in local law enforcement.
5911 Immigrants worry that they will be punished or deported if
5912 they talk to the police, and this means victims will choose
5913 to suffer in silence. It means fewer witnesses will come
5914 forward to help solve crimes. And this is not just about
5915 undocumented immigrants being scared to come forward.
5916 Citizens and legal residents are holding back, too. That is
5917 because the 287(g) program is a tool that too often relies on
5918 racial profiling.

5919 Take the case of Sheriff Arpaio in Maricopa County,
5920 Arizona, who used 287(g) to target Latinos. Thank goodness a
5921 Federal judge ruled that he and his deputies violated the
5922 constitutional rights of Latinos by racially profiling them
5923 during raids and traffic stops. It is no wonder that 44

5924 percent of Latinos surveyed across the country said they were
5925 less likely now to contact police if they were victims of
5926 crimes.

5927 But this bill makes it harder for the Federal government
5928 to protect its citizens from racial profiling from law
5929 enforcement officers like Sheriff Arpaio under the 287(g)
5930 program. It forces the Federal government to let problematic
5931 programs continue to run as an appeal, terrorizing the
5932 community, even if a Federal judge agrees that the 287(g)
5933 agreement should be terminated.

5934 We need this amendment because it bans racial,
5935 religious, gender, and sexual orientation profiling by all
5936 law enforcement agents enforcing immigration law. The robust
5937 and multi-tiered approach to ending racial profiling advanced
5938 in this amendment is integral to protecting all communities
5939 in America. Law enforcement officials from across the
5940 country oppose 287(g) because it is getting in the way of
5941 their real jobs: stopping crime and keeping people safe.
5942 The 287(g) program takes cops away from going after the
5943 violent criminals that are out there, and that is why the
5944 Police Foundation, the International Association of Chiefs of
5945 Police, and the Major Cities Chiefs Association have

5946 expressed concerns about the 287(g) program undermining their
5947 core public safety mission.

5948 To keep our neighborhoods safe, we need the entire
5949 community to come together to solve crimes. Without it, the
5950 LAPD would never have solved the murder of Juan Garcia, a 53-
5951 year-old homeless man who was brutally killed in an alley
5952 just west of downtown L.A. in 2009. At first, the police
5953 were stumped. There were no known witnesses and few clues.
5954 Then a 43-year-old undocumented immigrant who witnessed the
5955 crime came forward. Because of his help, a witness was
5956 identified and arrested a few days later. Because the
5957 witness was not afraid to contact the police, we are a little
5958 bit safer.

5959 I urge you to vote in favor of my amendment and 287(g)
5960 and protect our communities from unconstitutional racial and
5961 religious profiling.

5962 Mr. Gowdy. The gentleman from Texas, for what purpose
5963 do you seek recognition?

5964 Mr. Farenthold. Strike the last word.

5965 Mr. Gowdy. The gentleman is recognized.

5966 Mr. Farenthold. Thank you. I am going to have to
5967 oppose this amendment. It would almost certainly end the

5968 287(g) program. Section 287(g) of the Immigration and
5969 Nationality Act allows DHS to enter into cooperative
5970 agreements with States and localities to assist in the
5971 enforcement of immigration laws. The 287(g) program has been
5972 tremendously effective. According to ICE, since January of
5973 2006, the program is credited with identifying more than
5974 185,000 individuals who are suspected of being in the country
5975 illegally.

5976 Participating jurisdictions report that 287(g) programs
5977 facilitate crime reduction, removal of repeat immigration
5978 offenders, and other public safety benefits. It allows
5979 participants to have direct access to ICE databases, and they
5980 are authorized to prepare notice to appear in immigration
5981 courts and transport aliens to ICE-approved detention
5982 facilities. Unfortunately, this Administration has entered
5983 into no new 287(g) agreements since August of 2010.

5984 In 2010, ICE suspended seven 287(g) agreements it had
5985 with Arizona law enforcement agencies. ICE states it did so,
5986 and I am quoting now, "in light of the Supreme Court's
5987 decision to uphold" the Arizona law that requires State law
5988 enforcement officers to make a reasonable attempt to
5989 determine the immigration status of a person during any

5990 lawful stop, detention, or arrest where reasonable suspicion
5991 exists that they are unlawfully present in the United States.
5992 In order to protect the 297(g) program and require DHS to
5993 enter into new 287(g) agreements with those States and
5994 localities that are eager to join up, H.R. 1148 requires DHS
5995 to accept applications to enter into these agreements absent
5996 compelling reasons.

5997 The bill provides that DHS can impose no limit on the
5998 number of agreements, and any such agreement shall
5999 accommodate a requesting State or locality with respect to
6000 the enforcement and model of their choosing. DHS cannot
6001 terminate an agreement absent compelling reasons. The DHS
6002 shall provide the State and the local subdivision any written
6003 notice of intent to terminate at least 180 days prior to the
6004 intended termination, and the notice shall fully explain the
6005 grounds for termination, along with providing evidence
6006 substantiating the Secretary's allegations. The State
6007 locality shall have the right to a hearing before an
6008 administrative law judge.

6009 This amendment, for all practical purposes, will kill
6010 that program, and I urge my colleagues to oppose it. And
6011 quite frankly, on behalf of the law enforcement officers that

6012 I know in Texas, I am personally, and I would suspect they
6013 would be, offended by the belief that they are going to use
6014 racial profiling. The law enforcement officers in Texas, as
6015 I suspect in every State in this Union, are well-trained
6016 professionals that have been working with and beside the
6017 United States government in enforcing its law since the
6018 beginning. I mean, to me this is like saying that if a local
6019 policeman witnesses a bank robbery, they cannot stop it. Law
6020 enforcement in the States and localities need to cooperate,
6021 and this program is a way to do it.

6022 And lastly, I should mention that opposition to 287(g)
6023 generally comes from groups that are fundamentally opposed,
6024 State and local enforcement, of immigration laws. They argue
6025 the program promotes profiling and the abuse of power. The
6026 GAO, however, they testified during a House Homeland Security
6027 Committee hearing, and I am quoting now, "We did not see any
6028 complaints" in the file of any jurisdictions or in the Office
6029 of Professional Responsibility about any jurisdiction."

6030 Again, I urge my colleagues to oppose this amendment and
6031 yield back the remainder of my time.

6032 Mr. Gutierrez. Mr. Chairman?

6033 Chairman Goodlatte. [Presiding] For what purpose does

6034 the gentleman from Illinois seek recognition?

6035 Mr. Gutierrez. I move to strike the last word.

6036 Chairman Goodlatte. The gentleman is recognized for 5
6037 minutes.

6038 Mr. Gutierrez. Thank you, Mr. Chairman. I came here
6039 today in hopes of continuing a dialogue and a conversation
6040 with the majority about how we might move forward on having
6041 some kind of reasonable immigration reform or immigration
6042 changes and brought forward. But I see I am not being very
6043 successful. The majority says, oh, we need a special
6044 exemption because there are all those people suffering all
6045 across the world who want to teach their children at home.
6046 And for them, we are going to give them a special category,
6047 which the Supreme Court of the United States says does not
6048 exist. So we are going to insert it into the law because
6049 home schooling, boy, they are in such danger and such
6050 jeopardy. But if it is gangs and drugs, if they are being
6051 raped and mutilated, if they are women in fear, and the
6052 government cannot protect them, for them, no.

6053 It just seems to me that trying to find some common
6054 place, I cannot believe that the majority does not think that
6055 women that are being sexually assaulted and abused and

6056 children that are being abused, and those that are being
6057 murdered by gangs and drug dealers should not merit the same
6058 kind of consideration as those that are being persecuted
6059 because they want to home school their children.

6060 Number two, the amendment that I offered simply stated
6061 that the law of the United States of America is, as adopted
6062 by this Congress of the United States, when there is a 3- and
6063 a 10-year bar, because I am in the United States unlawfully,
6064 I can then apply to have a waiver. It is already in the law.
6065 All I am saying is that the American citizen should be able
6066 to apply for that waiver here in the United States of
6067 America. That is all.

6068 The law says the waiver is available to me. Why are we
6069 forcing American citizens to leave the United States of
6070 America, permanent residents to leave the United States of
6071 America, and then apply for a waiver instead of allowing them
6072 to do that here so that they know with some guarantee before
6073 they leave here? We should not put American citizens and
6074 permanent residents that are legally here from affording
6075 themselves of the ability to do that. But, no.

6076 And then I gave a really clear case of Specialist Nunez,
6077 three times deployed in defense of our Nation. You know,

6078 people cannot choose who they marry and whether they are
6079 documented or undocumented. People fall in love. American
6080 citizens fall in love. But that specialist is told, you know
6081 what? Your wife has to leave the country for 10 years
6082 because we are going to punish her, and we are going to
6083 punish you, and your two American citizen children even
6084 though you served three times. All I said was, hey, why can
6085 we not parole in place that spouse. Simple as that.

6086 And what was the response? Oh, you got all those guys
6087 in the military, they are dishonorable discharges, they are
6088 murderers, they are criminals, and they are all getting that
6089 thing. You know, if that is the case, then why do we not
6090 eliminate those that may be in the armed forces of the United
6091 States that are such criminals? But, no, a blanket no to
6092 anything.

6093 There is like no way to have a conversation here in this
6094 committee about what reasonable people should come. I just
6095 feel like I am being unreasonable that a member of the armed
6096 forces of the United States of America deployed three times
6097 should not have a consideration of parole in place. It is in
6098 the statute. It is there for a reason. Look, I understand
6099 that some people might think, oh, Luis, you are trying to get

6100 them to not have the law not to apply to them. No, we said
6101 3- and 10-year bar, but we said that if extreme hardship
6102 could be proven, we would waive it. All I proposed was that
6103 test of extreme hardship be presented here in the United
6104 States of America so that I can then take my loving wife and
6105 go get her a visa knowing that it will be granted when it
6106 gets there. And if it is not, she stays undocumented as the
6107 law.

6108 You know, you inserted something into the law, and all
6109 we are saying is that, yes, the President's executive order
6110 said let us be reasonable.

6111 Ms. Lofgren. Would the gentleman yield?

6112 Mr. Gutierrez. Sure.

6113 Ms. Lofgren. In addition, American citizens have to go
6114 down with their spouse for the interview. We have had
6115 American citizens murdered in Ciudad Juarez waiting for the
6116 interview. And I thank the gentleman.

6117 Mr. Gutierrez. Thank you. And then we come back to the
6118 border. The border. Secure the border. Why are we always
6119 talking about the border? 5 million undocumented people are
6120 in this country that did not come from Mexico. They did not
6121 cross that border. They came through LAX. Why do we always

6122 talk about the border? I mean, I think that is a serious
6123 question we have to ask ourselves. I am for securing the
6124 border.

6125 And lastly, all we are trying to do is find some common
6126 elements of understanding, but I am just trying to figure out
6127 where they are. And I have to say that today has been a
6128 frustrating experience in trying to find common elements of
6129 understanding where I think reasonable people can agree.
6130 Thank you so much for your consideration, Mr. Chairman.

6131 Chairman Goodlatte. The time of the gentleman has
6132 expired.

6133 The question occurs on the amendment offered by the
6134 gentlewoman from California.

6135 All those in favor of the amendment, respond by saying
6136 aye.

6137 Those opposed, no.

6138 In the opinion of the chair, the noes have it, and the
6139 amendment is not agreed to.

6140 Mr. Chu. Mr. Chair, I ask for a recorded vote.

6141 Chairman Goodlatte. A recorded vote is requested, and
6142 the clerk will call the roll.

6143 Ms. Deterding. Mr. Goodlatte?

6144 Chairman Goodlatte. No.

6145 Ms. Deterding. Mr. Goodlatte votes no.

6146 Mr. Sensenbrenner?

6147 [No response.]

6148 Ms. Deterding. Mr. Smith?

6149 Mr. Smith. No.

6150 Ms. Deterding. Mr. Smith votes no.

6151 Mr. Chabot?

6152 Mr. Chabot. No.

6153 Ms. Deterding. Mr. Chabot votes no.

6154 Mr. Issa?

6155 Mr. Issa. No.

6156 Ms. Deterding. Mr. Issa votes no.

6157 Mr. Forbes?

6158 [No response.]

6159 Ms. Deterding. Mr. King?

6160 Mr. King. No.

6161 Mr. Deterding. Mr. King votes no.

6162 Mr. Franks?

6163 [No response.]

6164 Ms. Deterding. Mr. Gohmert?

6165 [No response.]

6166 Ms. Deterding. Mr. Jordan?
6167 [No response.]
6168 Ms. Deterding. Mr. Poe?
6169 Mr. Poe. No.
6170 Ms. Deterding. Mr. Poe votes no.
6171 Mr. Chaffetz?
6172 Mr. Chaffetz. No.
6173 Ms. Deterding. Mr. Chaffetz votes no.
6174 Mr. Marino?
6175 Mr. Marino. No.
6176 Ms. Deterding. Mr. Marino votes no.
6177 Mr. Gowdy?
6178 Mr. Gowdy. No.
6179 Ms. Deterding. Mr. Gowdy votes no.
6180 Mr. Labrador?
6181 [No response.]
6182 Ms. Deterding. Mr. Farenthold?
6183 [No response.]
6184 Ms. Deterding. Mr. Collins?
6185 Mr. Collins. No.
6186 Ms. Deterding. Mr. Collins votes no.
6187 Mr. DeSantis?

6188 Mr. DeSantis. No.

6189 Ms. Deterding. Mr. DeSantis votes no.

6190 Ms. Walters?

6191 Ms. Walters. No.

6192 Ms. Deterding. Ms. Walters votes no.

6193 Mr. Buck?

6194 Mr. Buck. No.

6195 Ms. Deterding. Mr. Buck votes no.

6196 Mr. Ratcliffe?

6197 Mr. Ratcliffe. No.

6198 Ms. Deterding. Mr. Ratcliffe votes no.

6199 Mr. Trott?

6200 Mr. Trott. No.

6201 Ms. Deterding. Mr. Trott votes no.

6202 Mr. Bishop?

6203 Mr. Bishop. No.

6204 Ms. Deterding. Mr. Bishop votes no.

6205 Mr. Conyers?

6206 [No response.]

6207 Ms. Deterding. Mr. Nadler?

6208 [No response.]

6209 Ms. Deterding. Ms. Lofgren?

6210 Ms. Lofgren. Aye.

6211 Ms. Deterding. Ms. Lofgren votes aye.

6212 Ms. Jackson Lee?

6213 Ms. Jackson Lee. Aye.

6214 Ms. Deterding. Ms. Jackson Lee votes aye.

6215 Mr. Cohen?

6216 [No response.]

6217 Ms. Deterding. Mr. Johnson?

6218 Mr. Johnson. Aye.

6219 Ms. Deterding. Mr. Johnson votes aye.

6220 Mr. Pierluisi?

6221 Mr. Pierluisi. Aye.

6222 Ms. Deterding. Mr. Pierluisi votes aye.

6223 Ms. Chu?

6224 Ms. Chu. Aye.

6225 Ms. Deterding. Ms. Chu votes aye.

6226 Mr. Deutch?

6227 Mr. Deutch. Aye.

6228 Ms. Deterding. Mr. Deutch votes aye.

6229 Mr. Gutierrez?

6230 Mr. Gutierrez. Aye.

6231 Ms. Deterding. Mr. Gutierrez votes aye.

6232 Ms. Bass?

6233 [No response.]

6234 Ms. Deterding. Mr. Richmond?

6235 Mr. Richmond. Aye.

6236 Ms. Deterding. Mr. Richmond votes aye.

6237 Ms. DelBene?

6238 Ms. DelBene. Aye.

6239 Ms. Deterding. Ms. DelBene votes aye.

6240 Mr. Jeffries?

6241 Mr. Jeffries. Aye.

6242 Ms. Deterding. Mr. Jeffries votes aye.

6243 Mr. Cicilline?

6244 Mr. Cicilline. Aye.

6245 Ms. Deterding. Mr. Cicilline votes aye.

6246 Mr. Peters?

6247 Mr. Peters. Aye.

6248 Ms. Deterding. Mr. Peters votes aye.

6249 Chairman Goodlatte. Has every member voted who wishes

6250 to vote?

6251 [No response.]

6252 Chairman Goodlatte. The clerk will report.

6253 Ms. Deterding. Mr. Chairman, 12 members voted aye, 16

6254 members voted no.

6255 Chairman Goodlatte. And the amendment is not agreed to.

6256 For what purpose does the gentleman from Louisiana seek
6257 recognition?

6258 Mr. Richmond. Mr. Chairman, I have an amendment at the
6259 desk.

6260 Chairman Goodlatte. The clerk will report the
6261 amendment.

6262 Mr. Richmond. Amendment 14.

6263 Ms. Deterding. Amendment to H.R. 1148, offered by Mr.
6264 Richmond of Louisiana, in Subsection (d) --

6265 Chairman Goodlatte. Without objection, the amendment
6266 will be considered as read.

6267 [The amendment of Mr. Richmond follows:]

6268

6269 Chairman Goodlatte. And the gentleman is recognized for
6270 5 minutes on his amendment.

6271 Mr. Richmond. Mr. Chairman, I have what I think is just
6272 a very simple amendment that would correct probably a
6273 constitutional issue in the bill, although I am not for the
6274 legislation. I think that it has a very glaring
6275 constitutional flaw in it, and that constitutional flaw is
6276 that this act does the exact same thing as the Court ruled in
6277 *NFIB v. Sebelius*, which was the Obamacare was, the Affordable
6278 Health Care Act, in that it ruled that conditioning all
6279 existing Medicaid on States complying with the Affordable
6280 Health Care Act was unconstitutionally coercive.

6281 So if you look at this piece of legislation and you look
6282 at the fact that Section 114 and 115, what it does is it
6283 clearly says that if any of your political subdivisions
6284 decides not enforce a provision of this law or immigration
6285 law, then you lose all grants, Federal grants, Department of
6286 Homeland Security, FEMA, and all of those other things. And
6287 I think that clearly that violates the Constitution.

6288 I would also ask unanimous consent to enter into the
6289 record an article from Cato, which backs up my assertion that
6290 the law is unconstitutional, along with an article from Dave

6291 Byer, which also talks about the fact that he believes under
6292 jurisprudence that this is an unconstitutional law. So I
6293 would ask unanimous consent to put those in the record.

6294 Chairman Goodlatte. Without objection, they will be
6295 made a part of the record.

6296 [The information follows:]

6297

6298 Mr. Richmond. Also I would like to quote from the GOP
6299 platform, and the paragraph I will read basically says, "We
6300 condemn the current Administration's assault on State
6301 governments in matters ranging from voter ID laws to
6302 immigration. We pledge to restore the proper balance between
6303 the Federal government and the governments closest to and
6304 most reflective of the American people. Scores of entrenched
6305 Federal programs violate the constitutional mandates of
6306 federalism by taking money away from the States, laundering
6307 it through various Federal agencies, only to return it to the
6308 States, shrunken grants with mandates attached." This bill
6309 clearly adds mandates and coercion to local governments to do
6310 exactly what we want them to do, or we are going to take
6311 their Federal funding.

6312 Now, we do a lot of things in Congress to incentivize
6313 States to do things, but when it becomes the point of
6314 coercion, it breaks and violates our Constitution. If you
6315 look at California, if you look at Louisiana for that matter,
6316 and we talk about FEMA funds, and you talk about Department
6317 of Homeland Security funds in areas that have ports, areas
6318 that are prone to natural disasters, when you start
6319 withholding Federal emergency FEMA money and DHS money for

6320 Homeland Security, then it is not an incentive anymore. This
6321 is absolutely a mandate which violates the tenants of the
6322 Constitution.

6323 The other thing I would just say is that I think it is
6324 just bad policy, and for all of those who get to enjoy those
6325 areas of States who have great football teams that come down
6326 to the Sugar Bowl, or you have products that come down the
6327 Mississippi River that we ship out the Port of New Orleans, I
6328 would just remind you all that the safety of not only the
6329 vessels, the pilots, the products, and of your constituents
6330 when they come down to New Orleans for Sugar Bowl, Super
6331 Bowl, Final Four, and all of those things depend on Federal
6332 Emergency Management money and DHS money. And because my
6333 sheriff may make a decision that he does not have the money
6334 to hold people in accordance with certain provisions because
6335 he has to triage, because all States and localities are
6336 facing tight budgets, you now are going to withhold all
6337 Federal funding.

6338 And I will just close with this. My State has such bad
6339 management and such fiscal constraints that my Republican
6340 governor did not fund presidential primaries for the State of
6341 Louisiana. So in a State where we are opting not to even

6342 have a primary in the presidential race, you are now going to
6343 make us do things or withhold Federal money, and I think that
6344 that clearly violates what we want to do, and what I think
6345 you all stand for in your GOP platform, and that is not have
6346 the heavy hand of the Federal government telling locals what
6347 to do and, in effect, violate your advocacy for states'
6348 rights.

6349 So with that, Mr. Chairman, I do not necessarily know
6350 that this will become law, but if it became law, it is
6351 unconstitutional. It would be tied up in court forever, so
6352 you might as well just take this provision out, which strikes
6353 clearly in the face of our Constitution, which we read now at
6354 the beginning of every session. With that, I will yield
6355 back.

6356 Chairman Goodlatte. The chair thanks the gentleman.
6357 For what purpose does the gentleman from Texas seek
6358 recognition?

6359 Mr. Ratcliffe. Move to strike the last word.

6360 Chairman Goodlatte. The gentleman is recognized for 5
6361 minutes.

6362 Mr. Ratcliffe. Thank you, Mr. Chairman. I would like
6363 to speak respectfully, but in strong opposition to this

6364 amendment. Sanctuary policies are in direct violation of
6365 Federal law. This is not open to debate. Section 642 of the
6366 Illegal Immigration Reform and Immigrant Responsibility Act
6367 of 1996 provides that, "No Federal, State, or local
6368 government entity or official may prohibit or in any way
6369 restrict any governmental entity or official from sending to
6370 or receiving from the Department of Homeland Security
6371 information regarding the citizenship or immigration status,
6372 lawful or unlawful, of any individual."

6373 Despite the clarity of Federal law on this point,
6374 however, there are now estimated to be over 100 U.S. States
6375 and localities that have sanctuary policies in place in
6376 violation of Section 642. Sadly, not only is nothing being
6377 done to address these dangerous sanctuary policies in these
6378 jurisdictions, but incredibly these jurisdictions continue to
6379 receive law enforcement and Homeland Security grants. Yes,
6380 you heard me correctly. These sanctuary cities and States
6381 receive Federal grants to violate Federal law.

6382 These are violations, which in some cases, have had
6383 tragic consequences, and have caused the victims of criminal
6384 aliens to file claims against sanctuary cities. In one
6385 tragic instance, Anthony Bologna's widow filed a wrongful

6386 death lawsuit against San Francisco asserting that the city's
6387 sanctuary policy was a substantial factor in the death of her
6388 husband and the death of her two sons since the city's
6389 sanctuary policy kept the unlawful alien who murdered all
6390 three of them from being earlier reported to the Department
6391 of Homeland Security. In another instance, Margaret Raines
6392 and Haley Tepe sued the City of Denver after they were both
6393 badly injured by an unlawful alien who drove his car into an
6394 ice cream shop, an alien, by the way, who had a long history
6395 of arrests, but was never reported to the Department of
6396 Homeland Security because of Denver's sanctuary policy.

6397 Thankfully, in order to deal with the problems created
6398 by sanctuary cities, this bill seeks to withhold law
6399 enforcement and Homeland Security grants from such entities.
6400 Now, to be clear, the gentleman from South Carolina's bill
6401 does not force any State or local jurisdiction to engage in
6402 immigration law enforcement. It simply clarifies that the
6403 U.S. Department of Justice need not provide handouts,
6404 handouts in the form of grants at the expensive of American
6405 taxpayers to State and local jurisdictions that have adopted
6406 ordinances and policies requiring their law enforcement
6407 officers to refuse to cooperate with Federal authorities in

6408 contravention of Federal immigration law.

6409 I know that my good friend and colleague, the gentleman
6410 from Louisiana, Mr. Richmond, has offered this amendment from
6411 his perspective in a sincere effort to improve this bill.
6412 But respectfully for the reasons that I have stated, I
6413 strongly disagree with the amendment, and I strongly urge my
6414 colleagues to oppose the amendment. And with that, I yield
6415 back.

6416 Chairman Goodlatte. The chair thanks the gentleman.

6417 The question occurs on the amendment offered --

6418 Mr. Johnson. Mr. Chairman?

6419 Chairman Goodlatte. For what purpose does the gentleman
6420 from Georgia seek recognition?

6421 Mr. Johnson. Move to strike the last word.

6422 Chairman Goodlatte. The gentleman is recognized for 5
6423 minutes.

6424 Mr. Johnson. Mr. Chairman, law enforcement leaders
6425 across the country oppose this bill because it forces States
6426 and localities to enforce Federal immigration laws, which
6427 would harm community policing and also jeopardize public
6428 safety. Republicans defend the bill by saying it merely
6429 gives States and local law enforcement the option to enforce

6430 immigration laws if they want to use that authority. But in
6431 truth, Sections 114 and 115 of the act say that any State or
6432 locality that adopts a statute, policy, or practice that puts
6433 public safety and community policing ahead of immigration
6434 enforcement is barred from receiving any Department of
6435 Homeland Security grant." That includes FEMA grants for
6436 disaster relief, hazard mitigation, disaster preparedness,
6437 and assistance to firefighters, as well as Cops on the Beat
6438 funds to support community policing efforts.

6439 The Major Cities Chiefs Association, representing police
6440 departments from all major metropolitan areas of the country,
6441 opposes this bill because it would make their job harder.
6442 "We respectfully ask that Congress leave to local government
6443 the decisions related to how local law enforcement agencies
6444 allocate their resources, direct their workforce, and define
6445 the duties of their employees. The role of local police
6446 officers relating to immigration enforcement should be left
6447 to local government. Surely it is not good public policy to
6448 force an unwanted role upon police through the threat of
6449 sanctions or withholding of police assistance funding."

6450 In an op-ed published in *Roll Call* last year, the police
6451 chief of Dayton, Ohio wrote that the SAFE Act, "would be an

6452 unmitigated disaster" that would actually make our
6453 communities less safe. He explained that the Dayton Police
6454 Department instructs its officers not to check the
6455 immigration status of witnesses and victims or to question
6456 immigration status during minor traffic stops. "These
6457 policies allow us to focus our limited resources on our
6458 primary mission, crime solving and community safety. They
6459 also send the message that victims of violent crime, human
6460 trafficking, and other crimes should never be afraid to reach
6461 out for help due to fear of immigration consequences.

6462 Since Dayton adopted these policies and innovative ways
6463 of addressing crime problems, our crime rates have
6464 significantly declined. In the past 3 years, serious violent
6465 crime has dropped nearly 22 percent, while serious property
6466 crime has gone down almost 15 percent." I would venture to
6467 suspect, Mr. Chairman, that if this amendment is not passed,
6468 and if State and local governments are punished for adopting
6469 public safety and community policing ahead of immigration
6470 enforcement, those crime rates in Dayton are going to go up.
6471 They are going to go back up.

6472 Speaking in opposition to his bill in the 113th
6473 Congress, Sergio Diaz, police chief of Riverside, California,

6474 explained, "When law enforcement officers are perceived to be
6475 an arm of immigration, there are people in the immigrant
6476 community who would avoid contact with the police and anybody
6477 else in the criminal justice system. They do not report
6478 crimes, they do not identify criminals, and they do not give
6479 testimony to the police, nor do they do so in court. This is
6480 an advantage only for criminals."

6481 So this misguided piece of legislation would actually
6482 promote lawlessness and criminal activity, and hurt the
6483 public safety. I cannot understand why we would want to not
6484 be in favor of Congressman Richmond's amendment. It is
6485 perverse to punish communities that prioritize public safety
6486 through community policing by denying Cops on the Beat funds.
6487 That is exactly what this legislation would do if we do not
6488 adopt this amendment.

6489 I believe this amendment is a common sense amendment.
6490 This act is dangerous. Once again, it is un-American, and it
6491 is unacceptable. And with that, I will yield back.

6492 Chairman Goodlatte. For what purpose does the gentleman
6493 from South Carolina seek recognition?

6494 Mr. Gowdy. Move to strike the last word.

6495 Chairman Goodlatte. The gentleman is recognized for 5

6496 minutes.

6497 Mr. Gowdy. Thank you, Mr. Chairman. I want to say at
6498 the outset that I have tremendous respect for the gentleman
6499 from Louisiana. I consider him a friend, and I am working
6500 with him on matters related to the criminal justice system,
6501 and look forward to continuing that relationship with my
6502 friend from Louisiana. And my friend from Texas did such a
6503 wonderful job explaining our position on this bill, I was
6504 loathe to claim time, but when I heard from the gentleman
6505 from Georgia mischaracterize the legislation, Mr. Chairman, I
6506 could not help myself.

6507 I have got very good news for the gentleman from
6508 Georgia, very good news. If State and local law enforcement
6509 do not want to enforce Federal immigration laws, they don't
6510 have to.

6511 That should come as a tremendous relief to everyone who
6512 has mischaracterized the bill so far today. If you do not
6513 want to participate in the enforcement of Federal immigration
6514 laws, you don't have to. Nobody is going to make you do it.

6515 But what I do find vexing, I find it very vexing, and
6516 hopefully, the gentleman from Georgia can help me understand
6517 this. How in the world are State and local governments free

6518 to ignore Federal law, but State and local governments are
6519 not free to enforce Federal law?

6520 With specific reference to the Supremacy Clause, can you
6521 help me understand how you create a universe where you are
6522 free to ignore Federal laws and create sanctuary cities, but
6523 yet other cities who want to enforce Federal law cannot do
6524 so? With specific reference to the Supremacy Clause, can you
6525 unlock that mystery for me?

6526 Mr. Johnson. I would like to give it a try if the
6527 gentleman would yield?

6528 Mr. Gowdy. I would be thrilled if you could explain to
6529 me how the enforcement of Federal law is so bad, but the
6530 ignoring of Federal law, with specific reference to the
6531 Supremacy Clause, is okay?

6532 Mr. Johnson. Well, I believe that States rights and
6533 local rights to enforce the laws in accordance with their
6534 budgets, in accordance with their local policies and
6535 priorities is paramount. I think that the Federal -- the
6536 Federal Government is not supreme in all areas. I do believe
6537 immigration reform is a Federal responsibility.

6538 Other than --

6539 Mr. Gowdy. Well, if it is a Federal -- no, reclaiming

6540 my time. If it is a Federal responsibility, then how can
6541 State and local entities fail to enforce that Federal law?

6542 Mr. Johnson. Because it is the Federal rule or the
6543 Federal responsibility to enforce the Federal law. This is
6544 Federal law, but we need comprehensive --

6545 Mr. Gowdy. So they can -- can you create sanctuary
6546 cities for Title I offenses, like narcotics trafficking?

6547 Mr. Johnson. This is not a -- this is not --

6548 Mr. Gowdy. Can -- can -- no, no, no. Can you create
6549 sanctuary cities for, say, carjacking?

6550 Mr. Johnson. You can create --

6551 Mr. Gowdy. Kidnapping?

6552 Mr. Johnson. You can create cities where prosecutors
6553 exercise discretion --

6554 Mr. Gowdy. These aren't Federal prosecutors. These are
6555 State and local entities who have decided to ignore --

6556 Mr. Johnson. -- how to enforce --

6557 Mr. Gowdy. -- Federal law. And I have not heard the
6558 gentleman make reference to the Supremacy Clause. I heard
6559 you make reference to the 10th Amendment, but not the
6560 Supremacy Clause.

6561 Mr. Johnson. We are talking about an act that would

6562 prohibit the disbursal of Federal funds to State and local
6563 law enforcement agencies that prioritize community policing
6564 other -- over enforcement of a Federal responsibility --

6565 Mr. Gowdy. Well, you can -- you can -- reclaiming my
6566 time. You can frame it as prioritizing, but there is no --

6567 Mr. Johnson. Well, that is exactly what it does.

6568 Mr. Gowdy. -- priority where there is no enforcement.
6569 These are sanctuary cities.

6570 Mr. Johnson. Let the Federal Government enforce
6571 immigration law.

6572 Mr. Gowdy. And if you can -- reclaiming my time.
6573 Reclaiming my time. If you can flaunt Federal law here, can
6574 you do it in other categories? Because I mistakenly thought
6575 that the Supremacy Clause held that Federal law trumped State
6576 law or local laws. So the notion that you can create
6577 sanctuary cities and be rewarded for it, but God forbid that
6578 those same State and local entities --

6579 Mr. Johnson. Would the gentleman yield?

6580 Mr. Gowdy. -- ever, ever deign to actually enforce the
6581 law, I just find to be a completely incongruent point.

6582 Mr. Johnson. Would the gentleman -- would the gentleman
6583 yield?

6584 Mr. Gowdy. I would be thrilled.

6585 Mr. Johnson. We are not talking about sanctuary cities.
6586 We are talking about cities enforcing State and local laws in
6587 accordance with their priorities.

6588 Mr. Gowdy. No, no, no. Because I took care of that
6589 point up front. If you don't want to get involved in Federal
6590 immigration law, you don't have to under this bill.

6591 Mr. Johnson. You are compelled to under this bill if
6592 you want Federal funds.

6593 Mr. Gowdy. No, no. No, sir. No, sir. No, sir. That
6594 is a total mischaracterization of the bill.

6595 Mr. Johnson. That is exactly what the bill does.

6596 Mr. Gowdy. So for all the police officers -- reclaiming
6597 my time because I don't have any time. For all the police
6598 officers who have written you and our other colleagues and
6599 said they don't want to be forced to enforce Federal
6600 immigration law, I hope you will write them back and say the
6601 good news is you don't have to.

6602 You don't have to participate in this at all. But if
6603 you want to, you should have the same right to enforce the
6604 law as you want to give to localities to ignore Federal law.

6605 Mr. Johnson. That is not --

6606 Mr. Gowdy. And with that, regrettably, Mr. Chairman, I
6607 am out of time.

6608 Chairman Goodlatte. The chair appreciates the
6609 gentleman's comments.

6610 For what purpose does the gentlewoman from California
6611 seek recognition?

6612 Ms. Lofgren. To strike the last word.

6613 Chairman Goodlatte. The gentlewoman is recognized for 5
6614 minutes.

6615 Ms. Lofgren. And I am reluctant to get into this
6616 because it is the end of a very long day. But I do believe
6617 and in my opening statement I did reference the complexity of
6618 immigration law, which Federal courts have said is rivaled
6619 only by the complexity of the tax code.

6620 And I do think that it is a mistake to try and encourage
6621 local law enforcement, who we love and who we rely on to do
6622 many important things, to get into an area that is that
6623 complex. It is like, you know, these sanctuary cities aren't
6624 really sanctuaries because Federal agents can go in and
6625 enforce the Federal law.

6626 But we certainly wouldn't want the police to be
6627 enforcing IRS law because they don't know. They don't know

6628 tax law. I mean, they know a lot. They know about how to
6629 catch bad guys. They know about, you know, traffic. But
6630 they don't tax law, and honestly, neither do I. It was one
6631 of the subjects I hated in law school.

6632 So I do think that the whole rhetoric of sanctuary
6633 cities is a little misplaced by all. I mean, including the
6634 proponents of sanctuary cities because you cannot create an
6635 area where the Federal Government is not permitted to go in
6636 and enforce Federal law, whether it is tax law, whether it is
6637 immigration law, or any other form of law.

6638 And there is no obligation on the part of local
6639 officials to enforce immigration law and to enforce the tax
6640 laws that are beyond the scope of their jurisdiction and
6641 beyond the scope in many cases of their knowledge base.

6642 So I just wanted to pop in. I don't know why at this
6643 late hour I wanted to pop in, but I thought that that might
6644 actually provide a better framework for thinking about the
6645 matter.

6646 And with that, Mr. Chairman, I will yield back with the
6647 hopes that this long markup is close to an end.

6648 Chairman Goodlatte. The chair thanks the gentlewoman.

6649 The questions occurs on the amendment offered by the

6650 gentleman from Louisiana.

6651 All those in favor, respond by saying aye.

6652 Those opposed, no.

6653 In the opinion of the chair, the noes have it, and the
6654 amendment is not agreed to.

6655 Mr. Richmond. I would ask for a recorded vote.

6656 Chairman Goodlatte. A recorded vote is requested, and
6657 the clerk will call the roll.

6658 Ms. Williams. Mr. Goodlatte?

6659 Chairman Goodlatte. No.

6660 Ms. Williams. Mr. Goodlatte votes no.

6661 Mr. Sensenbrenner?

6662 [No response.]

6663 Ms. Williams. Mr. Smith?

6664 Mr. Smith. No.

6665 Ms. Williams. Mr. Smith votes no.

6666 Mr. Chabot?

6667 [No response.]

6668 Ms. Williams. Mr. Issa?

6669 Mr. Issa. No.

6670 Ms. Williams. Mr. Issa votes no.

6671 Mr. Forbes?

6672 [No response.]

6673 Ms. Williams. Mr. King?

6674 Mr. King. No.

6675 Ms. Williams. Mr. King votes no.

6676 Mr. Franks?

6677 Mr. Franks. No.

6678 Ms. Williams. Mr. Franks votes no.

6679 Mr. Gohmert?

6680 [No response.]

6681 Ms. Williams. Mr. Jordan?

6682 [No response.]

6683 Ms. Williams. Mr. Poe?

6684 [No response.]

6685 Ms. Williams. Mr. Chaffetz?

6686 Mr. Chaffetz. No.

6687 Ms. Williams. Mr. Chaffetz votes no.

6688 Mr. Marino?

6689 Mr. Marino. No.

6690 Ms. Williams. Mr. Marino votes no.

6691 Mr. Gowdy?

6692 Mr. Gowdy. No.

6693 Ms. Williams. Mr. Gowdy votes no.

6694 Mr. Labrador?
6695 [No response.]
6696 Ms. Williams. Mr. Farenthold?
6697 [No response.]
6698 Ms. Williams. Mr. Collins?
6699 Mr. Collins. No.
6700 Ms. Williams. Mr. Collins votes no.
6701 Mr. DeSantis?
6702 Mr. DeSantis. No.
6703 Ms. Williams. Mr. DeSantis votes no.
6704 Ms. Walters?
6705 Ms. Walters. No.
6706 Ms. Williams. Ms. Walters votes no.
6707 Mr. Buck?
6708 Mr. Buck. No.
6709 Ms. Williams. Mr. Buck votes no.
6710 Mr. Ratcliffe?
6711 Mr. Ratcliffe. No.
6712 Ms. Williams. Mr. Ratcliffe votes no.
6713 Mr. Trott?
6714 Mr. Trott. No.
6715 Ms. Williams. Mr. Trott votes no.

6716 Mr. Bishop?

6717 Mr. Bishop. No.

6718 Ms. Williams. Mr. Bishop votes no.

6719 Mr. Conyers?

6720 Mr. Conyers. Aye.

6721 Ms. Williams. Mr. Conyers votes aye.

6722 Mr. Nadler?

6723 [No response.]

6724 Ms. Williams. Ms. Lofgren?

6725 Ms. Lofgren. Aye.

6726 Ms. Williams. Ms. Lofgren votes aye.

6727 Ms. Jackson Lee?

6728 Ms. Jackson Lee. Aye.

6729 Ms. Williams. Ms. Jackson Lee votes aye.

6730 Mr. Cohen?

6731 [No response.]

6732 Ms. Williams. Mr. Johnson?

6733 Mr. Johnson. Aye.

6734 Ms. Williams. Mr. Johnson votes aye.

6735 Mr. Pierluisi?

6736 Mr. Pierluisi. Aye.

6737 Ms. Williams. Mr. Pierluisi votes aye.

6738 Ms. Chu?

6739 Ms. Chu. Aye.

6740 Ms. Williams. Ms. Chu votes aye.

6741 Mr. Deutch?

6742 Mr. Deutch. Aye.

6743 Ms. Williams. Mr. Deutch votes aye.

6744 Mr. Gutierrez?

6745 Mr. Gutierrez. Aye.

6746 Ms. Williams. Mr. Gutierrez votes aye.

6747 Ms. Bass?

6748 [No response.]

6749 Ms. Williams. Mr. Richmond?

6750 Mr. Richmond. Aye.

6751 Ms. Williams. Mr. Richmond votes aye.

6752 Ms. DelBene?

6753 Ms. DelBene. Aye.

6754 Ms. Williams. Ms. DelBene votes aye.

6755 Mr. Jeffries?

6756 [No response.]

6757 Ms. Williams. Mr. Cicilline?

6758 Mr. Cicilline. Aye.

6759 Ms. Williams. Mr. Cicilline votes aye.

6760 Mr. Peters?

6761 Mr. Peters. Aye.

6762 Ms. Williams. Mr. Peters votes aye.

6763 Chairman Goodlatte. Has every Member voted who wishes

6764 -- the gentleman from Texas, Mr. Poe?

6765 Mr. Poe. No.

6766 Ms. Williams. Mr. Poe votes no.

6767 Chairman Goodlatte. The clerk will report.

6768 Ms. Williams. Mr. Chairman, 12 Members voted aye; 16

6769 Members voted no.

6770 Chairman Goodlatte. And the amendment is not agreed to.

6771 For what purpose does the gentleman from Louisiana seek

6772 recognition?

6773 Mr. Richmond. I did not seek recognition anymore.

6774 Chairman Goodlatte. We thought you had another

6775 amendment, but maybe --

6776 Mr. Richmond. I had another amendment, but I did pass.

6777 Simple addition and subtraction. And in an effort to move

6778 the hearing along, I will withdraw the next one.

6779 Chairman Goodlatte. Are there any further amendments to

6780 H.R. 1148?

6781 [Pause.]

6782 Chairman Goodlatte. Are there further amendments to
6783 H.R. 1148? For what purpose does the gentleman from
6784 Louisiana seek recognition?

6785 Mr. Richmond. Yes, Mr. Chairman, this is not the first
6786 time in my political career that I had to go back on
6787 something I thought I wasn't going to do, but I would like to
6788 offer Amendment 15.

6789 Chairman Goodlatte. The clerk will report the
6790 amendment.

6791 Ms. Williams. Amendment to H.R. 1148, offered by Mr.
6792 Richmond of Louisiana. Page 28, line 1, strike --

6793 Chairman Goodlatte. Without objection, the amendment is
6794 considered as read.

6795 [The amendment of Mr. Richmond follows:]

6796

6797 Chairman Goodlatte. And the gentleman is recognized for
6798 5 minutes on his amendment.

6799 Mr. Richmond. Mr. Chairman, this amendment is very
6800 similar to the last amendment, but it is narrowly tailored to
6801 fix a very specific problem.

6802 In my home district of New Orleans, we have the unique
6803 circumstance that the police department is under a Federal
6804 consent decree as well as our sheriff's office is under a
6805 Federal consent decree, neither of which has the funding to
6806 do either one of them. It has taken almost 10 percent of our
6807 local budget.

6808 But in the attempt for the sheriff's office to balance
6809 its budget and comply with a Federal consent decree, they
6810 have made a decision on certain aspects of immigration
6811 enforcement are things that they can't do in terms of holds.
6812 And what I am afraid of is that the fact that they are
6813 complying with a Federal consent decree now will cause the
6814 City of New Orleans to lose valuable Federal money in terms
6815 of DHS and FEMA funds.

6816 So if we look at the events of Hurricanes Katrina and
6817 Rita, the City of New Orleans received almost in excess of,
6818 you know, just the levees alone were \$14 billion. So the

6819 fact that the Federal Government has us under this consent
6820 decree in both the sheriff's office and the police
6821 department, we will now be penalized because we are trying to
6822 adhere to a Federal consent decree and at the same time be
6823 penalized that we can't receive money through Department of
6824 Homeland Security and FEMA.

6825 So I am trying to carve out a very narrow exception so
6826 that we don't hurt an area, especially my district, that is
6827 the largest petrochemical footprint in the United States from
6828 Department of Homeland Security funding, as well as the
6829 largest port complex in the United States in the district
6830 also.

6831 So I know what we are trying to do with the legislation,
6832 but I think that we are probably very unique in terms of our
6833 situation. We are probably the only city in the United
6834 States that has both the police department and the sheriff
6835 under a Federal consent decree to spend millions and millions
6836 of dollars every year to bring our prison and our police
6837 department up to constitutional standards.

6838 So because of that, I would not want to put at risk all
6839 of the 9 million visitors to New Orleans every year, the
6840 petrochemical industry, and our port industry because the

6841 Federal Government has us under consent decree.

6842 So, with that, Mr. Chairman, I would just ask that we
6843 look at this very narrow exception so that we don't do more
6844 harm than we intended because of circumstances outside the
6845 control of both my sheriff and my police department.

6846 With that, Mr. Chairman, I would yield back.

6847 Chairman Goodlatte. The chair thanks the gentleman and
6848 recognizes himself in opposition to the amendment.

6849 In fact, I strongly oppose the amendment because
6850 sanctuary policies are in direct violation of Federal law.
6851 Indeed, Section 642 of the Illegal Immigration Reform and
6852 Immigrant Responsibility Act of 1996 provides that no
6853 Federal, State, or local government entity or official may
6854 prohibit or in any way restrict any government entity or
6855 official from sending to or receiving from the Department of
6856 Homeland Security information regarding the citizenship or
6857 immigration status, lawful or unlawful, of any individual.

6858 However, by some estimates, there are over 100 U.S.
6859 States and localities that have sanctuary policies in place
6860 in violation of Section 642. Nothing is being done to
6861 address dangerous sanctuary policies while these
6862 jurisdictions continue to receive law enforcement and

6863 Homeland Security grants.

6864 In some cases, victims of criminal aliens have filed
6865 claims against sanctuary cities. For instance, Tony
6866 Bologna's widow filed a wrongful death lawsuit against San
6867 Francisco, asserting that the city's sanctuary policy was a
6868 substantial factor in the death of her husband and two sons
6869 since the policy kept the unlawful alien who murdered them
6870 from being earlier reported to DHS.

6871 Margaret Rains and Haley Tepe --

6872 Mr. Richmond. Mr. Chairman, if you would yield, I would

6873 --

6874 Chairman Goodlatte. I would be happy to yield.

6875 Mr. Richmond. Mr. Chairman, I am going to exert what I
6876 said earlier and withdraw my amendment.

6877 Thank you for your courtesy.

6878 Chairman Goodlatte. The chair is very appreciative of
6879 not having to repeat the argument of the gentleman from Texas
6880 and will now turn to the gentleman from New York.

6881 Mr. Jeffries. Thank you, Mr. Chairman.

6882 Chairman Goodlatte. Without objection, the gentleman
6883 from Louisiana's amendment is withdrawn, and the gentleman
6884 from New York is recognized.

6885 Mr. Jeffries. Thank you, Mr. Chairman. I have an
6886 amendment at the desk.

6887 Chairman Goodlatte. The clerk will report the
6888 amendment.

6889 Ms. Williams. Amendment to H.R. 1148, offered by Mr.
6890 Jeffries. Strike Section 607(a)(1)(M) and redesignate
6891 provisions accordingly.

6892 [The amendment of Mr. Jeffries follows:]

6893

6894 Chairman Goodlatte. The gentleman is recognized for 5
6895 minutes on his amendment.

6896 Mr. Jeffries. Thank you, Mr. Chairman.

6897 Section 607(a)(1)(M) of this bill blocks the
6898 administration from implementing all of the executive actions
6899 announced on November 20, 2014. This citizenship memorandum,
6900 part of those announcements, is designed to promote and
6901 increase access to U.S. citizenship and seems to have been
6902 inappropriately included in H.R. 1148, this underlying bill.

6903 Accordingly, the amendment that I am offering would
6904 preserve certain mechanical changes relating to registration
6905 for citizenship. Even if, granted, some of the
6906 administrative steps taken on November 20, 2014, are viewed
6907 as controversial by some, this particular amendment supports
6908 sensible initiatives to promote the efficient processing of
6909 citizenship in the current immigration system.

6910 The ideas contained in the specific citizenship memo
6911 retained in this amendment have broad support from a wide
6912 variety of stakeholders. First, that memorandum directed the
6913 USCIS to begin accepting online credit card payments. The
6914 naturalization application process currently costs \$680, \$595
6915 for the naturalization fee and \$85 for biometrics.

6916 And the U.S. Citizenship and Immigration Services entity
6917 currently accepts payment only by check or money order.
6918 USCIS's inability to accept payment online is outdated and
6919 should be updated to make it consistent with means available
6920 in the 21st century economy.

6921 Second, the memorandum preserved by this amendment would
6922 direct the USCIS to merely study the feasibility of a partial
6923 fee waiver for applicants. Individuals who earn no more than
6924 150 percent of the Federal poverty level receive a means-
6925 tested public benefit or who can demonstrate other special
6926 financial circumstances are currently able to receive a
6927 complete waiver of the \$680 application fee.

6928 The study would not require any current change in policy
6929 but simply analyze the merits of additional financial
6930 mitigation for individuals who are currently U.S. permanent
6931 residents.

6932 Lastly, the memorandum that would be preserved by this
6933 amendment directs the USCIS to utilize media markets in the
6934 10 States that are home to 75 percent of the lawful permanent
6935 residents in this country, including New York, New Jersey,
6936 Illinois, and Washington. The USCIS Office of Citizenship
6937 already engages in efforts to support immigrant integration,

6938 promote English language learning, and educate people about
6939 the rights and responsibilities of citizenship, including
6940 awareness of the United States Constitution.

6941 This memorandum would simply allow the USCIS to continue
6942 this messaging on media again consistent with the 21st
6943 century economy and technological landscape.

6944 There are more than 8 million lawful permanent residents
6945 who are eligible to apply for U.S. citizenship in this
6946 country but have not done so yet. Seems reasonable that we
6947 should welcome these individuals to more robustly pursue the
6948 American dream.

6949 The amendment will modernize our current immigration
6950 system through modest improvements to the existing structure
6951 in what should be a noncontroversial way.

6952 For these reasons, I urge my colleagues to support this
6953 amendment and yield back the balance of my time.

6954 Chairman Goodlatte. The chair thanks the gentleman and
6955 recognizes himself in opposition to the amendment not because
6956 it is not constitutional, but because it is not fair.

6957 The memo this amendment seeks to fund is one in which
6958 this administration targets programs to encourage U.S.
6959 citizenship at only "major media markets" in 10 States. In

6960 essence, this administration is picking and choosing who it
6961 thinks should try to become U.S. citizens. We, as a nation,
6962 should use resources to promote assimilation and
6963 naturalization of lawful permanent residents across the
6964 United States, as opposed to only in certain areas of certain
6965 States.

6966 For that reason, I oppose the amendment and urge my
6967 colleagues to do the same.

6968 The question occurs on the amendment offered by the
6969 gentleman from New York.

6970 All those in favor, respond by saying aye.

6971 Those opposed, no.

6972 In the opinion of the chair, the noes have it, and the
6973 amendment is not agreed to.

6974 Are there further amendments to H.R. 1148?

6975 [No response.]

6976 Chairman Goodlatte. A reporting quorum being present,
6977 the question is on the motion to report the bill, H.R. 1148,
6978 as amended, favorably to the House.

6979 Those in favor will say aye.

6980 Those opposed, no.

6981 The ayes have it, and the bill, as amended, is ordered

6982 reported favorably.

6983 Ms. Lofgren. Mr. Chairman, we would like a recorded
6984 vote.

6985 Chairman Goodlatte. A recorded vote is requested, and
6986 the clerk will call the roll.

6987 Ms. Williams. Mr. Goodlatte?

6988 Chairman Goodlatte. Aye.

6989 Ms. Williams. Mr. Goodlatte votes aye.

6990 Mr. Sensenbrenner?

6991 [No response.]

6992 Ms. Williams. Mr. Smith?

6993 Mr. Smith. Aye.

6994 Ms. Williams. Mr. Smith votes aye.

6995 Mr. Chabot?

6996 [No response.]

6997 Ms. Williams. Mr. Issa?

6998 Mr. Issa. Aye.

6999 Ms. Williams. Mr. Issa votes aye.

7000 Mr. Forbes?

7001 [No response.]

7002 Ms. Williams. Mr. King?

7003 Mr. King. Aye.

7004 Ms. Williams. Mr. King votes aye.
7005 Mr. Franks?
7006 Mr. Franks. Aye.
7007 Ms. Williams. Mr. Franks votes aye.
7008 Mr. Gohmert?
7009 [No response.]
7010 Ms. Williams. Mr. Jordan?
7011 [No response.]
7012 Ms. Williams. Mr. Poe?
7013 Mr. Poe. Yes.
7014 Ms. Williams. Mr. Poe votes yes.
7015 Mr. Chaffetz?
7016 Mr. Chaffetz. Aye.
7017 Ms. Williams. Mr. Chaffetz votes aye.
7018 Mr. Marino?
7019 Mr. Marino. Yes.
7020 Ms. Williams. Mr. Marino votes yes.
7021 Mr. Gowdy?
7022 Mr. Gowdy. Yes.
7023 Ms. Williams. Mr. Gowdy votes yes.
7024 Mr. Labrador?
7025 Mr. Labrador. Yes.

7026 Ms. Williams. Mr. Labrador votes yes.
7027 Mr. Farenthold?
7028 [No response.]
7029 Ms. Williams. Mr. Collins?
7030 Mr. Collins. Yes.
7031 Ms. Williams. Mr. Collins votes yes.
7032 Mr. DeSantis?
7033 Mr. DeSantis. Yes.
7034 Ms. Williams. Mr. DeSantis votes yes.
7035 Ms. Walters?
7036 Ms. Walters. Aye.
7037 Ms. Williams. Ms. Walters votes aye.
7038 Mr. Buck?
7039 Mr. Buck. Yes.
7040 Ms. Williams. Mr. Buck votes yes.
7041 Mr. Ratcliffe?
7042 Mr. Ratcliffe. Yes.
7043 Ms. Williams. Mr. Ratcliffe votes yes.
7044 Mr. Trott?
7045 Mr. Trott. Yes.
7046 Ms. Williams. Mr. Trott votes yes.
7047 Mr. Bishop?

7048 Mr. Bishop. Yes.

7049 Ms. Williams. Mr. Bishop votes yes.

7050 Mr. Conyers?

7051 [No response.]

7052 Ms. Williams. Mr. Nadler?

7053 [No response.]

7054 Ms. Williams. Ms. Lofgren?

7055 Ms. Lofgren. No.

7056 Ms. Williams. Ms. Lofgren votes no.

7057 Ms. Jackson Lee?

7058 [No response.]

7059 Ms. Williams. Mr. Cohen?

7060 [No response.]

7061 Ms. Williams. Mr. Johnson?

7062 Mr. Johnson. No.

7063 Ms. Williams. Mr. Johnson votes no.

7064 Mr. Pierluisi?

7065 Mr. Pierluisi. No.

7066 Ms. Williams. Mr. Pierluisi votes no.

7067 Ms. Chu?

7068 Ms. Chu. No.

7069 Ms. Williams. Ms. Chu votes no.

7070 Mr. Deutch?

7071 Mr. Deutch. No.

7072 Ms. Williams. Mr. Deutch votes no.

7073 Mr. Gutierrez?

7074 Mr. Gutierrez. No.

7075 Ms. Williams. Mr. Gutierrez votes no.

7076 Ms. Bass?

7077 [No response.]

7078 Ms. Williams. Mr. Richmond?

7079 [No response.]

7080 Ms. Williams. Ms. DelBene?

7081 Ms. DelBene. No.

7082 Ms. Williams. Ms. DelBene votes no.

7083 Mr. Jeffries?

7084 Mr. Jeffries. No.

7085 Ms. Williams. Mr. Jeffries votes no.

7086 Mr. Cicilline?

7087 Mr. Cicilline. No.

7088 Ms. Williams. Mr. Cicilline votes no.

7089 Mr. Peters?

7090 Mr. Peters. No.

7091 Ms. Williams. Mr. Peters votes no.

7092 Chairman Goodlatte. Has every Member voted who wishes
7093 to vote?

7094 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

7095 Chairman Goodlatte. The gentlewoman from Texas?

7096 Ms. Williams. Not recorded.

7097 Ms. Jackson Lee. No.

7098 Ms. Williams. Ms. Jackson Lee votes no.

7099 Chairman Goodlatte. The gentleman from Michigan?

7100 Mr. Conyers. No.

7101 Ms. Williams. Mr. Conyers votes no.

7102 Chairman Goodlatte. The gentleman from Tennessee?

7103 Mr. Cohen. No.

7104 Ms. Williams. Mr. Cohen votes no.

7105 [Pause.]

7106 Chairman Goodlatte. The clerk will report.

7107 Ms. Williams. Mr. Chairman, 17 Members voted aye; 13

7108 Members voted no.

7109 Chairman Goodlatte. And the ayes have it, and the bill,
7110 as amended, is ordered reported favorably to the House.

7111 Members will have 2 days to submit views.

7112 Without objection, the bill will be reported as a single
7113 amendment in the nature of a substitute, incorporating all

7114 adopted amendments, and staff is authorized to make technical
7115 and conforming changes.

7116 I want to thank everybody for their participation in
7117 this long markup today. This concludes our business. Thanks
7118 to all the Members for attending.

7119 This meeting is adjourned.

7120 [Whereupon, at 6:17 p.m., the committee was adjourned.]