

1 NATIONAL CAPITOL CONTRACTING

2 RPTS AVERETT

3 HJU144000

4 CONTINUED CONSIDERATION OF H.R. 2431;

5 H.R. 2407; H.R. 2406; H.R. 2605

6 Wednesday, May 24, 2017

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:26 a.m., in  
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte  
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,  
14 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,  
15 Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,  
16 DeSantis, Buck, Ratcliffe, Roby, Gaetz, Johnson of  
17 Louisiana, Biggs, Conyers, Nadler, Lofgren, Jackson Lee,  
18 Cohen, Johnson of Georgia, Deutch, Gutierrez, Bass,  
19 Richmond, Jeffries, Cicilline, Lieu, Raskin, Jayapal, and

20 Schneider.

21 Staff Present: Shelley Husband, Staff Director; Branden  
22 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian  
23 and General Counsel; George Fishman, Chief Counsel,  
24 Subcommittee on Immigration and Border Security; Andrea  
25 Loving, Counsel, Subcommittee on Immigration and Border  
26 Security; Joe Edlow, Counsel, Subcommittee on Immigration  
27 and Border Security; Ryan Breitenbach, Counsel, Subcommittee  
28 on Crime, Terrorism, Homeland Security, and Investigations;  
29 Alley Adcock, Clerk; Perry Apelbaum, Minority Chief Counsel  
30 and Staff Director, Danielle Brown, Minority Chief  
31 Legislative Counsel and Parliamentarian, Joe Graupensperger,  
32 Minority Chief Counsel, Subcommittee on Crime, Terrorism,  
33 Homeland Security and Investigations; Monalisa Dugue,  
34 Minority Deputy Chief Counsel, Subcommittee on Crime,  
35 Terrorism, Homeland Security and Investigations,; David  
36 Shahoulian, Chief Counsel, Subcommittee on Immigration and  
37 Border Security; David Greengrass, Minority Counsel; Maunica  
38 Sthanki, Minority Counsel; Mathew Morgan, Minority Counsel;  
39 Jason Boyd, Minority Counsel (USCIS detailee); Joseph  
40 Ehrenkrantz, Minority Professional Staff; and Rosalind  
41 Jackson, Minority Professional Staff.

42

43 Chairman Goodlatte. Good morning. The Judiciary  
44 Committee will come to order. Without objection, the chair  
45 is authorized to declare recess at any time.

46 This morning, the Judiciary Committee will resume  
47 consideration of H.R. 2431, the Davis-Oliver Act. When we  
48 ended yesterday's markup of this bill, we had completed  
49 debate on the Cicilline amendment, and we are prepared to  
50 vote on the amendment. The question is on the amendment.

51 All those in favor, respond by saying aye.

52 Those opposed, no.

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

55 Mr. Cicilline. Mr. Chairman, I request a recorded  
56 vote.

57 Chairman Goodlatte. A recorded vote is requested, and  
58 the clerk will call the roll.

59 Ms. Adcock. Mr. Goodlatte?

60 Chairman Goodlatte. No.

61 Ms. Adcock. Mr. Goodlatte votes no.

62 Mr. Sensenbrenner?

63 [No response.]

64 Mr. Smith?

65 [No response.]

66 Mr. Chabot?

67 Mr. Chabot. No.

68 Ms. Adcock. Mr. Chabot votes no.

69 Mr. Issa?

70 Mr. Issa. No.

71 Ms. Adcock. Mr. Issa votes no.

72 Mr. King?

73 [No response.]

74 Mr. Franks?

75 [No response.]

76 Mr. Gohmert?

77 [No response.]

78 Mr. Jordan?

79 Mr. Jordan. No.

80 Ms. Adcock. Mr. Jordan votes no.

81 Mr. Poe?

82 [No response.]

83 Mr. Chaffetz?

84 [No response.]

85 Mr. Marino?

86 Mr. Marino. No.

87 Ms. Adcock. Mr. Marino votes no.

88 Mr. Gowdy?

89 [No response.]

90 Mr. Labrador?

91 [No response.]

92 Mr. Farenthold?

93 [No response.]

94 Mr. Collins?

95 [No response.]

96 Mr. DeSantis?

97 Mr. DeSantis. Nay.

98 Ms. Adcock. Mr. DeSantis votes nay.

99 Mr. Buck?

100 Mr. Buck. No.

101 Ms. Adcock. Mr. Buck votes no.

102 Mr. Ratcliffe?

103 [No response.]

104 Mrs. Roby?

105 [No response.]

106 Mr. Gaetz?

107 [No response.]

108 Mr. Johnson of Louisiana?

109 Mr. Johnson of Louisiana. No.

110 Ms. Adcock. Mr. Johnson votes no.

111 Mr. Biggs?

112 Mr. Biggs. No.

113 Ms. Adcock. Mr. Biggs votes no.  
114 Mr. Conyers?  
115 Mr. Conyers. Aye.  
116 Ms. Adcock. Mr. Conyers votes aye.  
117 Mr. Nadler?  
118 Mr. Nadler. Aye.  
119 Ms. Adcock. Mr. Nadler votes aye.  
120 Ms. Lofgren?  
121 [No response.]  
122 Ms. Jackson Lee?  
123 [No response.]  
124 Mr. Cohen?  
125 [No response.]  
126 Mr. Johnson of Georgia?  
127 Mr. Johnson of Georgia. Aye.  
128 Ms. Adcock. Mr. Johnson votes aye.  
129 Mr. Deutch?  
130 [No response.]  
131 Mr. Gutierrez?  
132 Mr. Gutierrez. Aye.  
133 Ms. Adcock. Mr. Gutierrez votes aye.  
134 Ms. Bass?  
135 [No response.]  
136 Mr. Richmond?

137 Mr. Richmond. Aye.

138 Ms. Adcock. Mr. Richmond votes aye.

139 Mr. Jeffries?

140 [No response.]

141 Mr. Cicilline?

142 Mr. Cicilline. Aye.

143 Ms. Adcock. Mr. Cicilline votes aye.

144 Mr. Swalwell?

145 [No response.]

146 Mr. Lieu?

147 [No response.]

148 Mr. Raskin?

149 Mr. Raskin. Yes.

150 Ms. Adcock. Mr. Raskin votes yes.

151 Ms. Jayapal?

152 [No response.]

153 Mr. Schneider?

154 [No response.]

155 Chairman Goodlatte. The gentleman from Texas, Mr.

156 Gohmert?

157 Mr. Gohmert. No.

158 Ms. Adcock. Mr. Gohmert votes no.

159 Chairman Goodlatte. Has every member voted who wishes

160 to vote?

161 Chairman Goodlatte. The gentleman from Idaho?

162 Mr. Labrador. No.

163 Ms. Adcock. Mr. Labrador votes no.

164 Chairman Goodlatte. The clerk will report.

165 Ms. Adcock. Mr. Chairman, 7 members voted aye; 11

166 members voted no.

167 Chairman Goodlatte. And the amendment is not agreed

168 to.

169 Are there further amendments to H.R. 2431?

170 For what purpose does the gentleman from Rhode Island

171 seek recognition?

172 Mr. Cicilline. Mr. Chairman, I have an amendment at

173 the desk.

174 Chairman Goodlatte. The clerk will report the

175 amendment.

176 Mr. Cicilline. Oh, I am sorry. I apologize. I

177 believe Mr. Gutierrez has an amendment at the desk.

178 Mr. Gutierrez. I have an amendment.

179 Chairman Goodlatte. The clerk will report the

180 Gutierrez amendment.

181 Ms. Adcock. Amendment to H.R. 2431, offered by Mr.

182 Gutierrez of Illinois. Add at the end of the bill the

183 following --

184 [The amendment of Mr. Gutierrez follows:]

185

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

186 Mr. Gohmert. Mr. Chairman, I would like to reserve a  
187 point of order.

188 Chairman Goodlatte. The point of order is reserved.

189 Mr. Gohmert. Thank you.

190 Chairman Goodlatte. And without objection, the  
191 amendment is considered as read, and the gentleman is  
192 recognized for 5 minutes on his amendment.

193 Mr. Gutierrez. Thank you, Mr. Chairman. I have an  
194 amendment at the desk to strike the Trump executive actions.  
195 They are undermining public safety and, in fact, put back in  
196 place previous policies that made immigration enforcement  
197 more efficient, more targeted, and more humane, focused on  
198 people who may be threats to neighborhoods and communities.

199 Specifically, my amendment would put in place the  
200 policies of the previous President, President Obama,  
201 developed and modified over 8 years by Homeland Security  
202 Secretary Jay Johnson, and made logical and budgetary sense,  
203 and prioritized going after serious, violent criminals.

204 Under the previous system, there were several tiers of  
205 enforcement priorities. Tier I was for serious offenders,  
206 people who had been convicted of serious crimes, mostly  
207 crimes of violence, Mr. Chairman, and made them the number  
208 one target for ICE enforcement. Under President Obama, who  
209 set records for how many people were deported, the question

210 became the following: we can deport roughly 400,000 people  
211 per year based on the budget approved by the Congress. And  
212 that has not changed, Mr. Chairman.

213 The question is, who is put into play? Who do we put  
214 into those 400,000 deportations? And it is a zero-sum game,  
215 given that we are not giving unlimited funds to the  
216 Department of Homeland Security, and giving unlimited funds  
217 to the Department of Homeland Security would not pass in the  
218 House or the Senate. So, it is a dream to think.

219 So, the question is, should we fill up these slots with  
220 the first people we catch, or should we prioritize so that  
221 we can use the scarce deportations that we have and use them  
222 for murderers and serious, violent offenders? And the  
223 decision was made to deport those with serious criminal  
224 convictions first, to prioritize them.

225 The policy was not perfect and was not executed to  
226 perfection, to be sure. They were still deporting a  
227 substantial number of people who, in my estimation, were not  
228 in any way liabilities to their communities, but were, in  
229 fact, assets to their families, and their communities, and  
230 this Nation. And we were failing to deport others that were  
231 clearly liabilities to this country.

232 But let's be clear: Republicans opposed the whole  
233 concept of prioritizing deportation for the most severe

234 criminals. In part, they opposed it because it was  
235 instituted by agencies in charge, making decisions and  
236 prioritizing the deportation of serious criminals without,  
237 according to the majority, consultation with the Congress.

238 At the time, the majority leader of this body, Mr.  
239 McCarthy, said, "The structure and stability of our  
240 Democratic system depends upon the President executing the  
241 laws passed by Congress and not unilaterally rewriting  
242 them."

243 And the gentleman from Idaho on this committee said,  
244 "It is not a President's prerogative to make the law. He is  
245 supposed to be a constitutional expert. He is supposed to  
246 be a constitutional lawyer who actually lectured on  
247 constitutional law, but he never understood the difference  
248 between the executive and the legislative branch of  
249 government," so said my colleague on the Judiciary  
250 Committee.

251 Now, under this President, a new set of executive  
252 orders has been instituted, and I have not heard a peep from  
253 the other side about the structure and stability of our  
254 Democracy. The new President instituted executive orders  
255 that we should not have Tier I, Tier II, tier anything, and  
256 we should just deport anybody we get our hands on.

257 And secondly, the President has been re-categorizing

258 immigrants to make those that do not appear dangerous, make  
259 them appear dangerous, make them appear like their crimes  
260 were serious and that they are violent, when nothing in  
261 their lives had anything to do with serious offenses.

262 Also, it would be easier to deport people. And when we  
263 look at the statistics, it will look as if more of the  
264 people we are deporting are criminals, really bad people.  
265 It is just a lie; it is a farce.

266 The most prosecuted Federal crime in the United States  
267 is returning to this country after you have been deported.  
268 More than murder, securities fraud, counterfeiting, drug  
269 crimes, it is returning after being deported or failing to  
270 leave after being deported, in absentia. It is literally  
271 bringing the rest of the justice system to a grinding halt.

272 Men and women who have lived decades in the U.S., and  
273 who have committed no crimes, and have raised families, and  
274 started businesses, and built homes are deported. And one  
275 would expect they would come back to see their children grow  
276 up.

277 That is the number one felony we prosecute in Federal  
278 court. If the government already ruled you a low priority,  
279 and you have been checking in, as ordered, to ICE  
280 appointments to demonstrate your situation has not changed,  
281 under the new executive orders, you are deported. No judge,

282 no trial. You are at the discretion of the individual ICE.

283 I would like to remind the chairman of this committee,  
284 I am not sure if you remember, back in December of 2014,  
285 when you, and I, and the gentlelady from California, Ms.  
286 Lofgren, testified before the Rules Committee. And I was  
287 chastised, reprimanded. They said, "Oh, Gutierrez, you are  
288 out of line," simply because I suggested that the  
289 alternative to what President Obama had proposed at the time  
290 was mass deportation, and that is what the majority was  
291 proposing.

292 The gentleman from the Rules Committee, the chairman,  
293 Mr. Sessions, said, at the time, "There is no one in  
294 responsible, Republican leadership, elected officials, who  
295 have said we should deport 13 or 11 million people."

296 Well, here we are in 2017, and my amendment is  
297 necessary, so we do not do what the chairman said I was  
298 wrong in suggesting we were embarking upon doing. Chairman  
299 Sessions said, and he thought it was impossible,  
300 inconceivable, and offensive for me to even suggest that the  
301 majority was suggesting mass deportation. And yet, here it  
302 is. We are doing exactly what I was chastised and  
303 reprimanded by the chairman for even suggesting.

304 Chairman Goodlatte. The time of the gentleman has  
305 expired.

306 For what purpose does the gentleman from Idaho seek  
307 recognition?

308 Mr. Labrador. To oppose this amendment.

309 Chairman Goodlatte. The chair recognizes the gentleman  
310 for 5 minutes.

311 Mr. Labrador. I would like to remind the gentleman  
312 from Illinois that what we are trying to accomplish here is  
313 to actually enforce the law of the United States. And maybe  
314 the reason he has not heard me complain about some of the  
315 executive orders is because what the President of the United  
316 States is trying to say is that he will enforce the law.

317 I know the gentleman does not like the enforcement of  
318 the law, and maybe everybody on the other side should remind  
319 themselves why they lost this election: because the American  
320 people want us to enforce the law. All this bill will do,  
321 and all the Trump administration is trying to accomplish, is  
322 to return --

323 Mr. Cicilline. Mr. Chairman, may I ask for a point of  
324 order?

325 Chairman Goodlatte. Let him go a little bit more.

326 Mr. Cicilline. This gentleman just impugned the  
327 character of Mr. Gutierrez.

328 Mr. Labrador. I said -- no, I --

329 Mr. Cicilline. He said he does not like to enforce the

330 law.

331 Mr. Labrador. But that is exactly --

332 Mr. Cicilline. I ask him to withdraw that statement.

333 Mr. Labrador. I will not withdraw, because that is --

334 Mr. Cicilline. That is impugning the character of a

335 member of this committee.

336 Mr. Labrador. Your entire argument for 3 days has been

337 that you do not want to enforce the law.

338 Mr. Cicilline. That is not true.

339 Chairman Goodlatte. The gentlemen will suspend, both

340 of you.

341 Mr. Cicilline. I would ask the ruling of chair. He

342 just said that a member of this committee has no interest in

343 enforcing the law. That is absolutely not true. Mr.

344 Gutierrez has never made such a statement. It is impugning

345 his character.

346 Mr. Gutierrez. It is almost that he said I am for

347 criminals.

348 Mr. Cicilline. Yeah.

349 Mr. Labrador. That is not what I said.

350 Mr. Cicilline. That is what you said. "He is not

351 interested in enforcing the law."

352 Mr. Gutierrez. You said I am supporting criminals --

353 Mr. Cicilline. That is not true.

354 Mr. Gutierrez. -- and that I do not want to support  
355 the law.

356 Mr. Cicilline. Mr. Chairman, I beseech you --

357 Mr. Labrador. I did not make --

358 Mr. Cicilline. -- if that comment were made by a  
359 Democrat, you would be asking us to withdraw.

360 Mr. Gutierrez. I did not say anything because I wanted  
361 you to continue, Mr. Labrador.

362 Chairman Goodlatte. So, I was not listening. The  
363 gentleman said that --

364 Mr. Cicilline. "He is not," referring to Mr.  
365 Gutierrez, "I know he is not interested in enforcing law."

366 Mr. Labrador. Sure.

367 Mr. Gutierrez. Could we have it read back to us, Mr.  
368 Chairman?

369 Chairman Goodlatte. Are you able to read it back? Are  
370 you able to read it back?

371 Ms. Averett. Yeah.

372 Chairman Goodlatte. Okay. Read it back.

373 Ms. Averett. [inaudible]

374 Mr. Gutierrez. Excuse me. I cannot hear.

375 Ms. Averett. Reading back, it says, "He does not like  
376 the enforcement of the law."

377 Chairman Goodlatte. I do not think that impugns: "He

378 | does not like the enforcement of the law."

379 | Mr. Gutierrez. Excuse me. Excuse me.

380 | Chairman Goodlatte. It is an opinion about --

381 | Mr. Gutierrez. Would you read the whole -- Mr.

382 | Chairman, have her read the whole thing. That is not all he

383 | said. Read the whole thing.

384 | Chairman Goodlatte. That is what was brought to our

385 | attention. We are not going to read the whole statement.

386 | Mr. Gutierrez. Not the whole statement, the pertinent

387 | part about that I do not want the law enforced. This has

388 | been brought up before, Mr. Chairman. This is exactly the

389 | argument that the majority always makes. But it is just

390 | untrue. They want us to be pro-criminal. And --

391 | Chairman Goodlatte. The gentleman will suspend --

392 | Mr. Gutierrez. -- we are for criminals, which is

393 | absolutely not true.

394 | Chairman Goodlatte. The gentleman will suspend. Read

395 | the sentence before and the sentence after the sentence you

396 | just read.

397 | Ms. Averett. There is none. I do not have a sentence

398 | after, because that is when they started asking for the

399 | point of order.

400 | Chairman Goodlatte. Okay. Well, read the sentence

401 | before that.

402 Ms. Averett. Before, all I have him saying is, "All  
403 the President is saying, he will enforce the law." And then  
404 I have, "He does not like the enforcement of the law." I  
405 tried to do this as --

406 Chairman Goodlatte. I mean, the expression of the  
407 opinion that someone on the other side does not like the  
408 enforcement of the law is exactly the purpose of the  
409 amendment that has been offered. So, I do not believe that  
410 that is words that can be taken down.

411 Mr. Richmond. Well, Mr. Chairman, let me just ask, it  
412 was my opinion that some people were co-conspirators, and we  
413 had a whole debate about that for 30 minutes. And I did go  
414 back and clarify my statement, because you asked me to. But  
415 if we are going to be fair about it, you said that I was  
416 inferring motive on GOP members. And if you are saying that  
417 he does not want the law enforced, you are inferring motive.  
418 It is the exact same thing.

419 Chairman Goodlatte. If the gentlemen would suspend,  
420 the amendment calls for suspending the law. The amendment  
421 offered by the gentleman, it is perfectly fair for him to  
422 comment that that is what the gentleman --

423 Mr. Gutierrez. It absolutely does not --

424 Chairman Goodlatte. -- wants because the amendment  
425 says that.

426 Mr. Gutierrez. -- Mr. Chairman. That is another  
427 characterization of my amendment. You continue to  
428 mischaracterize my amendment.

429 Chairman Goodlatte. The amendment provides for going  
430 back to earlier law and not the executive order signed by  
431 the President.

432 Mr. Gutierrez. Mr. Chairman, if I could, there are two  
433 sets of executive orders: the one from Obama and the ones  
434 from Trump. They are both executive orders.

435 Chairman Goodlatte. Correct.

436 Mr. Gutierrez. And all I am saying is we should go  
437 back to the old executive order --

438 Chairman Goodlatte. Let me --

439 Mr. Gutierrez. -- so that we could go -- and let me  
440 just restate that --

441 Chairman Goodlatte. The gentleman will suspend.

442 Mr. Gutierrez. -- go after serious criminals.

443 Chairman Goodlatte. The gentleman will suspend. The  
444 issue here is not what you think and what he thinks. The  
445 issue here is whether he said something that constitutes  
446 words that can be taken down. So, let ask the gentleman  
447 from Idaho, were you referring to the current Trump  
448 executive order when you said that the gentleman does not  
449 want the law to be enforced?

450 Mr. Labrador. Yes.

451 Chairman Goodlatte. That is not something that you can  
452 have words taken down. And I appreciate everybody's concern  
453 about Comey and being careful about what we say. But in  
454 this case, that is not something for which words can be  
455 taken down.

456 Mr. Cicilline. And Mr. Chairman, I was not asking that  
457 his words be taken down. I asked the gentleman to withdraw  
458 that statement, because it suggested that Mr. Gutierrez was  
459 not interested in enforcing law. It was done in a generic  
460 way, and I would ask him to do that. I did not ask that  
461 those words be taken down.

462 Chairman Goodlatte. I think his statement --

463 Mr. Cicilline. I said it was an inappropriate  
464 characterization --

465 Chairman Goodlatte. The gentleman will suspend.

466 Mr. Cicilline. -- of the integrity of Mr. Gutierrez.

467 Chairman Goodlatte. I believe that that is what he  
468 just did in responding to my question.

469 Mr. Labrador. Yeah. And the statement speaks for  
470 itself, so --

471 Chairman Goodlatte. The gentleman will proceed.

472 Mr. Labrador. I support enforcement of the law, and  
473 the executive orders of this administration are meant to

474 enforce the current law. And we should get to decide, as  
475 Members of Congress, what the law is, not the President.  
476 And for that reason, I oppose this amendment. Thank you.

477 Chairman Goodlatte. The question is on the amendment  
478 offered by the gentleman from Illinois.

479 Mr. Gutierrez. Mr. Chairman?

480 Chairman Goodlatte. For what purpose does the  
481 gentleman from --

482 Mr. Gutierrez. Mr. Cicilline wanted to be recognized.

483 Chairman Goodlatte. For what purpose does the  
484 gentlewoman from California seek recognition?

485 Ms. Lofgren. To strike the last word.

486 Chairman Goodlatte. The gentlewoman is recognized for  
487 5 minutes.

488 Ms. Lofgren. When everyone is a priority, no one is a  
489 priority. And that is a situation that we find ourselves in  
490 now, where 11 million people are the priority, which means  
491 that you have got entire communities living in a state of  
492 fear. The idea of prioritizing people, who are criminals,  
493 first and then down the line, makes absolute sense. And  
494 that is, in fact, what Mr. Gutierrez's amendment would do.  
495 I know Mr. Gutierrez has additional things to say, so I  
496 would be happy to yield to the author of the amendment.

497 Mr. Gutierrez. Thank you so much. I thank the

498 gentlelady. You know, the characterization of Mr. Labrador  
499 is just outrageous. It is exactly what we want to do.  
500 Listen to what I said.

501 We want to go after serious offenders. Look, the  
502 budget has enough money for 400,000 deportations. Now, do  
503 you want to go after the man that is milking the cow on a  
504 farm and is caught working, undocumented, in the United  
505 States? Do you want to go after him? Or do you want to go  
506 after some drug dealer, right, ruthless, vicious criminal on  
507 the street? That is what we are talking about.

508 Do you want to go after the mom who was taking her kids  
509 to school and, by taking her kids to school, was driving  
510 without a driver's license, and so, therefore, came to the  
511 authorities, and now she is deported? Do you want to go  
512 after her or do you want to go after a murderer/rapist?

513 I am simply suggesting that we need to prioritize. In  
514 my city of Chicago, and then I am sure in all your local  
515 jurisdictions, cops need to make decisions. "Do I go after  
516 the criminals that are really causing people to have to fear  
517 for serious crime, or do I issue parking tickets? Or do I  
518 go after little violations that really are not about serious  
519 crime and really do not affect people?" I mean, we all make  
520 those.

521 So, what we are saying on this side of the aisle, as

522 | the gentlelady from California, if you have no, then you  
523 | have no prioritizations, you are really not setting goals  
524 | for going after really serious people. And what you have  
525 | done is you put the American public at jeopardy, at  
526 | jeopardy, by nonsensically going after people who do not  
527 | present any danger to the United States of America and are  
528 | not serious criminals.

529 |         So, what we are saying is, look, let's not kid  
530 | ourselves. There are two sets of executive orders: there  
531 | are the Trump executive orders, and there are the Obama  
532 | executive orders. So, to say that somehow we do not believe  
533 | in enforcing the law, it is almost like Trump is the only  
534 | one that wants to enforce the law. No.

535 |         His are executive orders, and they are flawed executive  
536 | orders that put the public at risk because we do not  
537 | prioritize people who represent a serious and an imminent  
538 | threat to the people that live in our communities, versus  
539 | the woman who is a mother, who is taking her child to  
540 | daycare or to the hospital and is driving without a driver's  
541 | license, or the lady that cleans houses, and she gets caught  
542 | in a raid, right? Or somebody who is working in a factory.  
543 | Notice, they are all working people. Right? There are  
544 | people who are working, undocumented, in the United States,  
545 | or there are criminals.

546 I have always suggested that not everybody that comes  
547 to the United States are immigrant. Some of them are just  
548 foreigners that come here to do bad things. You know what?  
549 I support immigrants who come here to sweat, and toil, and  
550 contribute, and make a new life for themselves.

551 So, I want to distinguish between the two, because we  
552 have. Let's recall. The majority never has provided  
553 sufficient funds to deport more than 400,000 people, nor  
554 will they ever put more than those funds to deport 400,000  
555 people. So, if we know that our limit, our capacity, is  
556 there, should not we prioritize people who make -- now, I am  
557 going to tell you.

558 We fought long and hard with the Obama administration  
559 about this. And sometimes, they did not get it right.  
560 Sometimes, unfortunately, they went after the lady that  
561 showed up without a driver's license and deported her and  
562 let the more serious people -- it is not a perfect system.  
563 But if we have priorities, we are going to get at the real  
564 element.

565 So, all I am saying is, let's go back because what is  
566 happening now, Mr. Chairman, is somebody who has been  
567 reporting for 10 years, right, they have been reporting in  
568 every year to Homeland Security. They have not done  
569 anything wrong. And this year, when they report, they are

570 deported.

571 But what you are going to do is you are going to get  
572 hundreds of thousands of people not to report to the Federal  
573 Government, because what you are going to do is you are  
574 going to punish them, even though they did nothing wrong.  
575 So, to suggest that we are not for law and order is just  
576 wrong, wrong, wrong.

577 And I just want to say again, it was your side, Mr.  
578 Chairman, you remember when Mr. Sessions chastised me for  
579 even suggesting that you would want mass deportation of 11  
580 million people. But that is what we are doing.

581 Ms. Lofgren. Thank you. I yield back my time.

582 Mr. Cicilline. Mr. Chairman?

583 Chairman Goodlatte. For what purpose does the  
584 gentleman from Rhode Island seek recognition?

585 Mr. Cicilline. I move to strike the last word.

586 Chairman Goodlatte. The gentleman is recognized for 5  
587 minutes.

588 Mr. Cicilline. Mr. Chairman, I rise in strong support  
589 of Mr. Gutierrez's amendment, and I feel compelled to  
590 respond to this argument that we have heard from the other  
591 side of the aisle, again from Labrador, that opponents of  
592 this bill have no interest in enforcing the law and do not  
593 care about public safety.

594           The absurdity of that claim is that Mr. Gutierrez's  
595 amendment will do exactly the opposite of that because it  
596 will, in fact, make us more safe and will ensure that an  
597 executive order that no one has challenged the  
598 constitutionality of will be enforced, and an executive  
599 order that has, in part, been found unconstitutional is  
600 vacated. And so, the irony is, if Mr. Gutierrez's amendment  
601 passes, our communities will be safer and the law will be  
602 enforced consistently with our Constitution. And if Mr.  
603 Gutierrez's amendment fails, that will not be the case.

604           Look, this is about allowing the department, who has  
605 enforcement responsibility, to set priorities and to set  
606 those priorities by focusing first on the most dangerous  
607 people and ensuring that what limited resources are given to  
608 the department to deport individuals be focused on the  
609 people that pose the greatest danger to the community,  
610 focusing on felons rather than families.

611           To argue that enforcement of that kind of an approach  
612 that sets the right priorities makes us less safe or  
613 violates the law is an absurdity. Prosecutors do that every  
614 single day. They set priorities. They say, "Here is an  
615 amount of resources we have, a number of lawyers that we  
616 have, a number of investigators, and we will decide which  
617 cases pose the greatest threat to the public safety of our

618 communities."

619       We do not appropriate enough money to deport 11 million  
620 people. Does not it make sense to ensure that, if you are  
621 going to set the priorities, you not rip apart families, you  
622 not focus on people who pose no danger, and in fact, make  
623 great contributions to our community? Instead, focus on the  
624 most dangerous criminals? That is what Mr. Gutierrez's  
625 amendment does.

626       And I, frankly, think this notion that Democrats who  
627 oppose this outrageous immigration bill that will  
628 criminalize 11 million people, that rips families apart,  
629 that somehow we are not interested in enforcing the law, no,  
630 we are just very much against this very bad legislative  
631 proposal.

632       And we are interested in being sure that priorities are  
633 set pursuant to some common sense. We have a  
634 responsibility; we took an oath to keep people safe. We  
635 ought to let the department make decisions consistent with  
636 that responsibility. And that is what Mr. Gutierrez's  
637 amendment does. And I urge my colleagues to support this  
638 amendment, which will really make a great improvement on a  
639 terrible piece of legislation.

640       I would yield the balance of my time to the gentleman  
641 from Illinois.

642 Mr. Gutierrez. And that is exactly our point. Look,  
643 the fact is that, in statute, we permit, allow, the  
644 Department of Homeland Security and our Immigration Services  
645 to use discretion. We encourage them to use discretion.  
646 So, all we are saying is, how are you going to use that?  
647 You know what the Trump executive orders do? Eliminate all  
648 discretion. Everyone is the same.

649 The dairy farmer that is out there literally milking  
650 the cow, right, that works undocumented is the same priority  
651 for deportation as a drug dealer on a corner. That makes  
652 absolutely no sense. We are actually proposing to the  
653 majority, let's go after the people who present a clear and  
654 present danger to the people who live in our community.

655 Milking a cow somewhere does not represent a danger. A  
656 mom driving her child to school and getting pulled over for  
657 not having a driver's license, which might be wrong, her not  
658 having a driver's license, does not present the kind of  
659 danger as a serious criminal. So, what the Trump priority  
660 is, no priority. You are all the same. It is wrong. There  
661 are 5 million American-citizen children. We should not be  
662 devastating those families by tearing their moms and dads  
663 away from them when their moms and dads have been reporting  
664 to Immigration for a decade.

665 We know this has happened. It has happened in Arizona

666 and New York. It happened just this week in Maryland. A  
667 woman got pulled over in 2006 for driving without a driver's  
668 license. She has two American-citizen children. She has a  
669 husband who is a permanent resident. Her in-laws are  
670 American citizens. Her in-laws are American citizens. She  
671 is being deported after reporting for 10 years, for not  
672 having a driver's license. It's wrong. Look at those  
673 children and say it is wrong. Let's go after, really,  
674 really, the people who present a danger to our society. And  
675 I thank the gentleman for yielding to me.

676 Mr. King. [Presiding] The gentleman's time has  
677 expired.

678 For what purpose does the gentleman from Louisiana seek  
679 the floor?

680 Mr. Johnson of Louisiana. I move to strike the last  
681 word, Mr. Chairman.

682 Mr. King. The gentleman is recognized for 5 minutes.

683 Mr. Johnson of Louisiana. I do not want to speak long,  
684 Mr. Chairman, but I just sit here and listen to these  
685 arguments. I want to say at the outset, I strongly support  
686 the bill, and I oppose the amendment. And I have great  
687 respect for my colleagues here on the other side, but the  
688 rank hypocrisy of what is being said here. They are  
689 feigning offense with this newfound eggshell sensibility

690 that we have here, apparently, on the committee that  
691 supposedly the Republicans are impugning their character  
692 when they say in the same breath that Republicans are not  
693 interested in going after hardened criminals. The whole  
694 exercise is in futility.

695 The amendment is brought purely for political purposes;  
696 there are places for partisan speeches, and I just feel  
697 like, as one of the newest members of the committee, we have  
698 got to get down to doing the real work of the people here.

699 Constantly, these same gentlemen attack the motives and  
700 the character of the President almost every meeting that we  
701 have. And for all of us to suddenly say that, you know, our  
702 feelings are hurt by this is just, to me, just silly. It is  
703 a waste of our time.

704 So, Mr. Chairman, I will yield the remainder. I will  
705 yield back. I just wish that we could get on to real debate  
706 about the real substance of the bill and not do this  
707 exercise. Thank you.

708 Mr. King. The gentleman returns his time.

709 For what purpose does the gentleman from California,  
710 Mr. Lieu, seek recognition?

711 Mr. Lieu. I move to strike the last word.

712 Mr. King. The gentleman is recognized for 5 minutes.

713 Mr. Lieu. I strongly support the amendment by

714 Representative Gutierrez, but I also want to mention today  
715 that I have got two foster youth shadowing me, Erika and  
716 Lazareth. They are from California. I can tell you that,  
717 in their young lives, they have overcome way more than I  
718 have and way more than, I suspect, most Members of Congress  
719 have. The fact that they are here today shows me their  
720 amazing grit and resilience and drive. They can do anything  
721 they want. And I know one of them wants to be a hill  
722 staffer. So, with that, good luck. I yield back.

723 Mr. King. The gentleman returns his time.

724 For what purpose does the gentleman take the floor?

725 Mr. Richmond. To strike the last word.

726 Mr. King. The gentleman is recognized for 5 minutes.

727 Mr. Richmond. Let me just say that, you know, our nice  
728 suits, while we sit in here, we get very comfortable. You  
729 know, in my neighborhood, "silly" and "hypocritical" are  
730 fighting words, and I just want the record to reflect that.  
731 But let me do a little bit of arithmetic for my colleagues.

732 If you only have 400,000 deportations that you are  
733 going to pay for, every time you deport a non-violent  
734 criminal, you are making our neighborhoods less safe because  
735 that is a MS-13 or a drug dealer or someone in a cartel, or  
736 a repeated drunk driver that is on our streets, putting our  
737 families in danger.

738           So if we only have 400,000 that we are going to pay  
739 for, every time we deport a non-violent criminal, we are  
740 making our neighborhoods less safe because we do not have  
741 the resources to deport people who pose a risk to our wives,  
742 to our husbands, to our children, to our parents.

743           I am not sure that that is the direction that my  
744 colleagues want to go in. I know I do not want to go in  
745 that direction. And I think we ought to give law  
746 enforcement the ability to make those decisions about who  
747 poses the greatest risk to our communities. And with that,  
748 I would yield the balance of my time to my colleague from  
749 Illinois.

750           Mr. Gutierrez. Thank you so much. First of all, I  
751 know my colleague is a freshman. He just got here, and so  
752 maybe he is just ignorant of the protocol here. But you  
753 have just taken us to a new low because you stated that we  
754 were hypocrites and that our arguments were silly.

755           I want you to know, thank you for coming to the  
756 Congress of the United States to take us into the gutter. I  
757 appreciate that. I am sure there is going to be an applause  
758 all across America. But I am not surprised because you came  
759 in with none other than Donald Trump. I return the balance  
760 of my time to the gentleman from Louisiana.

761           Mr. King. The gentleman returned his time. And seeing

762 no further discussion to come before this amendment, the  
763 question is on this amendment.

764 Mr. Gohmert. Mr. Chairman? Mr. Chairman, I am going  
765 to withdraw my point of order.

766 Mr. King. Oh, the gentleman from Ohio is withdrawing  
767 his point of order. And now the question is on the  
768 amendment.

769 All in favor of the Gutierrez amendment shall signify  
770 by saying aye.

771 All those opposed, nay.

772 It is the opinion of the chair that the noes have it.  
773 The noes do have it.

774 A recorded vote has been requested. The clerk will  
775 call the roll.

776 Ms. Adcock. Mr. Goodlatte?

777 [No response.]

778 Mr. Sensenbrenner?

779 [No response.]

780 Mr. Smith?

781 [No response.]

782 Mr. Chabot?

783 Mr. Chabot. No.

784 Ms. Adcock. Mr. Chabot votes no.

785 Mr. Issa?

786 [No response.]

787 Mr. King?

788 Mr. King. No.

789 Ms. Adcock. Mr. King votes no.

790 Mr. Franks?

791 [No response.]

792 Mr. Gohmert. Mr. Gohmert?

793 Ms. Adcock. Mr. Gohmert votes not.

794 Mr. Jordan?

795 [No response.]

796 Mr. Poe?

797 [No response.]

798 Mr. Chaffetz?

799 Mr. Chaffetz. No.

800 Ms. Adcock. Mr. Chaffetz votes no.

801 Mr. Marino?

802 Mr. Marino. No.

803 Ms. Adcock. Mr. Marion votes no.

804 Mr. Gowdy?

805 [No response.]

806 Mr. Labrador?

807 Mr. Labrador. No.

808 Ms. Adcock. Mr. Labrador votes no.

809 Mr. Farenthold?

810 [No response.]

811 Mr. Collins?

812 Mr. Collins. No.

813 Ms. Adcock. Mr. Collins votes no.

814 Mr. DeSantis?

815 Mr. DeSantis. No.

816 Ms. Adcock. Mr. DeSantis votes no.

817 Mr. Buck?

818 Mr. Buck. No.

819 Ms. Adcock. Mr. Buck votes no.

820 Mr. Ratcliffe?

821 Mr. Ratcliffe. No.

822 Ms. Adcock. Mr. Ratcliffe votes no.

823 Mrs. Roby?

824 [No response.]

825 Mr. Gaetz?

826 [No response.]

827 Mr. Johnson of Louisiana?

828 Mr. Johnson of Louisiana. No.

829 Ms. Adcock. Mr. Johnson votes no.

830 Mr. Biggs?

831 Mr. Biggs. No.

832 Ms. Adcock. Mr. Biggs votes no.

833 Mr. Conyers?

834 Mr. Conyers. Aye.

835 Ms. Adcock. Mr. Conyers votes aye.

836 Mr. Nadler?

837 [No response.]

838 Ms. Lofgren?

839 Ms. Lofgren. Aye.

840 Ms. Adcock. Ms. Lofgren votes aye.

841 Ms. Jackson Lee?

842 [No response.]

843 Mr. Cohen?

844 [No response.]

845 Mr. Johnson of Georgia?

846 [No response.]

847 Mr. Deutch?

848 [No response.]

849 Mr. Gutierrez?

850 Mr. Gutierrez. Aye.

851 Ms. Adcock. Mr. Gutierrez votes aye.

852 Ms. Bass?

853 [No response.]

854 Mr. Richmond?

855 Mr. Richmond. Aye.

856 Ms. Adcock. Mr. Richmond votes aye.

857 Mr. Jeffries?

858 [No response.]

859 Mr. Cicilline?

860 Mr. Cicilline. Aye.

861 Ms. Adcock. Mr. Cicilline votes aye.

862 Mr. Swalwell?

863 [No response.]

864 Mr. Lieu?

865 Mr. Lieu. Aye.

866 Ms. Adcock. Mr. Lieu votes aye.

867 Mr. Raskin?

868 [No response.]

869 Mr. Jayapal?

870 [No response.]

871 Mr. Schneider?

872 Mr. Schneider. Aye.

873 Ms. Adcock. Mr. Schneider votes aye.

874 Mr. King. The gentleman from California?

875 Mr. Issa. No.

876 Ms. Adcock. Mr. Issa votes no.

877 Mr. King. The gentleman from Virginia?

878 Chairman Goodlatte. No.

879 Ms. Adcock. Mr. Goodlatte votes no.

880 Mr. King. The gentleman from Ohio?

881 Mr. Jordan. No.

882 Ms. Adcock. Mr. Jordan votes no.

883 Mr. King. And the gentleman from --

884 Mr. Franks. No.

885 Ms. Adcock. Mr. Franks votes no.

886 Mr. King. Any other members prefer to cast or change

887 their vote?

888 Hearing none, the clerk shall report.

889 Ms. Adcock. Mr. Chairman, 7 members voted aye; 16

890 members voted no.

891 Mr. King. Then the amendment has failed.

892 For what purpose does the gentleman from Idaho seek

893 recognition?

894 Mr. Labrador. I have an amendment at the desk.

895 Mr. King. The gentleman is recognized. The clerk

896 shall report.

897 Mr. Labrador. Thank you, Mr. Chairman. I am offering

898 this amendment today for two reasons. First, to make some

899 technical corrections to the bill.

900 Mr. King. Can you suspend, please? The clerk shall

901 report, and then I will recognize the gentleman from Idaho.

902 Mr. Labrador. Sorry. Sorry.

903 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

904 Labrador of Idaho. Page 20, line 20 after detaining --

905 [The amendment of Mr. Labrador follows:]

906

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

907 Mr. King. Without objection, the amendment is  
908 considered as read, and now the gentleman is recognized.

909 Mr. Labrador. Thank you, Mr. Chairman. I am offering  
910 this amendment today for two reasons. First, to make some  
911 technical corrections to the bill, and second, to make some  
912 commonsense changes to improve the bill to address some  
913 concerns actually raised by the other side of the aisle last  
914 week.

915 You would think, after the previous exchange, that we  
916 are not listening to each other, but I have been listening  
917 the entire hearing. And I have been taking notes that some  
918 of the other side has had on this bill, and I am trying to  
919 address some of their concerns here. First, I want to  
920 clarify that the amendment clarifies that the penalties  
921 referred to in section 314 of the bill only apply to acts  
922 that occur after the date of enactment of the bill.

923 Additionally, to address the situation raised by  
924 Representative Raskin last week, we are adding a 90-day  
925 grace period for individuals before they will be criminally  
926 culpable under section 314 of the bill. This will allow  
927 individuals, who are trying to comply with the law, but due  
928 to various, unforeseen circumstances stay beyond the  
929 expiration of their visa for a short period of time, not to  
930 be subject to potential criminal penalty, which was never

931 the intent of the bill.

932         Additionally, the amendment clarifies that, for  
933 purposes of the adjudication of an immigration benefit, if  
934 an applicant or petitioner is requested to provide  
935 additional evidence of eligibility for such a benefit, any  
936 submission deadline set by the United States Citizenship and  
937 Immigration Services must be reasonable.

938         The amendment also clarifies that, if the applicant or  
939 petitioner has previously submitted such evidence to USCIS,  
940 the applicant or petitioner does not have to resubmit the  
941 evidence. This amendment also clarifies that the probable  
942 cause standard the DHS must use is the same one that  
943 detainers placed by officers of a State or locality under  
944 the bill.

945         This amendment takes away any uncertainty, as to the  
946 standard, and ensures a uniform application. And it also  
947 includes some additional language of the training that the  
948 officers must receive before issuance of any weapon. The  
949 changes including this amendment will make the bill  
950 stronger, ensure that the bill is effective, and ensuring  
951 enforcement of our immigration laws.

952         Even though I know my friends on the other side do not  
953 like this bill and are not going to support it, I do thank  
954 them for their comments because they have made the bill a

955 better bill. And with that, I urge you to support the  
956 amendment and yield back.

957 Chairman Goodlatte. Would the gentleman yield?

958 Mr. Labrador. Yes.

959 Chairman Goodlatte. I thank the gentleman for  
960 yielding, and I want to thank him for offering this  
961 amendment. And I agree with you entirely; this has made  
962 improvements to the bill and has been responsive to some of  
963 the concerns raised during this markup. So I commend the  
964 gentleman and urge my colleagues to support the amendment.

965 For what purpose does the gentlewoman from California  
966 seek recognition?

967 Ms. Lofgren. To strike the last word.

968 Chairman Goodlatte. The gentlewoman is recognized for 5  
969 minutes.

970 Ms. Lofgren. The amendments, relative to probable  
971 cause, I understand that there is an effort to clean this  
972 up, but they are very much insufficient. The probable cause  
973 in 1 in 4 are taken almost verbatim from the new ICE  
974 detainer program that was created under the Obama  
975 administration that replaces Secure Communities Program, the  
976 Priority Enforcement Program. Those guidelines were  
977 retained by the Trump administration in the current ICE  
978 detainer.

979           However, the current ICE detainer was designed for ICE  
980 officers, who are trained in immigration law and presumably  
981 can reassess cases based on any information provided by the  
982 detainee. The probable cause guidelines and the ICE  
983 detainer are not suitable for State and local officers who  
984 do not have the same training and expertise.

985           For example, the probable cause guidelines in the ICE  
986 detainer allow an officer to find probable cause based on an  
987 individual's voluntary statements. But while an immigration  
988 officer will know and be trained to ask follow up questions,  
989 if the individual states that he was born abroad, for  
990 example, "Were your parents citizens? Have you been  
991 naturalized? Were you born in a U.S. territory?" Local  
992 officers would not necessarily know or be trained on what  
993 questions to ask.

994           Additionally, the probable cause guidelines in the  
995 amendment include a new catchall provision that does not  
996 even exist in the current ICE detainer form issued by the  
997 Trump administration. The current ICE detainer allows for  
998 probable cause determination by an ICE agent only if, one,  
999 there is a biometric match; two, the individual is subject  
1000 to ongoing removal proceedings; three, the individual has  
1001 been previously removed; or four, statements by the alien or  
1002 other reliable evidence show the alien as removable.

1003           But unlike the ICE detainer that limits probably cause  
1004 to these four instances, the catchall provision says this:  
1005 "If they otherwise have reasonable grounds to believe that  
1006 the individual is an inadmissible or deportable alien."  
1007 That is not even a standard. Even the Trump administration  
1008 agreed to limit probable cause determination made by trained  
1009 immigration officers to the first four instances.

1010           But this bill would give State and local officers, who  
1011 are trained in law enforcement to go catch the bad guys, but  
1012 are not trained in immigration law, or even experienced in  
1013 immigration law, greater latitude than trained ICE officers.  
1014 This is going to result in the prolonged detention of U.S.  
1015 citizens, of permanent residents, and other non-removable  
1016 immigrants.

1017           I would note that the 90-day overstay requirement is  
1018 obviously an improvement, but it does not address the  
1019 fundamental injustices that creating these new crimes  
1020 create. Poll after poll shows that Americans overwhelmingly  
1021 support an earned path to citizenship for undocumented  
1022 immigrants. The new crimes created in this bill, even if  
1023 they are delayed for 90 days, would subject these same  
1024 immigrants to prison sentences and this amendment does not  
1025 stop that from happening.

1026           There is a real difference between what we would like

1027 to do on our side of the aisle and what the Republicans and  
1028 the House would like to do. I would like to note also, on  
1029 page 4, the provision relative to training officers who are  
1030 getting assault weapons. It merely says, "Appropriate  
1031 weapons training." And I really think that is quite a  
1032 limited standard.

1033 When the secretary of Homeland Security met with  
1034 democrats, he told us that the ICE agents were trained at  
1035 the same level as FBI agents, that they received the exact  
1036 same training, and background scrutiny, and the like.

1037 That is not what this amendment provides. This is  
1038 contrary to what the secretary of Homeland Security assured  
1039 all of us, and I think, therefore, is insufficient. This  
1040 amendment does not solve the problems created by the bill,  
1041 and I, therefore, oppose it.

1042 Chairman Goodlatte. For what purpose does the  
1043 gentleman from Rhode Island seek recognition?

1044 Mr. Cicilline. Mr. Chairman, strike the last word.

1045 Chairman Goodlatte. The gentleman is recognized for 5  
1046 minutes.

1047 Mr. Cicilline. But I would like to particularly focus  
1048 on the comments from the gentlelady from California with  
1049 respect to this amendment and associate myself with her  
1050 remarks, but in particular to focus on the new catchall

1051 provision for the probable cause determination.

1052 And I would just alert the committee that, by adding  
1053 section 5, which is in addition to the existing framework of  
1054 the ICE probable cause determination, you are really  
1055 providing an exemption that swallows the rule. Because you  
1056 have now, as number five, "The law enforcement officer of a  
1057 State or political subdivision of a State otherwise has  
1058 reasonable grounds to believe that the individual, who is  
1059 the subject of the detainer, is inadmissible or a deportable  
1060 alien."

1061 So, you no longer have a probable cause requirement.  
1062 You have a reasonable suspicion or reasonable cause  
1063 requirement, which is not probable cause. We all know that.  
1064 And so that exemption eliminates the probable cause  
1065 requirement. So, what I would like to do, Mr. Chairman, is  
1066 I would like to offer an amendment to the amendment, which I  
1067 believe is at the desk now, which would strike lines 5-9 on  
1068 page 2 to get rid of this exemption, which is an expansion -  
1069 -

1070 Chairman Goodlatte. The clerk will report the  
1071 amendment to the amendment.

1072 Ms. Adcock. Amendment to the Labrador amendment.  
1073 Strike lines 5-9 on page 2.

1074 [The amendment of Mr. Cicilline follows:]

1075

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1076 Chairman Goodlatte. The gentleman is recognized for 5  
1077 minutes on his amendment.

1078 Mr. Cicilline. As I said, Mr. Chairman, I think the  
1079 gentlelady from California has identified a very serious  
1080 flaw in this amendment. I do not know if it was intentional  
1081 or not, but it actually adds to the Trump executive order,  
1082 or the Trump enforcement procedure, in terms of a probable  
1083 cause determination --

1084 Chairman Goodlatte. Gentlemen will suspend. Is  
1085 someone distributing a copy of this amendment to the  
1086 members? The gentleman may proceed.

1087 Mr. Cicilline. The current ICE detainer allows for  
1088 probable cause determination by an ICE agent in four  
1089 specific instances: if there is biometric match, if the  
1090 individual is a subject of ongoing removal proceedings, if  
1091 the individual has been previously removed, or if statements  
1092 by the alien or other reliable evidence shows that the alien  
1093 is removable. So those are standard probable cause  
1094 determinations.

1095 This adds a fifth opportunity, and it says, "The law  
1096 enforcement officer of a State or a political subdivision  
1097 otherwise has reasonable grounds to believe that the  
1098 individual, who is the subject of the detainer, is an  
1099 admissible or a deportable alien." That is no longer a

1100 | probable cause burden. That is a much lower standard. We  
1101 | know that from decades of jurisprudence. And so what this  
1102 | fifth addition does is it gets rid of the probable cause  
1103 | requirement.

1104 |         We certainly do not want people to be detained in the  
1105 | absence of a probable cause finding. My amendment simply  
1106 | gets rid of this new exemption, which swallows up the rule  
1107 | and returns back to the current ICE detainer framework. And  
1108 | I do not know if any of my colleagues have any additional  
1109 | time, but if they are not, I will yield back the balance of  
1110 | my time.

1111 |         Chairman Goodlatte. The chair recognizes himself in  
1112 | opposition to the amendment to the amendment. The probable  
1113 | cause standard, and it is a probable cause standard, is a  
1114 | stringent standard, which is employed by the department  
1115 | already. The concern raised was that there was no standard  
1116 | for State and locals who wish to issue a detainer.

1117 |         This keeps the standard uniform across Federal and  
1118 | State lines. This provision ensures that States and  
1119 | localities are using recognized standards instead of their  
1120 | own judgment in issuing a detainer. So, I must oppose the  
1121 | amendment offered by the gentleman from Rhode Island.

1122 |         For what purpose does the gentleman from Illinois seek  
1123 | recognition?

1124 Mr. Schneider. I ask to strike the last word.

1125 Chairman Goodlatte. The gentleman is recognized for 5  
1126 minutes.

1127 Mr. Schneider. Thank you. I support my colleague's  
1128 amendment to strike these lines, in particular in the  
1129 context of the decision made yesterday not to include an  
1130 amendment that would protect American citizens. The idea of  
1131 reasonable grounds for an officer of the State, political  
1132 subdivision of the State, leaves it up to that officer to  
1133 make a decision that, in my mind, would be unclear. So I do  
1134 strongly support this. And I would like to yield the  
1135 balance of my time to my colleague from Rhode Island.

1136 Mr. Cicilline. I thank the gentleman for yielding. I  
1137 just want to respond to the chairman's assertion that the  
1138 probable cause standard is a high standard. I concur. It  
1139 absolutely is, which is why removing that standard is very,  
1140 very problematic.

1141 This bill already, you know, creates a new status as  
1142 criminals for people who are in our country without  
1143 documentation. It eliminates important standards. Our  
1144 friends on the other side of the aisle defeated an effort to  
1145 allow people legal redress if they are improperly detained.  
1146 So, in this context, that the addition of an exemption that  
1147 says to local or State governments, "You do not even have to

1148 | have probable cause. If you have reasonable grounds, that  
1149 | is enough." That is not constitutional.

1150 |         Our Supreme Court has already said, before you can  
1151 | detain or infringe on someone's liberty, you have to find a  
1152 | probable cause. We are now creating a statutory exemption  
1153 | for local governments in the context of this new framework  
1154 | that will expose millions more people to being described as  
1155 | criminals; that does not provide relief if you are  
1156 | improperly detained. And we are now reducing the burden to  
1157 | reasonable grounds.

1158 |         I think that is a terrible mistake. I do not think we  
1159 | can do it constitutionally. I do not think we should want  
1160 | to do it. We should respect the dignity of every person and  
1161 | their right to be free from unreasonable searches and  
1162 | seizures; that is in our Constitution. That is why we have  
1163 | a probable cause determination. There is a reason that even  
1164 | the Trump administration did not add this. And so, I urge  
1165 | my colleagues to support what I think is a very common-sense  
1166 | amendment.

1167 |         And I thank the gentleman for yielding and yield the  
1168 | balance of my time to the gentlelady from -- am I allowed to  
1169 | do that? I have to give it back to Mr. Chairman.

1170 |         Mr. Schneider. I reclaim my time. Okay.

1171 |         Ms. Jayapal. Mr. Chairman, I move to strike the last

1172 word.

1173 Mr. Schneider. I yield the balance of my time.

1174 Ms. Jayapal. Oh, okay. Well, I will take that time,  
1175 too.

1176 I just want to rise in strong support of my colleague  
1177 from Rhode Island's amendment. I think it tries to get at  
1178 an extremely important issue with the detainer statute, in  
1179 general, and the expansion of that as proposed in  
1180 Representative Labrador's amendment. But I also want to go  
1181 back to the problems with detainers in general.

1182 Let's remember why counties and cities across the  
1183 country started to push back on detainers: because these  
1184 were an unfunded mandate. That is why we in King County  
1185 actually pushed back and said, "We are going to put limits,  
1186 and sideboards around how we honor these ICE detainers,"  
1187 because detainers actually end up costing local  
1188 jurisdictions a lot of money. They end up requiring local  
1189 jurisdictions to actually hold people for 72 hours.

1190 We figured out the costs of that, the public safety  
1191 costs, but also the costs to community trust and community  
1192 safety. And so, that is why numerous jurisdictions across  
1193 the country have pushed back on detainers. So, to expand  
1194 the scope of detainers, to expand the scope of what  
1195 constitutes probable cause and essentially say, you know, if

1196 | you are guessing that somebody's got a problem, then maybe  
1197 | you get to take them in.

1198 |         That is absolutely outside of the bounds of what we  
1199 | should be doing right now. If we wanted to fix detainers,  
1200 | we should be moving in the direction that cities, counties,  
1201 | prosecutors, law enforcement across the country have been  
1202 | moving in, which is to say let's limit how these detainers  
1203 | work. Let's keep the distinction clear between civil,  
1204 | Federal immigration law, and local law enforcement.

1205 |         And let's not put the burden on our jails to be holding  
1206 | people without really the requirements that we would think  
1207 | would be required if you were going to lock people up in  
1208 | jail. So not only do I support the amendment from Mr.  
1209 | Cicilline, but I want to push back on the whole idea of  
1210 | detainers and how we are using detainers, and remind this  
1211 | committee and anybody who is watching that there has been a  
1212 | big movement across the country to limit the use of  
1213 | detainers for very, very good reasons around public safety,  
1214 | but also around the burden that it puts on our jails and our  
1215 | criminal justice facilities that are holding folks with  
1216 | detainers.

1217 |         And with that, Mr. Chairman, I yield back.

1218 |         Chairman Goodlatte. The question occurs on the  
1219 | amendment --

1220 Mr. Johnson of Georgia. Mr. Chairman?

1221 Chairman Goodlatte. For what purpose does the  
1222 gentleman from Georgia seek recognition?

1223 Mr. Johnson of Georgia. I move to strike the last  
1224 word.

1225 Chairman Goodlatte. The gentleman is recognized for 5  
1226 minutes.

1227 Mr. Johnson of Georgia. Thank you, Mr. Chairman. The  
1228 Labrador amendment includes a new catchall provision that  
1229 does not even exist in the current ICE detainer form issued  
1230 by the Trump administration.

1231 The current ICE detainer allows for a probable cause  
1232 determination by an ICE agent only if there is a biometric  
1233 match, or the individual is the subject of ongoing removal  
1234 proceedings, or the individual has been previously removed,  
1235 or statements by the alien or other reliable evidence showed  
1236 the alien is removable.

1237 Unlike the ICE detainer that limits probable cause to  
1238 these four instances, the Labrador amendment provides a  
1239 fifth catchall provision that allows State and local  
1240 officers to also find probable cause if they otherwise have  
1241 reasonable grounds to believe that an individual is an  
1242 inadmissible or deportable alien.

1243 This is not even a standard. Even the Trump

1244 administration agreed to limit probable cause determinations  
1245 made by trained immigration officers through the first four  
1246 instances. But the Labrador amendment would give State and  
1247 local officers, who are not as trained or experienced as ICE  
1248 officers, even greater latitude in finding probable cause.  
1249 This will clearly result in the prolonged detention of U.S.  
1250 citizens, permanent residents, and other non-removable  
1251 immigrants.

1252       Because the Cicilline, excuse me, because the Cicilline  
1253 amendment to the Labrador amendment would remove that fifth  
1254 catchall provision, I support the Cicilline amendment, and I  
1255 would urge my colleagues to do the same.

1256       And with that, I yield back.

1257       Chairman Goodlatte. Question occurs on the amendment  
1258 to the amendment offered by the gentleman from Rhode Island,  
1259 Mr. Cicilline.

1260       All those in favor, respond by saying aye.

1261       Those opposed, no.

1262       In the opinion of the chair, the noes have it. The  
1263 amendment is not agreed to.

1264       Mr. Cicilline. Mr. Chairman, I ask for a recorded  
1265 vote.

1266       Chairman Goodlatte. A recorded vote is requested; the  
1267 clerk will call the roll.

1268 Ms. Adcock. Mr. Goodlatte?  
1269 Chairman Goodlatte. No.  
1270 Ms. Adcock. Mr. Goodlatte votes no.  
1271 Mr. Sensenbrenner?  
1272 [No response.]  
1273 Mr. Smith?  
1274 [No response.]  
1275 Mr. Chabot?  
1276 Mr. Chabot. No.  
1277 Ms. Adcock. Mr. Chabot votes no.  
1278 Mr. Issa?  
1279 [No response.]  
1280 Mr. King?  
1281 Mr. King. No.  
1282 Ms. Adcock. Mr. King votes no.  
1283 Mr. Franks?  
1284 Mr. Franks. No.  
1285 Ms. Adcock. Mr. Franks votes no.  
1286 Mr. Gohmert?  
1287 Mr. Gohmert. No.  
1288 Ms. Adcock. Mr. Gohmert votes no.  
1289 Mr. Jordan?  
1290 Mr. Jordan. No.  
1291 Ms. Adcock. Mr. Jordan votes no.

1292 Mr. Poe?

1293 Mr. Poe. No.

1294 Ms. Adcock. Mr. Poe votes no.

1295 Mr. Chaffetz?

1296 Mr. Chaffetz. No.

1297 Ms. Adcock. Mr. Chaffetz votes no.

1298 Mr. Marino?

1299 Mr. Marino. No.

1300 Ms. Adcock. Mr. Marino votes no.

1301 Mr. Gowdy?

1302 [No response.]

1303 Mr. Labrador?

1304 Mr. Labrador. No.

1305 Ms. Adcock. Mr. Labrador votes no.

1306 Mr. Farenthold?

1307 [No response.]

1308 Mr. Collins?

1309 Mr. Collins. No.

1310 Ms. Adcock. Mr. Collins votes no.

1311 Mr. DeSantis?

1312 Mr. DeSantis. No.

1313 Ms. Adcock. Mr. DeSantis votes no.

1314 Mr. Buck?

1315 Mr. Buck. No.

1316 Ms. Adcock. Mr. Buck votes no.  
1317 Mr. Ratcliffe?  
1318 Mr. Ratcliffe. No.  
1319 Ms. Adcock. Mr. Ratcliffe votes no.  
1320 Mrs. Roby?  
1321 [No response.]  
1322 Mr. Gaetz?  
1323 [No response.]  
1324 Mr. Johnson of Louisiana?  
1325 Mr. Johnson of Louisiana. No.  
1326 Ms. Adcock. Mr. Johnson votes no.  
1327 Mr. Biggs?  
1328 Mr. Biggs. No.  
1329 Ms. Adcock. Mr. Biggs votes no.  
1330 Mr. Conyers?  
1331 Mr. Conyers. Aye.  
1332 Ms. Adcock. Mr. Conyers votes aye.  
1333 Mr. Nadler?  
1334 Mr. Nadler. Aye.  
1335 Ms. Adcock. Mr. Nadler votes aye.  
1336 Ms. Lofgren?  
1337 Ms. Lofgren. Aye.  
1338 Ms. Adcock. Ms. Lofgren votes aye.  
1339 Ms. Jackson Lee?

1340 [No response.]

1341 Mr. Cohen?

1342 [No response.]

1343 Mr. Johnson of Georgia?

1344 Mr. Johnson of Georgia. Aye.

1345 Ms. Adcock. Mr. Johnson votes aye.

1346 Mr. Deutch?

1347 [No response.]

1348 Mr. Gutierrez?

1349 Mr. Gutierrez. Aye.

1350 Ms. Adcock. Mr. Gutierrez votes yes.

1351 Ms. Bass?

1352 [No response.]

1353 Mr. Richmond?

1354 Mr. Richmond. Aye.

1355 Ms. Adcock. Mr. Richmond votes aye.

1356 Mr. Jeffries?

1357 Mr. Jeffries. Aye.

1358 Ms. Adcock. Mr. Jeffries votes aye.

1359 Mr. Cicilline?

1360 Mr. Cicilline. Aye.

1361 Ms. Adcock. Mr. Cicilline votes aye.

1362 Mr. Swalwell?

1363 [No response.]

1364 Mr. Lieu?

1365 Mr. Lieu. Aye.

1366 Ms. Adcock. Mr. Lieu votes aye.

1367 Mr. Raskin?

1368 [No response.]

1369 Mr. Jayapal?

1370 Ms. Jayapal. Aye.

1371 Ms. Adcock. Ms. Jayapal votes aye.

1372 Mr. Schneider?

1373 Mr. Schneider. Aye.

1374 Ms. Adcock. Mr. Schneider votes aye.

1375 Chairman Goodlatte. The gentleman from California?

1376 Mr. Issa. No.

1377 Ms. Adcock. Mr. Issa votes no.

1378 Chairman Goodlatte. Has every member voted who wishes

1379 to vote?

1380 The clerk will report.

1381 Ms. Adcock. Mr. Chairman, 11 members voted aye; 17

1382 members voted no.

1383 Chairman Goodlatte. And the amendment is not agreed

1384 to.

1385 The question now occurs on the amendment offered by the

1386 gentleman from Idaho, Mr. Labrador.

1387 All those in favor, respond by saying aye.

1388           Those opposed, no.

1389           Chairman Goodlatte. In the opinion of the chair, the  
1390 ayes have it, and the amendment is agreed to.

1391           A recorded vote is requested, and the clerk will call  
1392 the roll.

1393           Ms. Adcock. Mr. Goodlatte?

1394           Chairman Goodlatte. Aye.

1395           Ms. Adcock. Mr. Goodlatte votes aye.

1396           Mr. Sensenbrenner?

1397           [No response.]

1398           Mr. Smith?

1399           [No response.]

1400           Mr. Chabot?

1401           Mr. Chabot. Aye.

1402           Ms. Adcock. Mr. Chabot votes aye.

1403           Mr. Issa?

1404           [No response.]

1405           Mr. King?

1406           Mr. King. Aye.

1407           Ms. Adcock. Mr. King votes aye.

1408           Mr. Franks?

1409           Mr. Franks. Aye.

1410           Ms. Adcock. Mr. Franks votes aye.

1411           Mr. Gohmert?

1412 Mr. .Gohmert. Aye.

1413 Ms. Adcock. Mr. Gohmert votes aye.

1414 Mr. Jordan?

1415 Mr. Jordan. Yes.

1416 Ms. Adcock. Mr. Jordan votes yes.

1417 Mr. Poe?

1418 Mr. Poe. Yes.

1419 Ms. Adcock. Mr. Poe votes yes.

1420 Mr. Chaffetz?

1421 Mr. Chaffetz. Aye.

1422 Ms. Adcock. Mr. Chaffetz votes aye.

1423 Mr. Marino?

1424 Mr. Marino. Yes.

1425 Ms. Adcock. Mr. Marino votes yes.

1426 Mr. Gowdy?

1427 [No response.]

1428 Mr. Labrador?

1429 Mr. Labrador. Yes.

1430 Ms. Adcock. Mr. Labrador votes yes.

1431 Mr. Farenthold?

1432 [No response.]

1433 Mr. Collins?

1434 Mr. Collins. Yes.

1435 Ms. Adcock. Mr. Collins votes yes.

1436 Mr. DeSantis?

1437 Mr. DeSantis. Aye.

1438 Ms. Adcock. Mr. DeSantis votes aye.

1439 Mr. Buck?

1440 Mr. Buck. Aye.

1441 Ms. Adcock. Mr. Buck votes aye.

1442 Mr. Ratcliffe?

1443 Mr. Ratcliffe. Yes.

1444 Ms. Adcock. Mr. Ratcliffe votes yes.

1445 Mrs. Roby?

1446 [No response.]

1447 Mr. Gaetz?

1448 [No response.]

1449 Mr. Johnson of Louisiana?

1450 Mr. Johnson of Louisiana. Aye.

1451 Ms. Adcock. Mr. Johnson votes aye.

1452 Mr. Biggs?

1453 Mr. Biggs. Aye.

1454 Ms. Adcock. Mr. Biggs votes aye.

1455 Mr. Conyers?

1456 Mr. Conyers. No.

1457 Ms. Adcock. Mr. Conyers votes no.

1458 Mr. Nadler?

1459 Mr. Nadler. No.

1460 Ms. Adcock. Mr. Nadler votes no.  
1461 Ms. Lofgren?  
1462 Ms. Lofgren. No.  
1463 Ms. Adcock. Ms. Lofgren votes no.  
1464 Ms. Jackson Lee?  
1465 [No response.]  
1466 Mr. Cohen?  
1467 [No response.]  
1468 Mr. Johnson of Georgia?  
1469 [No response.]  
1470 Mr. Deutch?  
1471 [No response.]  
1472 Mr. Gutierrez?  
1473 Mr. Gutierrez. No.  
1474 Ms. Adcock. Mr. Gutierrez votes no.  
1475 Ms. Bass?  
1476 [No response.]  
1477 Mr. Richmond?  
1478 Mr. Richmond. No.  
1479 Ms. Adcock. Mr. Richmond votes no.  
1480 Mr. Jeffries?  
1481 Mr. Jeffries. No.  
1482 Ms. Adcock. Mr. Jeffries votes no.  
1483 Mr. Cicilline?

1484 Mr. Cicilline. No.

1485 Ms. Adcock. Mr. Cicilline votes no.

1486 Mr. Swalwell?

1487 [No response.]

1488 Mr. Lieu?

1489 Mr. Lieu. No.

1490 Ms. Adcock. Mr. Lieu votes no.

1491 Mr. Raskin?

1492 [No response.]

1493 Mr. Jayapal?

1494 Ms. Jayapal. No.

1495 Ms. Adcock. Ms. Jayapal votes no

1496 Mr. Schneider?

1497 Mr. Schneider. No.

1498 Ms. Adcock. Mr. Schneider votes no.

1499 Chairman Goodlatte. How close? The gentleman from

1500 Georgia? Gentleman from Georgia.

1501 Ms. Adcock. Mr. Johnson from Georgia votes no.

1502 Chairman Goodlatte. The clerk will report.

1503 Ms. Adcock. Mr. Chairman, 16 members voted aye, 11

1504 members voted no.

1505 Chairman Goodlatte. And the amendment is agreed to.

1506 Are there further amendments to H.R. 2431?

1507 For what purpose does the gentleman from Louisiana seek

1508 recognition?

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

1510 Mr. Sensenbrenner. Mr. Chairman, I would like to

1511 reserve a point of order.

1512 Chairman Goodlatte. Point of order is reserved. The

1513 clerk will report the amendment.

1514 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

1515 Richmond. Insert the following after section 102 and --

1516 [The amendment of Mr. Richmond follows:]

1517 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1518 Chairman Goodlatte. Without objection, the amendment  
1519 is considered read and the gentleman is recognized for 5  
1520 minutes on his amendment.

1521 Mr. Richmond. Thank you, Mr. Chairman. Section 102 of  
1522 this bill will require the Department of Homeland Security  
1523 to enter into a cooperative endeavor -- a cooperative  
1524 agreement with a State or local jurisdiction unless there is  
1525 a compelling reason not to do so.

1526 Currently, either a State or local government or the  
1527 Federal Government can terminate these agreements called  
1528 287(g) agreements if they believe they are not working.  
1529 Section 112 would make it much more difficult for the  
1530 Federal Government to opt out of failed agreement.

1531 My amendment would eliminate the failed 287(g) program  
1532 and replace it with a comprehensive ban on racial profiling  
1533 for all law enforcement authorities enforcing immigration  
1534 law.

1535 The 287(g) program destroys community trust in law  
1536 enforcement. It leads to racial profiling and wastes scarce  
1537 resources. The DHS office of the Inspector General and the  
1538 Government Accountability Office have documented significant  
1539 problems in the 287(g) priorities, training, and oversight.

1540 In Maricopa County, for example, a Federal judge found  
1541 that former sheriff, Joe Arpaio had engaged in a pattern of

1542 racial profiling, unjust attentions, and discriminatory  
1543 police practices.

1544       Although only 30 to 32 percent of the county's  
1545 population is Hispanic, 71 percent of all persons arrested  
1546 had Hispanic surnames. Racial profiling instills fear and  
1547 distrust among communities. Racial profiling is an  
1548 ineffective law enforcement practice and distracts law  
1549 enforcement resources away from the efficient, targeted  
1550 pursuit of individuals who actually pose a threat to public  
1551 safety. This discriminatory policing practice violates  
1552 fundamental American principles of equality and justice.

1553       Section 112 of this bill would give law enforcement  
1554 officers like Sheriff Arpaio an unprecedented ability to  
1555 violate due process. The enforcement only approach of this  
1556 bill requires a strong prohibition on racial profiling. The  
1557 past decade has seen an extraordinary escalation of  
1558 immigration enforcement measures resulting in an alarming  
1559 rate of racial profiling by law enforcement across  
1560 communities.

1561       The rising resources funneled to border security, the  
1562 transfer of immigration enforcement duty to local and state  
1563 police, and the lack of meaningful protections against  
1564 racial profiling have created a climate of mistrust, fear,  
1565 and abuse. Ban on profiling must apply to all law

1566 enforcement agencies and include strong accountability and  
1567 oversight measures.

1568         The robust and multi-tiered approach to ending racial  
1569 profiling advanced by this amendment is integral to  
1570 protecting all communities in America against racial  
1571 profiling and making our communities safer by targeting the  
1572 resources to those who actually pose a risk to our  
1573 communities. And with that, Mr. Chairman, I yield back.

1574         Chairman Goodlatte. Does the gentleman insist on his  
1575 point of order?

1576         Mr. Sensenbrenner. Mr. Chairman, I do insist upon the  
1577 point of order.

1578         Chairman Goodlatte. The gentleman will state his point  
1579 of order.

1580         Mr. Sensenbrenner. My point of order is that this  
1581 amendment is not germane. It goes far beyond the scope of  
1582 this piece of legislation. And, therefore, I would insist  
1583 upon non-germaneness of the amendment and insist on my point  
1584 of order.

1585         Chairman Goodlatte. Does the gentleman from Louisiana  
1586 wish to be heard on the objection?

1587         Mr. Richmond. Yes.

1588         Chairman Goodlatte. The gentleman is recognized.

1589         Mr. Richmond. Section 112 in the bill already talks

1590 about 287(g) agreements, which dictate and address patrol  
1591 model, task force model, and jail model. And when we start  
1592 talking about racial profiling, that falls directly under a  
1593 patrol model, a task force model, or community policing.  
1594 And these 287(g) agreements are all about community policing  
1595 and how we enter into agreements with local law enforcement.

1596 So now we are just saying that local law enforcement  
1597 shall not profile people simply based on their race. So, I  
1598 think that there is a great connection between section 112,  
1599 the 287(g) program, and us addressing racial profiling as an  
1600 ineffective law enforcement tool, an ineffective law  
1601 enforcement model, and saying that we will not condone or  
1602 allow racial profiling as we implement this bill.

1603 I just do not see how this goes too far and I think  
1604 that there is a great connection between what we are trying  
1605 to do and the original bill.

1606 Mr. Nadler. Mr. Chairman?

1607 Chairman Goodlatte. Does the gentleman need to be  
1608 heard on the point of order?

1609 Mr. Nadler. Yes, I do.

1610 Chairman Goodlatte. The gentleman is recognized.

1611 Mr. Nadler. Mr. Chairman, I agree with the gentleman  
1612 from Louisiana. This amendment is germane. The bill would  
1613 seek to make section 287(g) mandatory on the Federal

1614 Government. It would seek to mandate that local law  
1615 enforcement agencies can force the Federal Government to  
1616 enter into these agreements for local enforcement of Federal  
1617 law.

1618 We know, experience tells us, that local enforcement of  
1619 these Federal laws in this respect have led to racial  
1620 profiling. In connection with a bill that mandates the  
1621 Federal Government on request to enter into such agreements  
1622 a prohibition on racial profiling, which we know will result  
1623 from these agreements is, I think, relevant and within the  
1624 bounds -- within the orbit -- of a command to the Federal  
1625 Government to enter into such agreements upon request. This  
1626 puts a limitation on the condition of those agreements and  
1627 therefore is germane. I yield back.

1628 Chairman Goodlatte. The chair is prepared to rule.  
1629 While the amendment does apply to certain provisions in the  
1630 bill, it goes way beyond the scope of the bill applying to  
1631 many, many other aspects to Federal and State and local law  
1632 enforcement. And therefore, the amendment is not germane.

1633 Mr. Richmond. Mr. Chairman, I would challenge. Move  
1634 to override the ruling of the chair.

1635 Mr. Gohmert. Move to table.

1636 Chairman Goodlatte. The motion has been made to table.  
1637 The amendment is tabled.

1638 Chairman Goodlatte. Okay, all those in favor of  
1639 tabling the appeal of the ruling of the chair respond by  
1640 saying aye.

1641 Those opposed, no.

1642 In the opinion of the chair, the ayes have it and the  
1643 appeal of the ruling of the chair is --

1644 Mr. Richmond. I would ask for a recorded vote.

1645 Chairman Goodlatte. Recorded vote is requested and the  
1646 clerk will call the roll.

1647 Ms. Adcock. Mr. Goodlatte?

1648 Chairman Goodlatte. Aye.

1649 Ms. Adcock. Mr. Goodlatte votes aye.

1650 Mr. Sensenbrenner?

1651 [No response.]

1652 Mr. Smith?

1653 [No response.]

1654 Mr. Chabot?

1655 Mr. Chabot. Aye.

1656 Ms. Adcock. Mr. Chabot votes aye.

1657 Mr. Issa?

1658 [No response.]

1659 Mr. King?

1660 Mr. King. Aye.

1661 Ms. Adcock. Mr. King votes aye.

1662 Mr. Franks?

1663 Mr. Franks. Aye.

1664 Ms. Adcock. Mr. Franks votes aye.

1665 Mr. Gohmert? Mr. Gohmert votes aye.

1666 Mr. Jordan?

1667 [No response.]

1668 Mr. Poe?

1669 [No response.]

1670 Mr. Chaffetz?

1671 Mr. Chaffetz. Aye.

1672 Ms. Adcock. Mr. Chaffetz votes aye.

1673 Mr. Marino?

1674 Mr. Marino. Yes.

1675 Ms. Adcock. Mr. Marino votes yes.

1676 Mr. Gowdy?

1677 [No response.]

1678 Mr. Labrador?

1679 Mr. Labrador. Aye.

1680 Ms. Adcock. Mr. Labrador votes aye.

1681 Mr. Farenthold?

1682 [No response.]

1683 Mr. Collins?

1684 Mr. Collins. Aye.

1685 Ms. Adcock. Mr. Collins votes aye.

1686 Mr. DeSantis?

1687 Mr. DeSantis. Aye.

1688 Ms. Adcock. Mr. DeSantis votes aye.

1689 Mr. Buck?

1690 Mr. Buck. Aye.

1691 Ms. Adcock. Mr. Buck votes aye.

1692 Mr. Ratcliffe?

1693 Mr. Ratcliffe. Yes.

1694 Ms. Adcock. Mr. Ratcliffe votes yes.

1695 Ms. Roby?

1696 [No response.]

1697 Mr. Gaetz?

1698 [No response.]

1699 Mr. Johnson of Louisiana?

1700 Mr. Johnson of Louisiana. Aye.

1701 Ms. Adcock. Mr. Johnson votes aye.

1702 Mr. Biggs?

1703 Mr. Biggs. Aye.

1704 Ms. Adcock. Mr. Biggs votes aye.

1705 Mr. Conyers?

1706 Mr. Conyers. No.

1707 Ms. Adcock. Mr. Conyers votes no.

1708 Mr. Nadler?

1709 Mr. Nadler. No.

1710 Ms. Adcock. Mr. Nadler votes no.  
1711 Ms. Lofgren?  
1712 Ms. Lofgren. No.  
1713 Ms. Adcock. Ms. Lofgren votes no.  
1714 Ms. Jackson Lee?  
1715 [No response.]  
1716 Mr. Cohen?  
1717 [No response.]  
1718 Mr. Johnson of Georgia?  
1719 [No response.]  
1720 Mr. Deutch?  
1721 [No response.]  
1722 Mr. Gutierrez?  
1723 [No response.]  
1724 Ms. Bass?  
1725 [No response.]  
1726 Mr. Richmond?  
1727 Mr. Richmond. No.  
1728 Ms. Adcock. Mr. Richmond votes no.  
1729 Mr. Jeffries?  
1730 Mr. Jeffries. No.  
1731 Ms. Adcock. Mr. Jeffries votes no.  
1732 Mr. Cicilline?  
1733 Mr. Cicilline. No.

1734 Ms. Adcock. Mr. Cicilline votes no.  
1735 Mr. Swalwell?  
1736 [No response.]  
1737 Mr. Lieu?  
1738 Mr. Lieu. No.  
1739 Ms. Adcock. Mr. Lieu votes no.  
1740 Mr. Raskin?  
1741 Mr. Raskin. No.  
1742 Ms. Adcock. Mr. Raskin votes no.  
1743 Mr. Jayapal?  
1744 Ms. Jayapal. No.  
1745 Ms. Adcock. Ms. Jayapal votes no.  
1746 Mr. Schneider?  
1747 Mr. Schneider. No.  
1748 Ms. Adcock. Mr. Schneider votes no.  
1749 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?  
1750 Mr. Poe. Yes.  
1751 Ms. Adcock. Mr. Poe votes yes.  
1752 Chairman Goodlatte. The gentleman from Georgia, Mr.  
1753 Johnson?  
1754 Mr. Johnson of Georgia. No.  
1755 Ms. Adcock. Mr. Johnson votes no.  
1756 Chairman Goodlatte. The gentleman from California, Mr.  
1757 Issa?

1758 Mr. Issa. Yes.

1759 Ms. Adcock. Mr. Issa votes yes.

1760 Chairman Goodlatte. Has every member voted who wishes  
1761 to vote? The clerk will report.

1762 Ms. Adcock. Mr. Chairman, 16 members voted aye; 11  
1763 members voted no.

1764 Chairman Goodlatte. And the motion to table is  
1765 adopted. It is tabled. It is just tabled.

1766 I have already ruled that the amendment is not germane.  
1767 So, the gentleman from Rhode Island?

1768 Mr. Cicilline. Thank you, Mr. Chairman. I have an  
1769 amendment at the desk.

1770 Chairman Goodlatte. The clerk will report the  
1771 amendment.

1772 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.  
1773 Cicilline. At the end of the bill add the following --

1774 [The amendment of Mr. Cicilline follows:]

1775 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1776 Chairman Goodlatte. Without objection, the amendment  
1777 is considered as read and the gentleman from Rhode Island is  
1778 recognized for 5 minutes on his amendment.

1779 Mr. Gohmert. Mr. Chairman, I would like to reserve a  
1780 point of order.

1781 Chairman Goodlatte. A point of order is reserved.

1782 Mr. Cicilline. Thank you, Mr. Chairman. It is  
1783 important to remember that many of those who are immigrants  
1784 to our country have experienced unfathomable hardships and  
1785 have surmounted incredible odds to get here. And many  
1786 continue to be extremely vulnerable to exploitation,  
1787 violence, or discrimination once they are here.

1788 And that is why my amendment would put in place  
1789 protections for vulnerable populations who have not been  
1790 deemed a national security threat and fall into one of  
1791 several criterion including individuals with special health  
1792 needs such as a disability or mental illness, individuals  
1793 who are pregnant or nursing at the time of apprehension,  
1794 primary caregivers of a minor or an infirm person, LGBT  
1795 individuals who are susceptible to harm in detention, and  
1796 individuals who are victims of sexual assault, sexual abuse,  
1797 torture, and trafficking.

1798 My amendment would require the Secretary of Homeland  
1799 Security to conduct a complete review of those who are

1800 currently detained to identify and prevent the continued  
1801 detention of individuals who fall into one of the listed  
1802 vulnerable categories.

1803 I should do everything in its power to mitigate factors  
1804 that might compound health and safety risks for vulnerable  
1805 populations and ensure they are not susceptible to abuse or  
1806 further trauma while detained by U.S. authorities.

1807 To blindly increase detentions solely for the purpose  
1808 of appearing tough on immigration will not make our country  
1809 safer. In fact, the time, manpower, and resources wasted on  
1810 detaining nonviolent, vulnerable individuals could be used  
1811 elsewhere on efforts that will actually make the American  
1812 people safer rather than causing additional trauma to  
1813 detained immigrants.

1814 Conditions within immigration detention facilities can  
1815 cause physical and mental harm to some groups that may be at  
1816 risk of being victimized or re-traumatized while being held  
1817 in detention.

1818 For example, incarceration and confinement may endanger  
1819 the health of detainees who are survivors of torture,  
1820 trafficking, and sexual abuse. Additionally, LGBT  
1821 individuals who are held in detention are in extremely high  
1822 risk of being sexually abused or being victims of other  
1823 forms of violence. The Bureau of Justice Statistics found

1824 that nearly 40 percent of transgender inmates are sexually  
1825 assaulted compared to 4 percent of all Federal inmates.

1826 The American Civil Liberties Union also reports that an  
1827 estimated 15 percent of individuals in immigration detention  
1828 have a mental disability. However, the process for  
1829 navigating the immigration system is complex and lacks the  
1830 standards necessary to help support those who have mental  
1831 disabilities.

1832 There are certainly ways to protect vulnerable groups  
1833 once they have been detained. There are also often cases  
1834 where it simply does not make sense to keep someone in  
1835 detention when they pose no risk to our safety or national  
1836 security and would suffer undue harm if detained.

1837 We pride ourselves in setting an example for other  
1838 countries with our Nation's longstanding commitment to  
1839 protecting the persecuted and providing humanitarian leave.  
1840 To ignore the needs of vulnerable populations is both  
1841 unacceptable and deeply un-American.

1842 So, I urge my colleagues to support my amendment and  
1843 protect vulnerable groups of immigrants from the unnecessary  
1844 danger of detention when they pose no security risk to our  
1845 country. And with that I yield back the balance of my time.

1846 Chairman Goodlatte. For what purpose does the  
1847 gentleman from Idaho seek recognition?

1848 Mr. Gohmert. I am going to withdraw my point of order.

1849 Chairman Goodlatte. Point of order is withdrawn. The  
1850 gentleman from Idaho is recognized for 5 minutes.

1851 Mr. Labrador. Mr. Chairman, I oppose this amendment.  
1852 This is just a long list of individuals that I think the  
1853 United States Immigration and Customs Enforcement Agency can  
1854 determine who can be detained, who cannot be detained. We  
1855 have immigration judges who also make that determination.  
1856 And all these issues are raised before the judge. And I  
1857 believe that they should be left at the discretion of the  
1858 judge and with ICE. And with that, I oppose this amendment.

1859 Chairman Goodlatte. The question occurs on the  
1860 amendment offered by the gentleman from Rhode Island.

1861 All those in favor respond by saying aye.

1862 Ms. Jayapal. Mr. Chairman? Mr. Chairman? I was  
1863 looking to --

1864 Chairman Goodlatte. For what purpose does the  
1865 gentlewoman from Washington seek recognition?

1866 Ms. Jayapal. Strike the last word.

1867 Chairman Goodlatte. The gentlewoman is recognized for  
1868 5 minutes.

1869 Ms. Jayapal. Thank you, Mr. Chairman. I rise in  
1870 strong support by this amendment by Mr. Cicilline. I think  
1871 yesterday we had an amendment from Mr. Johnson to require

1872 the appointment of council for vulnerable populations.

1873 Unfortunately, this committee voted that amendment down.

1874 But it is a serious issue that particularly many of the  
1875 most vulnerable populations that are detailed in this  
1876 amendment do face extreme barriers to getting representation  
1877 and access to legal counsel.

1878 That is why I introduced, my first bill, I think, in  
1879 this Congress was around access to legal counsel for  
1880 immigrants who are being detained. Did that with Senator  
1881 Carmella Harris. And it was because we know that this is a  
1882 serious issue for our most vulnerable populations. And that  
1883 is why I think this amendment makes so much sense.

1884 Immigration law is incredibly complex. It is second  
1885 only to tax law. And I will just focus on limited English  
1886 proficient speakers for a minute. The likelihood that even  
1887 a fluent English speaker would be able to put together a  
1888 strong legal case with no background in practice law or  
1889 immigration law is extremely low.

1890 Trying to fight for yourself as a limited English  
1891 speaker without any English at all lowers these chances even  
1892 more. And academic studies have shown that this has a  
1893 tremendous consequence on who is detained and who is  
1894 deported. And so, we have to recognize on this committee as  
1895 we debate this horrendous bill that immigration cases have

1896 | tremendous consequences. And for some, these consequences  
1897 | are life or death.

1898 |         And so, Mr. Cicilline's amendment just says let's look  
1899 | at these most vulnerable populations. Let's make sure that  
1900 | we are addressing the needs of those vulnerable populations,  
1901 | and let's actually provide a very important exemption for  
1902 | them. Or not exemption, but attention to those populations.  
1903 | So, I hope that we will support this amendment and I yield  
1904 | back the balance of my time.

1905 |         Chairman Goodlatte. Question occurs on the amendment  
1906 | offered by the gentleman from Rhode Island.

1907 |         All those in favor respond by saying aye.

1908 |         Those opposed, no.

1909 |         In the opinion of the chair the noes have it and the  
1910 | amendment is not agreed to.

1911 |         Mr. Cicilline. Mr. Chairman, I ask for a recorded  
1912 | vote.

1913 |         Chairman Goodlatte. Recorded vote is requested and the  
1914 | clerk will call the roll.

1915 |         Ms. Adcock. Mr. Goodlatte?

1916 |         Chairman Goodlatte. No.

1917 |         Ms. Adcock. Mr. Goodlatte votes no.

1918 |         Mr. Sensenbrenner?

1919 |         [No response.]

1920 Mr. Smith?

1921 [No response.]

1922 Mr. Chabot?

1923 [No response.]

1924 Mr. Issa?

1925 [No response.]

1926 Mr. King?

1927 Mr. King. No.

1928 Ms. Adcock. Mr. King votes no

1929 Mr. Franks?

1930 Mr. Franks. No.

1931 Ms. Adcock. Mr. Franks votes no.

1932 Mr. Gohmert?

1933 [No response.]

1934 Mr. Jordan?

1935 [No response.]

1936 Mr. Poe?

1937 [No response.]

1938 Mr. Chaffetz?

1939 Mr. Chaffetz. No.

1940 Ms. Adcock. Mr. Chaffetz votes no.

1941 Mr. Marino?

1942 Mr. Marino. No.

1943 Ms. Adcock. Mr. Marino votes no.

1944 Mr. Gowdy?  
1945 [No response.]  
1946 Mr. Labrador?  
1947 Mr. Labrador. No.  
1948 Ms. Adcock. Mr. Labrador votes no.  
1949 Mr. Farenthold?  
1950 [No response.]  
1951 Mr. Collins?  
1952 Mr. Collins. No.  
1953 Ms. Adcock. Mr. Collins votes no.  
1954 Mr. DeSantis?  
1955 [No response.]  
1956 Mr. Buck?  
1957 Mr. Buck. No.  
1958 Ms. Adcock. Mr. Buck votes no.  
1959 Mr. Ratcliffe?  
1960 Mr. Ratcliffe. No.  
1961 Ms. Adcock. Mr. Ratcliffe votes no.  
1962 Ms. Roby?  
1963 [No response.]  
1964 Mr. Gaetz?  
1965 [No response.]  
1966 Mr. Johnson of Louisiana?  
1967 Mr. Johnson of Louisiana. No.

1968 Ms. Adcock. Mr. Johnson votes no.  
1969 Mr. Biggs?  
1970 [No response.]  
1971 Mr. Conyers?  
1972 [No response.]  
1973 Mr. Nadler?  
1974 Mr. Nadler. Aye.  
1975 Ms. Adcock. Mr. Nadler votes aye.  
1976 Ms. Lofgren?  
1977 Ms. Lofgren. Aye.  
1978 Ms. Adcock. Ms. Lofgren votes aye.  
1979 Ms. Jackson Lee?  
1980 [No response.]  
1981 Mr. Cohen?  
1982 [No response.]  
1983 Mr. Johnson of Georgia?  
1984 [No response.]  
1985 Mr. Deutch?  
1986 [No response.]  
1987 Mr. Gutierrez?  
1988 [No response.]  
1989 Ms. Bass?  
1990 [No response.]  
1991 Mr. Richmond?

1992 Mr. Richmond. Aye.

1993 Ms. Adcock. Mr. Richmond votes aye.

1994 Mr. Jeffries?

1995 [No response.]

1996 Mr. Cicilline?

1997 Mr. Cicilline. Aye.

1998 Ms. Adcock. Mr. Cicilline votes aye.

1999 Mr. Swalwell?

2000 [No response.]

2001 Mr. Lieu?

2002 Mr. Lieu. Aye.

2003 Ms. Adcock. Mr. Lieu votes aye.

2004 Mr. Raskin?

2005 Mr. Raskin. Aye.

2006 Ms. Adcock. Mr. Raskin votes aye.

2007 Mr. Jayapal?

2008 Ms. Jayapal. Aye.

2009 Ms. Adcock. Ms. Jayapal votes aye.

2010 Mr. Schneider?

2011 Mr. Schneider. Aye.

2012 Ms. Adcock. Mr. Schneider votes aye.

2013 Chairman Goodlatte. The gentleman from Florida?

2014 Mr. DeSantis. No.

2015 Ms. Adcock. Mr. DeSantis votes no.

2016 Chairman Goodlatte. The gentleman from Colorado?  
2017 [No response.]  
2018 Chairman Goodlatte. The gentleman from Arizona?  
2019 Mr. Biggs. No.  
2020 Ms. Adcock. Mr. Biggs votes no.  
2021 Chairman Goodlatte. The gentleman from Texas?  
2022 Mr. Poe. No.  
2023 Ms. Adcock. Mr. Poe votes no.  
2024 Chairman Goodlatte. The gentleman from Utah? Already  
2025 recorded. The gentleman from Texas, Mr. Gohmert?  
2026 Ms. Adcock. Mr. Gohmert votes no.  
2027 Chairman Goodlatte. The gentleman from Georgia, Mr.  
2028 Johnson?  
2029 Mr. Johnson of Georgia. Yes.  
2030 Ms. Adcock. Mr. Johnson votes yes.  
2031 Chairman Goodlatte. Has every member voted who wishes  
2032 to vote? The clerk will report.  
2033 Ms. Adcock. Mr. Chairman, 9 members voted aye; 14  
2034 members voted no.  
2035 Chairman Goodlatte. And the amendment is not agreed  
2036 to. Are there further amendments to H.R. 2431?  
2037 Mr. Raskin. Mr. Chairman?  
2038 Chairman Goodlatte. For what purpose does the  
2039 gentleman from Maryland seek recognition?

2040 Mr. Raskin. I have an amendment at the desk.

2041 Chairman Goodlatte. The clerk will report the

2042 amendment.

2043 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

2044 Raskin. Page 104, line 9 --

2045 [The amendment of Mr. Raskin follows:]

2046 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2047 Chairman Goodlatte. Without objection, the amendment  
2048 is considered as read and the gentleman is recognized for 5  
2049 minutes on his amendment.

2050 Mr. Raskin. Mr. Chairman, thank you for your courtesy.  
2051 My amendment is about asylum seekers. Mr. Cicilline's  
2052 amendment, as Mr. Labrador pointed out, covered a whole  
2053 broad array of different categories of people. But this  
2054 zeroes in on the one category that I think everybody should  
2055 be able to agree to.

2056 And what it says is that an alien who expresses fear of  
2057 persecution to any immigration, customs, or agriculture  
2058 officer shall not be subject to the penalties in this  
2059 section. But this does not apply in the case of an  
2060 application for asylum that the Secretary of Homeland  
2061 Security determines to be frivolous.

2062 So, if you have a non-frivolous, serious application  
2063 for asylum -- someone intends to seek asylum -- that person  
2064 would not be declared a criminal or presumptively criminal  
2065 in violation of the law under the terms of the new statute.

2066 And it goes without saying that this amendment, I  
2067 think, mirrors the basic values of our country. We know  
2068 that the great Tom Paine said that America was designed as a  
2069 haven of refuge for people seeking religious and political  
2070 freedom and fleeing persecution from authoritarian countries

2071 around the world.

2072 In the wake of World War II, when we saw the price of  
2073 closing the doors of our country and other countries saw the  
2074 price of closing their doors to refugees and asylum seekers  
2075 the international community adopted the 1951 U.N. Convention  
2076 Relating to the Status of Refugees. Which, to this day,  
2077 defines who is a refugee and what legal protections refugees  
2078 are entitled to receive. And this U.N. convention is the  
2079 basis for U.S. refugee and asylum law.

2080 So, I just want to make sure that in our eagerness to  
2081 get rid of the drug dealers and the organized criminals and  
2082 those people who have been identified as the real target of  
2083 this legislation, we are not sweeping within it asylum  
2084 seekers. People who are here in the country because they  
2085 have a well-grounded fear of persecution -- religious or  
2086 political. We know that tyranny is flourishing all over the  
2087 --

2088 Mr. Labrador. Would the gentleman yield?

2089 Mr. Raskin. Yes, by all means.

2090 Mr. Labrador. I think your amendment is well-  
2091 intentioned. I wonder if you would be willing to withdraw  
2092 it and work with me. I think just expressing a fear is not  
2093 enough, but maybe we can figure out a way where somebody who  
2094 actually is granted asylum or is in the process of being

2095 granted asylum would not be subject to this section of the  
2096 bill. I just wonder if you would be willing to do that so  
2097 we could work together and seeing if we could figure out a  
2098 way to make the bill even better.

2099 Mr. Raskin. I very much appreciate that. Of course, I  
2100 think whatever compromise language we can work on would not  
2101 have to apply just to people who have already been granted  
2102 asylum. At that point, it would be redundant, but people  
2103 who are seeking asylum and are expressing it. The terms of  
2104 the amendment would exclude people who have a merely  
2105 frivolous application. So, if that is a good basis for you  
2106 to work on, I would love to work with you on it.

2107 Mr. Labrador. I would like to at least try to see if  
2108 we can seek a common ground on this.

2109 Mr. Raskin. Terrific. Then without prejudicing my  
2110 rights to reintroduce it, Mr. Chairman, I would love to  
2111 withdraw it at this point and work with Mr. Labrador.

2112 Chairman Goodlatte. The amendment is withdrawn. Are  
2113 there further amendments to H.R. 2431?

2114 Ms. Jayapal. Mr. Chairman?

2115 Chairman Goodlatte. For what purpose does the  
2116 gentlewoman from Washington seek recognition?

2117 Ms. Jayapal. I have an amendment at the desk.

2118 Chairman Goodlatte. The clerk will report the

2119 amendment.

2120 Ms. Adcock. Amendment to H.R. --

2121 Mr. King. Mr. Chairman?

2122 Chairman Goodlatte. For what purpose does the  
2123 gentleman from Iowa seek recognition?

2124 Mr. King. I reserve a point of order.

2125 Chairman Goodlatte. A point of order reserved. The  
2126 clerk will report the amendment.

2127 Ms. Adcock. Amendment to H.R. 2431 offered by Ms.  
2128 Jayapal. Insert at the end --

2129 [The amendment of Ms. Jayapal follows:]

2130 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2131 Chairman Goodlatte. Without objection the amendment is  
2132 considered read and the gentlewoman is recognized for 5  
2133 minutes on her amendment.

2134 Ms. Jayapal. Thank you, Mr. Chairman. I am  
2135 disappointed that we are considering this deeply flawed bill  
2136 today that would create a mass deportation force and  
2137 drastically expand detention and deportation for immigrant  
2138 friends and neighbors across our country.

2139 My amendment seeks to make this bill just slightly less  
2140 bad by eliminating the use of private prisons in immigration  
2141 detention. Private prisons, which, by the way, will need to  
2142 be used in order to actually implement this bill.

2143 Private prison companies have proven for decades that  
2144 they are incapable of caring for the people in their  
2145 custody. Multiple faith groups, including the Catholic  
2146 Church, have come out in opposition to private prisons.

2147 In 2000, the Catholic Church actually passed a  
2148 resolution against private prisons saying, "We bishops  
2149 question whether private for-profit corporations can  
2150 effectively run prisons."

2151 So, we know that private prison companies cut corners  
2152 to maximize their profits and we see it specifically in the  
2153 immigration detention system where many of the detention  
2154 centers are, in fact, run by private prison corporations.

2155 And that is only going to increase if this bill were  
2156 implemented into law.

2157 One of the people that is affected by this is Manuel  
2158 Cota-Domingo, who died in 2012 at the privately operated  
2159 Eloy detention center in Arizona due to untreated diabetes  
2160 and pneumonia. Eight hours passed between the moment that  
2161 Mr. Cota-Domingo first started experiencing trouble  
2162 breathing until he finally arrived at the emergency room in  
2163 part because of a facility policy that places restrictions  
2164 on which staff could call 911.

2165 One year later, two more people, Elsa Guadalupe  
2166 Gonzalez and Jorge Garcia Maldonado, died within days of  
2167 each other by suicide. Despite staff confusion over who had  
2168 the authority to call 911 in Mr. Cota-Domingo's case 1 year  
2169 ago, the confusion still persisted resulting in 3-5 minute  
2170 delays to call 911.

2171 Whether 3 minutes, 5 minutes, or 8 hours when lives are  
2172 on the line, these delays are unacceptable. And even more  
2173 unacceptable is the fact that Eloy did not have a suicide in  
2174 place even though these deaths were the 4th and 5th suicides  
2175 at the facility.

2176 Further, facility staff did not conduct reviews of  
2177 those back-to-back deaths to determine what they did wrong.  
2178 If that is not fatal neglect, I do not know what is. To

2179 | this day, Eloy is the detention center with more deaths than  
2180 | any facility in the country. But ICE continues to allow the  
2181 | Corrections Corporation of America to run the facility and  
2182 | make money off of the suffering and even the deaths of men  
2183 | and women utterly failing to hold them accountable for a  
2184 | failure of appropriate care under ICE's own detention  
2185 | standards.

2186 | Private prison companies have consistently shown, at  
2187 | best, carelessness, and at worst, a complete disregard of  
2188 | the lives of people in their custody. Of the 172 deaths in  
2189 | detention since October of 2003, nearly half have been at  
2190 | privately run facilities. And since the start of just this  
2191 | fiscal year, 7 out of the 8 deaths that have occurred have  
2192 | been at private facilities.

2193 | Two of those deaths, Mr. Chairman, occurred in the last  
2194 | week. These developments are even more disturbing in light  
2195 | of reports that ICE intends to dismantle its own detention  
2196 | standards and eliminate the Office of Detention Policy and  
2197 | planning, which has been tasked with implementing detention  
2198 | reforms.

2199 | Kevin Landy, the former director of the Office of  
2200 | Detention Policy and Planning, told the New York Times that  
2201 | these policy changes will have, "Disastrous consequences for  
2202 | the health and safety of those detained." I think we can

2203 all acknowledge that this bill will massively increase  
2204 detention.

2205         The very least that we can do is to try to reduce the  
2206 odds that people die or suffer severely in detention. And  
2207 even with that changer, without significant reforms, we will  
2208 continue to see untimely deaths and serious human rights  
2209 abuses. As Members of Congress as we debate a bill that  
2210 threatens to expand detention dramatically, it is our  
2211 responsibility to at least pay attention to the facilities  
2212 where we intend to hold these individuals who are going to  
2213 be detained.

2214         We, as Members of Congress, are the last line of  
2215 defense standing in the way of a reckless disregard for  
2216 human lives and dignity. I yield back the balanced of my  
2217 time.

2218         Chairman Goodlatte. For what purpose does the  
2219 gentleman from Texas seek recognition?

2220         Mr. Ratcliffe. I move to strike the last word.

2221         Chairman Goodlatte. The gentleman is recognized for 5  
2222 minutes.

2223         Mr. Ratcliffe. Thank you, Mr. Chairman. I would like  
2224 to oppose the gentlelady's amendment today. I think we all  
2225 know that detention is a deterrent and right now we do not  
2226 have enough space in our Federal prisons for it to

2227 accomplish that deterrent effect that we would like to see.

2228           The bottom line is, Mr. Chairman, we should not be  
2229 telling the Federal Government where they have to keep  
2230 prisoners. Would we rather have all of the facilities be  
2231 Federal Government facilities as opposed to private prisons?

2232 I think the answer is that many of us would support that.  
2233 But right now they have limited resources and do not have  
2234 the ability to accomplish that. So, with that, I would  
2235 point out that I think it is interesting that the Obama  
2236 administration's deputy ICE director, Dan Ragsdale just left  
2237 to work for a private prison company. So, that is the  
2238 reality of where we are in terms of handling the Federal  
2239 prisoners that we currently have. And for that reason I  
2240 have to oppose the amendment.

2241           Chairman Goodlatte. Would the gentleman yield?

2242           Mr. Ratcliffe. I yield.

2243           Chairman Goodlatte. I thank the gentleman for yielding  
2244 and I very much share his concern. In fact, the prison  
2245 facilities both public and private are widely varying in  
2246 their quality.

2247           In fact, in previous chairmanship, before I became  
2248 chairman of this committee, there was a hearing held by the  
2249 Obama administration on ICE detention standards and the fact  
2250 of the matter is there are people who need to be taken care

2251 of properly in both public and private facilities, and the  
2252 bad experience can occur in both places.

2253 So, I think this is the wrong time to address this  
2254 given the fact that there has not been a plan brought  
2255 forward to have this entirely done with public facilities.  
2256 Nor am I convinced that public facilities should always be  
2257 used in every circumstance.

2258 There are places in the country where Federal public  
2259 facilities do not exist and where the ability to detain  
2260 people is more difficult. So, I am going to oppose this  
2261 amendment. I join the gentleman in that position.

2262 Ms. Jayapal. Would the gentleman yield?

2263 Chairman Goodlatte. The gentleman controls the time.

2264 Mr. Ratcliffe. I would yield.

2265 Ms. Jayapal. Thank you. I just wanted to point out  
2266 you mentioned that we need to detain in order for  
2267 deterrence. And I wanted to point out that, actually, it is  
2268 unlawful to detain for deterrence purposes. The courts have  
2269 already ruled on that. That is not an appropriate use of  
2270 detention.

2271 So, I wanted to point that out. And then, in response  
2272 to the chairman's comments, I wanted to mention that the  
2273 bipartisan committee recommendation from the Office of  
2274 Homeland Security last year was actually to move away from

2275 | these private detention facilities.

2276 |         And so, there is actually bipartisan support for moving  
2277 | away from that. If we want to address the conditions in  
2278 | public and private detention centers, I would love to do  
2279 | that with you, Mr. Chairman. I hope we have a chance to do  
2280 | that.

2281 |         And, you know, right now, it is actually not true that  
2282 | we do not have enough beds or we do not have some beds  
2283 | available. For example, our Federal detention center in  
2284 | Washington State has quite a few open beds. We could use  
2285 | those facilities, which do have the standards that we need.  
2286 | We cannot be in a situation of just simply increasing  
2287 | detention.

2288 |         Mr. Ratcliffe. I will reclaim my time. I appreciate  
2289 | the gentlelady's --

2290 |         Ms. Jayapal. Thank you for yielding.

2291 |         Chairman Goodlatte. Would the gentleman yield?

2292 |         Mr. Ratcliffe. I yield to the chairman.

2293 |         Chairman Goodlatte. I thank the gentleman for  
2294 | yielding. And certainly in response to the gentlewoman from  
2295 | Washington would say that this is an issue that requires  
2296 | greater thought and greater preparation. And if there is a  
2297 | movement in that direction, we should not try to accomplish  
2298 | all of that with this amendment, which would make it

2299 impossible to detain anybody in a private facility at all.

2300 I think that is wrong. So, I oppose the amendment.

2301 Ms. Lofgren. Mr. Chairman?

2302 Mr. Nadler. Mr. Chairman?

2303 Chairman Goodlatte. Does the gentleman yield back?

2304 Mr. Ratcliffe. I yield back.

2305 Chairman Goodlatte. For what purpose does the

2306 gentleman from New York seek recognition?

2307 Mr. Nadler. Strike the last word.

2308 Chairman Goodlatte. The gentleman is recognized for 5

2309 minutes.

2310 Mr. Nadler. Thank you, Mr. Chairman. I rise in

2311 support of the amendment. First of all, I thank the

2312 gentlelady from Washington for offering the amendment. It

2313 is very important. And also for mentioning that detention

2314 is not a deterrent, that it is illegal to use detention for

2315 that purpose. Although, I think the fact that the gentleman

2316 mentioned it as a deterrent shows part of the mindset that

2317 we are dealing with in opposition to this amendment and for

2318 that matter in support of this bill.

2319 But the fact of the matter is, the gentlelady is

2320 entirely correct. Everything we know and all experience

2321 shows that private prisons are a danger to life and limb.

2322 That, as a general rule, they are much harder to police in

2323 | the sense of policing their conditions.

2324 |       I do not mean to have policemen. They are much harder  
2325 | to police their conditions in private facilities than in  
2326 | government facilities. There is a profit motive. And the  
2327 | profit motive says, "Spend as little as possible on medical  
2328 | care for the detainees. Spend as little as possible on food  
2329 | and anything else for the detainees." Because you get a  
2330 | certain amount of money and the less you have to spend the  
2331 | more is retained for profit. That is not the case in a  
2332 | Federal facility.

2333 |       So, that explains, to some extent, why we have seen  
2334 | consistently the conditions in private facilities are more  
2335 | dangerous and more threatening than conditions in Federal  
2336 | facilities. Though, conditions in Federal facilities are  
2337 | not always what we want to see.

2338 |       But nonetheless, this amendment says now that we are  
2339 | going to, because of this bill, see a great increase in  
2340 | detentions presumably we should arrange it in such a way  
2341 | that we are not seeing a great increase in detention in  
2342 | private facilities which are a danger to life and limb for  
2343 | the detainees.

2344 |       And if we are going to have more detentions we should  
2345 | do it in our own facilities, in Federal facilities, in  
2346 | public facilities where the government is responsible for

2347 and it ought to be responsible for namely the safe  
2348 conditions of the detainees. I thank the gentlewoman for  
2349 her amendment.

2350 Mr. Conyers. Will the gentleman yield?

2351 Mr. Nadler. I will be happy to yield to the gentleman  
2352 from Michigan.

2353 Mr. Conyers. I just wanted to go on record as  
2354 supporting the Jayapal amendment and the gentleman from New  
2355 York's comments on the same.

2356 Ms. Lofgren. Would the gentleman yield?

2357 Mr. Nadler. I would be happy to yield.

2358 Ms. Lofgren. I also appreciate the gentlelady's  
2359 amendment. The point that the chairman made that this is a  
2360 complex issue and needs further study -- honestly, there has  
2361 been no hearings on this bill at all, any of it. So, the  
2362 amendment is certainly not in a different posture than that.

2363 In fact, it has been studied by the last administration  
2364 in a group that was heavily picked to favor for-profit  
2365 private prisons. And when they really looked at it, the  
2366 people who were handpicked to reach one conclusion reached  
2367 another conclusion, because it cost more and it is unsafe.

2368 I will just tell you, when we went to visit the private  
2369 prisons in Texas, what I saw was really unconscionable. In  
2370 one facility we had 1,000 children incarcerated with their

2371 mothers. And there was a pediatrician who came once a week.  
2372 Practically every child in the facility was sick. They were  
2373 not receiving any medical attention whatsoever.

2374 The mothers who complained were put in solitary  
2375 confinement along, in some cases, with their children. When  
2376 we were able to get a child psychologist in they reported  
2377 that the children had suffered a trauma and were suffering  
2378 from posttraumatic stress disorder from the treatment they  
2379 had received in the facility. They had regressed.

2380 In some cases, you had 8 and 9-year-old children who  
2381 had regressed to toddler behavior based on the conditions  
2382 that they had. I do not think that is the kind of treatment  
2383 that we are proud of here in America. I do not think it is  
2384 what we should allow in this bill or in this country, and  
2385 the gentlelady's amendment would preclude it.

2386 So, I very much support this and would hope that as a  
2387 matter of just common decency this committee would approve  
2388 her amendment. And I thank the gentleman for yielding.

2389 Mr. Nadler. I was happy to yield. And let me just say  
2390 that detention of people detained pursuant to Federal law is  
2391 a Federal responsibility. The conditions under which they  
2392 are detained is a Federal responsibility. And it should not  
2393 be outsourced to private companies who experience shows  
2394 violate Federal law and violate basic conditions of decency.

2395 | And the amendment is almost mandatory. I urge passage of  
2396 | the amendment and I yield back.

2397 | Chairman Goodlatte. For what purpose does the  
2398 | gentleman from Iowa seek recognition?

2399 | Mr. King. I strike the last word.

2400 | Chairman Goodlatte. The gentleman is recognized for 5  
2401 | minutes.

2402 | Mr. King. Thank you, Mr. Chairman. I am sitting here  
2403 | listening to this debate, and it just occurs to me that if  
2404 | you had put together all the amendments that the Democrats  
2405 | have voted for so far in this markup, I wonder if there  
2406 | would be anything left in this bill whatsoever. And it is  
2407 | hard for me to understand what enforcement they would  
2408 | support.

2409 | Hard for me to understand why we have the Cicilline  
2410 | amendment. Anybody in this room fits under the exemptions  
2411 | of that amendment. There has been an argument made that it  
2412 | is okay for people in politics on that side of the aisle to  
2413 | profile, but not okay for law enforcement to profile. And  
2414 | then, we get to this one. This amendment that would ban  
2415 | private prisons from incarcerating.

2416 | And we want the flexibility to enforce the law. The  
2417 | public has demanded that the law be enforced. We have  
2418 | elected a President on that demand. We have strong

2419 majorities in the House and the Senate that support such  
2420 things.

2421         And so, if I were going to amend this amendment, I  
2422 would amend it to include that I would strike the ban on  
2423 private prisons and I would say they do not have to be in  
2424 America. I mean, there are countries that say you do not  
2425 get to come into our country while you are appealing the  
2426 immigration laws.

2427         Why would we not set up private prisons in our  
2428 neighboring countries and outsource that? And if we are  
2429 worried about the cost it will be cheaper in those countries  
2430 than it is in the United States of America. And so, I offer  
2431 that idea.

2432         If we are worried about cost, if we are worried about  
2433 freeing up the resources. If we only have enough resources  
2434 to deport 400,000 a year, then that would free up some  
2435 resources to maybe do a little better.

2436         But the truth is, the other side is not serious about  
2437 any of this. There is not a component of this bill that  
2438 they would preserve, and I think on basis this is a very  
2439 good bill that has been thought through. It has been  
2440 carefully written. It has been examined by this committee  
2441 in the past, and we need to get down to the basis, which is  
2442 preserve, protect, and enforce the rule of law so that it is

2443 restored, at least with regard to immigration in this  
2444 country.

2445 That is the mandate from the presidential election.  
2446 And if we are going to do anything with private prisons,  
2447 let's outsource them to our neighboring countries. With  
2448 that, Mr. Chairman, I would yield back.

2449 Chairman Goodlatte. For what purpose does the  
2450 gentleman from Georgia seek recognition?

2451 Mr. Johnson from Georgia. I move to strike the last  
2452 word.

2453 Chairman Goodlatte. The gentleman is recognized for 5  
2454 minutes.

2455 Mr. Johnson of Georgia. Thank you, Mr. Chairman. The  
2456 for-profit private prison industrial complex has always  
2457 reminded me of a racket between government and business.  
2458 There has been, over the years, a push to privatize  
2459 governmental functions. Turn them over to the private  
2460 sector and let the private sector run them because it is  
2461 thought that they can do a better job.

2462 It is thought that you get the government out of the  
2463 way and let the private sector run it, it will be run right,  
2464 run more efficiently. And also, on the back end somebody is  
2465 going to make profits out of it. That is really the bottom  
2466 line of the private for-profit prison industrial complex.

2467 When we see individuals leaving government going to work for  
2468 the private prison industrial complex, it lends credence to  
2469 what we just said.

2470 And so what we have in this country, with a crackdown  
2471 on immigration, is a feeding of that private for prison  
2472 industrial complex monster. We are feeding into it live  
2473 human beings. We are putting detainees into these private  
2474 for-profit prisons where the motive is to profit. And  
2475 profit they do.

2476 The stock of the private prison industrial complex  
2477 companies have gone through the roof since the Trump  
2478 administration came into office. They are feasting on these  
2479 detainees. And the way that they feast on them is you widen  
2480 the funnel up at the top so that you take in more  
2481 individuals. But then, you leave the bottom end of the  
2482 funnel, which is very narrow, you leave that narrow. You do  
2483 not put into place the number of administrative law judges  
2484 to process these detainees through the system.

2485 And so, that you end up holding them for month after  
2486 month after month after month. You are holding them, you  
2487 are capturing them, putting them inside that funnel from  
2488 which they are trickling out.

2489 And the bottom line is there is profits going to the  
2490 private for-profit prison companies that then contribute

2491 campaign contributions to the policymakers here in Congress.  
2492 It is really an obscene scandal that has been going on for a  
2493 long time. And then, what we have done in our Federal  
2494 budget is to guarantee 39,000 bids paid for by the U.S.  
2495 government, by the taxpayers. 39,000 bids in these private  
2496 for-profit detention facilities paid for regardless of  
2497 whether or not there is anyone in the bed or not.

2498         It is a guaranteed rate that we give the private sector  
2499 to build these prisons, and then await for us to put  
2500 somebody in there. And we have been putting them in there  
2501 since Trump came into office at much higher numbers; 38  
2502 percent higher arrests than over the same period last year.  
2503 So this system is working.

2504         The profits are being generated and the campaign  
2505 contributions continue to flow. This is a scandal that is  
2506 feasting on detainees who are being held in conditions where  
2507 their food, their medicine, their health, their mental  
2508 health, their reliance on solitary confinement. We have had  
2509 two ICE detainees die in the last week in the State of  
2510 Georgia. Two in the State of Georgia. I do not know how  
2511 many around the country. What is the average weekly death  
2512 rate? I do not know that.

2513         But we had two that died last week. We have got  
2514 another one that is on a hunger strike. A Federal judge has

2515 | given permission to the private prison to force feed this  
2516 | conscientious objector, if you will, to his department. He  
2517 | is going to be strapped down and force-fed intravenously  
2518 | according to court order.

2519 |         These are the horrendous things that are going on  
2520 | within the private prison industrial complex, which is all  
2521 | for the profits of the private sector. And so, for that  
2522 | reason, I rise in support of the Jayapal amendment. And  
2523 | with that, I yield back.

2524 |         Chairman Goodlatte. The time of the gentleman has  
2525 | expired. For what purpose does the gentleman from Florida  
2526 | seek recognition?

2527 |         Mr. Gaetz. I move to strike the last word.

2528 |         Chairman Goodlatte. The gentleman is recognized for 5  
2529 | minutes.

2530 |         Mr. Gaetz. Thank you, Mr. Chairman. And I am so proud  
2531 | that Florida's 1st Congressional District is home not only  
2532 | to public prisons, but private prisons as well. And I want  
2533 | to thank the public servants who serve in each of those  
2534 | types of facilities.

2535 |         You know, if someone were watching this committee  
2536 | hearing they might think that those who work at private  
2537 | prisons who provide security, who provide healthcare, who  
2538 | provide skills training, and job training, and mental health

2539 counseling are somehow inferior. And that is simply not the  
2540 case.

2541 Here is what I have noticed at the private prisons in  
2542 my district. They are newer facilities. They are  
2543 frequently safer. They are able to utilize technology  
2544 better, not only for the benefit of inmates, but also for  
2545 the benefit of the security of guards and visitors and those  
2546 providing service. The layout has changed in a lot of the  
2547 private prisons in my district because we learn more about  
2548 the movements of humans and how to ensure that is done in  
2549 the most efficient and effective way possible.

2550 In Florida, we did do studies on the distinction  
2551 between cost in private prisons and public sector prisons.  
2552 And I speak only for my state, but we found that private  
2553 prisons frequently cost less and could provide a higher  
2554 quality for those who work in the prisons and those who are  
2555 incarcerated in those prisons.

2556 Now, there has been quite a bit of discussion in this  
2557 amendment for a profit motive in companies that engage in  
2558 correctional work on the private sector. Here is what a  
2559 profit motive provides. It provides the ability to accrue  
2560 long-term debt to make a faster investment in the physical  
2561 plant.

2562 Profit motive also allows private prison companies to

2563 | be able to raise capital faster in private markets so that  
2564 | we can have better facilities, better food, better job-  
2565 | training, better healthcare, and mental health counseling.  
2566 | And so, not everything about simply having a profit is  
2567 | detrimental. In many cases, it gives us the flexibility to  
2568 | be able to meet the needs of a community and also ensure  
2569 | that we are safe.

2570 |         So, Mr. Chairman, I just wanted to make those comments  
2571 | because in my assessment it is entirely inappropriate to  
2572 | suggest that at private prisons we are not providing the  
2573 | type of correctional service that is virtuous and that our  
2574 | communities should be proud of. I yield back.

2575 |         Mr. Cohen. Mr. Chairman?

2576 |         Chairman Goodlatte. I thank the gentleman. For what  
2577 | purpose does the gentleman from Tennessee seek recognition?

2578 |         Mr. Cohen. Strike the last word.

2579 |         Chairman Goodlatte. The gentleman is recognized for 5  
2580 | minutes.

2581 |         Mr. Cohen. Thank you, Mr. Chair. What we lost in that  
2582 | last address and what we lose with private prisons is human  
2583 | beings and humanity and what we are about as a people. And  
2584 | when we imprison people, and when we imprison them in  
2585 | private prisons that give businesses, corporations,  
2586 | individuals a chance to make money at somebody else's loss

2587 | of freedom we are forgetting what makes this country great.

2588 | This country is about due process.

2589 |         It is about equal protection for all. It is about fair  
2590 | administration of justice and not putting a profit-making  
2591 | stream into the idea of lawmaking. Our country is founded  
2592 | under the rule of law. And when you have a private company  
2593 | that wants to have more people incarcerated because that  
2594 | gives them more occupancy, then you have got an influence in  
2595 | government that skews us in the wrong direction.

2596 |         There is a reason why the private prison people gave a  
2597 | ton of money to Donald Trump. Because they wanted more  
2598 | private prisons and Barack Obama was stopping them.  
2599 | Stopping them because it was an alien influence on the rule  
2600 | of law and the production of criminal violations and codes  
2601 | and sentencing that made sense and, instead, allowed this  
2602 | force to come into play that wanted to get there for greed.

2603 |         For money, to make money out of the incarceration of  
2604 | other people regardless of whether it was doing any good.  
2605 | The mass incarcerations we have had in this country have  
2606 | cost taxpayers \$30,000 a person. It has taken human beings  
2607 | away from their families, away from their children for  
2608 | extended periods of time that did no good. It did not deter  
2609 | crime. It did not stop crime.

2610 |         And tomorrow in my city of Memphis, Attorney General

2611 Sessions is going to be there. He thinks we should have  
2612 longer sentences and thinks that works. That is the kind of  
2613 anachronistic thinking that takes us back to the 1950s, the  
2614 1960s, even to the Civil War where we thought that putting  
2615 away people in Gulags, putting people in prisons, even  
2616 enslaving people, and after the war we could not enslave  
2617 people they put them into debtors' prisons.

2618         It was a way to keep people enslaved when the  
2619 amendments stopped slavery. Mostly in the south, and they  
2620 put debtors prisons and put people away and the state made  
2621 money out of it. And people made money out of it. The old  
2622 landowners by taking people and putting them to work in work  
2623 farms. This whole idea of private prisons is wrong. It  
2624 distorts what we should be doing with the rule of law.

2625         It brings to mind what President Trump recently did  
2626 in writing to the president of the Philippines in saying,  
2627 "You are doing a great job in working against the scourge of  
2628 drugs." And praising him for what he did. This country has  
2629 had many great moments, but we have had awful moments. And  
2630 some of the most awful moments were lynchings when the rule  
2631 of law was thrown out, when due process was thrown out, and  
2632 people took people without a trial and lynched them.

2633         I went to a program in Memphis on Sunday where  
2634 commemorated the 100th anniversary of the lynching of a man

2635 | named. L. Persons. He was taken out of the jail in Memphis  
2636 | and lynched. Lynched for a crime that he probably did not  
2637 | commit. There certainly was no finding that he did.  
2638 | Lynchings do not have to be by ropes. They can be by  
2639 | burning.

2640 |         And they, did this by dousing the man with oil and  
2641 | lighting him afire. And they invited people to come. And  
2642 | there were 5,000 people there in 1917, May 22nd, to watch  
2643 | that lynching and said that they used too much gas because  
2644 | he burned too quickly. And those people came and they  
2645 | bought sandwiches and drinks and they celebrated like it was  
2646 | a wonderful thing.

2647 |         And when President Trump praises the Filipino president  
2648 | for what he is doing on the drug war, which is having his  
2649 | police go out there and execute people without trials, he is  
2650 | praising lynching even if it is in the Philippines. It is  
2651 | lynching, because when you do not have due process, and you  
2652 | take the law into your own hands, and you are judge and jury  
2653 | and executioner, you are not doing what made America great.  
2654 | You are not doing what this country stands for, but you are  
2655 | encouraging something that is the scourge of humanity.  
2656 | Lynchings. Doing to people what we would not want done unto  
2657 | us. And taking us away from the rule of law.

2658 |         Private prisons are wrong Lynchings are wrong. And

2659 | what Moon Landrieu did in New Orleans, and I just watched  
2660 | his speech, was beautiful. We need not to reflect upon a  
2661 | war where treasonous individuals fought our country and  
2662 | resulted in over 600,000 people dying to protect this  
2663 | Nation, the United States of America, from a group that did  
2664 | not want to be a part of this country because they wanted  
2665 | slavery to exist. And that was the basis upon which their  
2666 | economy thrived.

2667 | Economics, like in private prisons, should not be how  
2668 | we judge our values and our institutions. It should be  
2669 | judged on how we treat our people. We are better than  
2670 | private prisons. We are better than lynchings. And we are  
2671 | better than memorializing people who were treasonous  
2672 | animals. I yield back the balance of my time.

2673 | Chairman Goodlatte. The question occurs on the  
2674 | amendment offered by the gentlewoman --

2675 | Mr. Raskin. Mr. Chairman?

2676 | Chairman Goodlatte. For what purpose does the  
2677 | gentleman from Maryland seek recognition?

2678 | Mr. Raskin. I move to strike the last word.

2679 | Chairman Goodlatte. The gentleman is recognized for 5  
2680 | minutes.

2681 | Mr. Raskin. Thank you very much, Mr. Chairman. I also  
2682 | want to state my strong support for the Jayapal amendment.

2683 We should not be creating economic incentives, financial  
2684 incentives, for failure in the immigration system. And that  
2685 is exactly what we are doing. Rather than undertake a  
2686 serious comprehensive overhaul of our immigration laws, we  
2687 are criminalizing millions of more people and then funneling  
2688 them into prisons, including private prisons, where whatever  
2689 Federal regulatory standards we have are completely dilute  
2690 and relaxed. I would like to turn over the remainder of my  
2691 time to the author of the amendment, Ms. Jayapal.

2692 Ms. Jayapal. I thank the gentleman from Maryland for  
2693 yielding, and I associate myself with your comments and the  
2694 comments of many of my colleagues on this side of the aisle  
2695 who have spoken before me.

2696 Mr. Chairman, I could not agree with you more when you  
2697 say that this is a complex issue. It is a very complex  
2698 issue. And I do not think that we can say that this  
2699 amendment is somehow beyond the scope, because it is complex  
2700 when the very bill that we are debating, the underlying  
2701 bill, actually increases dramatically the number of people  
2702 that will be put into private prisons and private detention  
2703 centers.

2704 So, this is the fundamental point. We should not be  
2705 debating this bill in the first place. I think Mr. King is  
2706 right. I agree with him, for a change, that we probably

2707 would get rid of most of this bill. Because none of this  
2708 bill has actually been constructed based on the real  
2709 situation that we have in this country of actually  
2710 addressing our broken immigration system. So, that is why I  
2711 am proposing this amendment.

2712 And I agree with Ms. Lofgren, that we have not had any  
2713 hearings on not just this piece of the bill, but any of the  
2714 items in this bill. We should be using the immigration  
2715 subcommittee, which I was very excited to join.

2716 I respect the leadership tremendously of Mr.  
2717 Sensenbrenner, was looking forward to working on a number of  
2718 issues around immigration. We have had one hearing, and it  
2719 was not related to any of these issues in that subcommittee.

2720 Now, third I want to talk about the specifics of the  
2721 homeland security advisory council. You do not have to  
2722 trust me that private prisons are not actually better or  
2723 more effective at holding people and detaining people.

2724 My friend from Florida tried to make the point that  
2725 somehow they are better. Well, do not trust me. Trust 17  
2726 members of the Homeland Security Advisory Council who  
2727 included military counterterrorism, law enforcement leaders  
2728 who said as part of the members of that advisory council  
2729 that, in fact, rule out the reliance on private prisons.  
2730 And so, that is, I think, a remarkable recommendation. A

2731 bipartisan recommendation that we actually need to stop our  
2732 reliance on private prisons.

2733         Again, do not rely on them. Let's look at the  
2734 Department of Justice's OIG, the Inspector General, who said  
2735 in his report in 2016 -- and this is a quote -- "We found  
2736 that in most key means, contract prisons incurred more  
2737 safety and security incidents per capita than comparable  
2738 Bureau of Prisons institutions."

2739         Mr. Chairman, if we are going to debate a bill that is  
2740 going to dramatically increase the number of people that are  
2741 held in detention centers, I think it is incumbent on this  
2742 committee to actually debate how they are going to be held,  
2743 and under what circumstances we would do that.

2744         It seems to me that it is absolutely inhumane to say,  
2745 "Well, we know that there is all these problems with private  
2746 prisons and detention facilities," which has been confirmed  
2747 not by this side, but by people on both sides of the aisle,  
2748 by people in law enforcement, people in the military, people  
2749 in counterterrorism who have said consistently that we  
2750 cannot continue to rely on private prisons to detain  
2751 immigrants.

2752         Right now, three-quarters of our country's immigrants  
2753 are detained in private facilities. That is just wrong.  
2754 And we are debating a bill -- and I assume that this

2755 | committee is going to pass on a party-line vote this bill --  
2756 | that will dramatically increase the number of immigrants who  
2757 | are detained in private prisons.

2758 |         The only people that benefit from that are those  
2759 | private prisons. That is why the stocks are going up. That  
2760 | is why campaign contributions have gone up to Republican  
2761 | members and to the Trump administration. But that is not  
2762 | the purview of the Judiciary Committee. The purview of the  
2763 | Judiciary Committee should be for justice. It should be for  
2764 | the upholding of our Constitution. It should be to debate  
2765 | the real questions that are before us.

2766 |         And Mr. Chairman, this amendment tries to get at that.  
2767 | And I really hope that all my colleagues on both sides of  
2768 | the aisle might consider voting for this amendment. Thanks  
2769 | --

2770 |         Mr. Conyers. Will the gentlelady yield?

2771 |         Chairman Goodlatte. The time of the gentleman has  
2772 | expired.

2773 |         Chairman Goodlatte. For what purpose does the  
2774 | gentleman from Michigan seek recognition?

2775 |         Mr. Conyers. In support of the Jayapal amendment.

2776 |         Chairman Goodlatte. The gentleman is recognized for 5  
2777 | minutes.

2778 |         Mr. Conyers. I merely wanted to commend the gentleman

2779 | from Tennessee, Mr. Cohen, the gentleman from Maryland, Mr.  
2780 | Raskin, and the gentelady from Washington for her amendment  
2781 | and ask that the distinguished chairman of this committee  
2782 | think of us holding hearings on the private prison versus  
2783 | the Federal prisons in this area. I think it would be very  
2784 | important and a significant hearing.

2785 |         And I commend all of my colleagues that have been  
2786 | mentioned here for the very excellent comments that have  
2787 | arisen around the discussion of the Jayapal amendment. And  
2788 | I yield back the balance of my time.

2789 |         Mr. Gutierrez. Mr. Chairman?

2790 |         Chairman Goodlatte. For what purpose does the  
2791 | gentleman from Illinois seek recognition?

2792 |         Mr. Gutierrez. I move to strike the last word.

2793 |         Chairman Goodlatte. The gentleman is recognized for 5  
2794 | minutes.

2795 |         Mr. Gutierrez. Thank you, Mr. Chairman. Mr. Chairman,  
2796 | in October of 2013, the incarceration rate in the United  
2797 | States of America was the highest in the world: 716 people  
2798 | per 100,000 of our national population.

2799 |         While the United States represents 4.4 percent -- 4-  
2800 | and-a-half percent -- of the total world's population, it  
2801 | houses 22 percent of all of those people in jail: 4-and-a-  
2802 | half percent of the population, nearly a quarter -- 1 out of

2803 4 four people in jail is in the United States of America.

2804 And you know, this includes, like, jails -- \$74 billion  
2805 was in 2007. It is probably quite a leap more. In 2016,  
2806 the Prison Policy Initiative estimated the United States has  
2807 about 2,298,300 people incarcerated in the United States,  
2808 incarcerated.

2809 So, I would like to join with ranking member, Mr.  
2810 Conyers, in suggesting that we have a hearing on private  
2811 prisons. You know, we spend a lot of time talking about  
2812 needing more jails, instead of seeing what causes crime and  
2813 how we reduce crime in the United States so we do not need  
2814 jails. It would make us a safer country if we reduced crime  
2815 and looked at crime instead of simply building more jails.

2816 And let me just say this in ending. I have visited  
2817 private jails. And when profit is your motive, then health  
2818 care is diminished. Then the quality of food is diminished.  
2819 Then the housing is diminished. And all of those things  
2820 lead to dehumanization of people and hurting people.

2821 And let's remember -- I hope everybody remembers  
2822 thousands of the people that will be held in these private  
2823 prisons will be children -- will be children. Not in a  
2824 juvenile center, in a jail center -- with their parents, in  
2825 most situations -- in some of the most deplorable,  
2826 disgusting situations.

2827           So, while some people might say, "Oh, it is going to  
2828 give them more money to invest, and it is going to give them  
2829 more incentive" -- the incentive that they have -- the  
2830 greatest incentive to private prisons is to give as little  
2831 as possible, to jail as long as possible, and to give the  
2832 poorest quality possible in order to maximize their profits.

2833           That is why they are growing, in terms of their  
2834 political actions committee and the money that they are  
2835 giving -- unfortunately, at the State, local, county, and  
2836 Federal level to candidates for public office. It is pretty  
2837 shameful. We should stop this. And I thank the lady from  
2838 Washington for bringing this amendment to us.

2839           Highest, 4.5 percent of the population, 22 percent of  
2840 people in jail, United States of America. It is not a proud  
2841 moment. This brings us to really -- begs us, encourages us  
2842 to rethink what we are doing about crime in America. And I  
2843 thank the gentlelady, and I return the balance of my time.

2844           Chairman Goodlatte. The question occurs on the  
2845 amendment offered by the gentlewoman from Washington.

2846           All those in favor, respond by saying aye.

2847           Those opposed, no.

2848           In the opinion of the chair, the noes have it.

2849           Mr. Conyers. A recorded vote, please.

2850           Chairman Goodlatte. A recorded vote is requested and

2851 the clerk will call the roll.

2852 Ms. Adcock. Mr. Goodlatte?

2853 Chairman Goodlatte. No.

2854 Ms. Adcock. Mr. Goodlatte votes no.

2855 Mr. Sensenbrenner?

2856 [No response.]

2857 Mr. Smith?

2858 [No response.]

2859 Mr. Chabot?

2860 [No response.]

2861 Mr. Issa?

2862 Mr. Issa. No.

2863 Ms. Adcock. Mr. Issa votes no.

2864 Mr. King?

2865 Mr. King. No.

2866 Ms. Adcock. Mr. King votes no.

2867 Mr. Franks?

2868 Mr. Franks. No.

2869 Ms. Adcock. Mr. Franks votes no.

2870 Mr. Gohmert?

2871 [No response.]

2872 Mr. Jordan?

2873 [No response.]

2874 Mr. Poe?

2875 [No response.]

2876 Mr. Chaffetz?

2877 Mr. Chaffetz. No.

2878 Ms. Adcock. Mr. Chaffetz votes no.

2879 Mr. Marino?

2880 Mr. Marino. No.

2881 Ms. Adcock. Mr. Marino votes no.

2882 Mr. Gowdy?

2883 [No response.]

2884 Mr. Labrador?

2885 Mr. Labrador. No.

2886 Ms. Adcock. Mr. Labrador votes no.

2887 Mr. Farenthold?

2888 Mr. Farenthold. No.

2889 Ms. Adcock. Mr. Farenthold votes no.

2890 Mr. Collins?

2891 [No response.]

2892 Mr. DeSantis?

2893 [No response.]

2894 Mr. Buck?

2895 [No response.]

2896 Mr. Ratcliffe?

2897 Mr. Ratcliffe. No.

2898 Ms. Adcock. Mr. Ratcliffe votes no.

2899 Mrs. Roby?  
2900 [No response.]  
2901 Mr. Gaetz?  
2902 Mr. Gaetz. No.  
2903 Ms. Adcock. Mr. Gaetz votes no.  
2904 Mr. Johnson of Louisiana?  
2905 Mr. Johnson of Louisiana. No.  
2906 Ms. Adcock. Mr. Johnson votes no.  
2907 Mr. Biggs?  
2908 [No response.]  
2909 Mr. Conyers?  
2910 Mr. Conyers. Aye.  
2911 Ms. Adcock. Mr. Conyers votes aye.  
2912 Mr. Nadler?  
2913 Mr. Nadler. Aye.  
2914 Ms. Adcock. Mr. Nadler votes aye.  
2915 Ms. Lofgren?  
2916 Ms. Lofgren. Aye.  
2917 Ms. Adcock. Ms. Lofgren votes aye.  
2918 Ms. Jackson Lee?  
2919 [No response.]  
2920 Mr. Cohen?  
2921 Mr. Cohen. Aye.  
2922 Ms. Adcock. Mr. Cohen votes aye.

2923 Mr. Johnson of Georgia?

2924 Mr. Johnson of Georgia. Aye.

2925 Ms. Adcock. Mr. Johnson votes aye.

2926 Mr. Deutch?

2927 Mr. Deutch. Aye.

2928 Ms. Adcock. Mr. Deutch votes aye.

2929 Mr. Gutierrez?

2930 Mr. Gutierrez. Aye.

2931 Ms. Adcock. Mr. Gutierrez votes aye.

2932 Ms. Bass?

2933 [No response.]

2934 Mr. Richmond?

2935 [No response.]

2936 Mr. Jeffries?

2937 [No response.]

2938 Mr. Cicilline?

2939 [No response.]

2940 Mr. Swalwell?

2941 [No response.]

2942 Mr. Lieu?

2943 [No response.]

2944 Mr. Raskin?

2945 Mr. Raskin. Aye.

2946 Ms. Adcock. Mr. Raskin votes aye.

2947 Ms. Jayapal?

2948 Ms. Jayapal. Aye.

2949 Ms. Adcock. Ms. Jayapal votes aye.

2950 Mr. Schneider?

2951 Mr. Schneider. Aye.

2952 Ms. Adcock. Mr. Schneider votes aye.

2953 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

2954 Mr. Poe. No.

2955 Ms. Adcock. Mr. Poe votes no.

2956 Chairman Goodlatte. The gentlewoman from Alabama.

2957 Mrs. Roby. No.

2958 Ms. Adcock. Mrs. Roby votes no.

2959 Chairman Goodlatte. The gentleman from Texas, Mr.

2960 Gohmert.

2961 Mr. Gohmert. No.

2962 Ms. Adcock. Mr. Gohmert votes no.

2963 Chairman Goodlatte. Has every member voted who wishes

2964 to vote?

2965 Chairman Goodlatte. The clerk will report.

2966 Ms. Adcock. Mr. Chairman, 10 members voted aye; 14

2967 members voted no.

2968 Chairman Goodlatte. And the amendment is not agreed

2969 to. Are there further amendments to H.R. 2431?

2970 Mr. Deutch. Mr. Chairman?

2971 Chairman Goodlatte. For what purpose does the  
2972 gentleman from Florida seek recognition?

2973 Mr. Deutch. I have an amendment at the desk.

2974 Chairman Goodlatte. The clerk will report the  
2975 amendment.

2976 Ms. Adcock. Amendment to H.R. 2431, offered by Mr.  
2977 Deutch. Strike Section 107 --

2978 [The amendment of Mr. Deutch follows:]

2979 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

2980 Chairman Goodlatte. Without objection, the amendment  
2981 is considered as read and the gentleman is recognized for 5  
2982 minutes on his amendment.

2983 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I  
2984 have an amendment that I think will have some bipartisan  
2985 support, given that it is in the nature of fiscal  
2986 responsibility. Section 107 of this act says that the  
2987 Secretary shall construct or require detention facilities in  
2988 the U.S. for aliens detained pending removal. There are no  
2989 limitations. And what my amendment would do is strike that  
2990 provision because the construction requirement for  
2991 facilities is in addition to the existing facilities that  
2992 are now used to detain people.

2993 As a component of the bill, the section would  
2994 dramatically increase Federal detention space and it would  
2995 dramatically increase costs. Our Nation's immigration  
2996 detention space is already required to hold a minimum of  
2997 34,000 people per day, and this bill would require a rapid  
2998 increase in the number of detention beds. Such an increase  
2999 in detention bed space is incredibly costly and it continues  
3000 to tie the hands of Homeland Security in determining who  
3001 should or should not be detained.

3002 Under current appropriations language, Congress  
3003 mandates that the Department of Homeland Security fill

3004 34,000 detention beds on a daily basis. However, ICE has  
3005 been detaining about 41,000 people per day, about 7,000 over  
3006 that minimum. The mandate costs \$2.2 billion per year, or  
3007 about \$5 million per day. A single detention bed costs  
3008 about \$193 per day.

3009 Alternatives to detention, such as ankle bracelets,  
3010 parole, reporting requirements, curfews, or home visits cost  
3011 between 0.70 and \$17 per day. Expanding our Nation's  
3012 detention capacity will put a strain on Homeland Security's  
3013 limited resources.

3014 There have also been reports that the administration  
3015 would like to increase the detention bed space to 45,700 --  
3016 that requirement -- in the near future, and eventually up to  
3017 80,000 beds. The cost of such a bed increase would be a  
3018 staggering \$4.5 billion.

3019 And with this bill that provides no top number for the  
3020 increase in detention space and the administration's desire  
3021 to have 80,000 detention beds -- there is no end in sight to  
3022 the very costly system that this section 107 of the bill  
3023 creates. Instead of dramatically increasing our Nation's  
3024 immigration detention system, we should be exploring and  
3025 pursuing policies that support less costly alternatives to  
3026 detention. And indeed, if we strike this section from the  
3027 bill, less costly alternatives could be used by Homeland

3028 Security.

3029 Mr. Chairman, I will be candid. Everyone on the  
3030 committee knows of my opposition to the detention bed  
3031 mandate. A number of my colleagues have already talked  
3032 about it. But my amendment today merely seeks to strip some  
3033 language that will ensure a multibillion dollar price tag,  
3034 while taking away the ability for Homeland Security to make  
3035 its own decisions.

3036 And it is for that reason -- and the desire I think all  
3037 of us have in a week when the President's budget is now  
3038 making the rounds, and we are focused on the impact that  
3039 that would have; in particular on the deficit -- I would  
3040 urge my colleagues on this side of the aisle, and especially  
3041 my colleagues on the other side of the aisle, to pass this  
3042 reasonable amendment to prevent this massive increase in  
3043 cost that is unnecessary, unwarranted, and does not advance  
3044 our interests. And I yield back.

3045 Chairman Goodlatte. For what purpose does the  
3046 gentleman from Idaho seek recognition?

3047 Mr. Labrador. Mr. Chairman, to oppose this amendment.

3048 Chairman Goodlatte. The gentleman is recognized for 5  
3049 minutes.

3050 Mr. Labrador. Mr. Chairman, I am frankly confused. We  
3051 just heard 30 minutes of debate about how we should not have

3052 private prisons to house these aliens that are going to be  
3053 detained. And now, the other side is making an argument  
3054 that we should not even have additional Federal facilities.  
3055 I do not understand the argument. You cannot have it both  
3056 ways.

3057 And the bottom line is that the bill is authorizing  
3058 certain actions, but it is up to the Appropriations  
3059 Committee to appropriate the funds that are necessary.  
3060 Nothing in this bill appropriates more beds -- bed spaces.  
3061 We are just saying that we have a need for them. And I  
3062 actually think, if we want to avoid the argument that we  
3063 just heard for 30 minutes about Federal -- about private  
3064 prisons, I think one of the ways to avoid that is by having  
3065 more Federal facilities. And with that, I yield back.

3066 Chairman Goodlatte. Will the gentleman yield?

3067 Mr. Labrador. Yes.

3068 Chairman Goodlatte. I thank the gentleman for  
3069 yielding. He makes a very good point. I want to make the  
3070 added point that about 40 percent of the aliens who are not  
3071 detained and who are ordered removed simply abscond, simply  
3072 become fugitives. So, if we do not have this bed space,  
3073 what are going to do? I have to join my colleague in  
3074 opposing this amendment.

3075 Mr. Cicilline. Mr. Chairman?

3076 Chairman Goodlatte. For what purpose of the gentleman  
3077 from Rhode Island seek recognition?

3078 Mr. Cicilline. I move to strike the last word.

3079 Chairman Goodlatte. The gentleman is recognized for 5  
3080 minutes.

3081 Mr. Cicilline. I now yield to the sponsor of the  
3082 amendment, Mr. Deutch.

3083 Mr. Deutch. I thank my friend from Rhode Island. As  
3084 long as we are talking about confusion, it is a good  
3085 opportunity, I think, to express the confusion that so many  
3086 of us have, at a time when there is constant discussion  
3087 about the costs of government, when there is this regular  
3088 discussion about how to reduce the deficit.

3089 When we talk in this committee, in particular, about  
3090 the importance of ensuring that law enforcement can do the  
3091 job that we need them to do and that we are so grateful that  
3092 they do every day, it is thoroughly confusing to have in  
3093 statute a requirement that 34,000 beds are filled on a daily  
3094 basis.

3095 This is a requirement that is imposed on no other -- no  
3096 other part of law enforcement. It is the only area where  
3097 statute strips away the discretion of law enforcement to do  
3098 the job in the way that it deems most appropriate. And  
3099 while I would question the chairman's 40 percent statistic -

3100 | - but we will accept it just in the argument that he makes -  
3101 | - even it is true, 60 percent, then -- 60 percent of the  
3102 | people, if I understood this correctly, Mr. Chairman, of the  
3103 | people who are currently in detention facilities at a cost  
3104 | of over \$2 billion a year -- we should be having the  
3105 | conversation about how we can, in a more cost-effective way,  
3106 | provide -- they are going to do what detention facilities we  
3107 | are told requires, which is to ensure that they show up for  
3108 | their hearings.

3109 |       We know -- the evidence is clear that there are  
3110 | multiple things that we can do, multiple ways that we can  
3111 | ensure that people show up when they are required without  
3112 | having to put them into a detention facility. And so, when  
3113 | it comes to confusion, this issue -- stripping away the  
3114 | detention bed mandate, that -- which is a \$2.2 billion  
3115 | giveaway to industry, while at the same time stripping away  
3116 | the ability for law enforcement to exercise the decision-  
3117 | making process and ability that they are uniquely situated  
3118 | in exercising -- it makes no sense.

3119 |       There is a reason that my efforts to get rid of the  
3120 | detention bed mandate have bipartisan support. And to not  
3121 | only -- and I know we will have an opportunity to debate  
3122 | that further. But to simply include language that says we  
3123 | are now going to take a \$2.2 billion giveaway and increase

3124 | it in an unspecified way, up to apparently whatever  
3125 | additional amount the special interests are able to insert  
3126 | into statute -- as was the case here -- it is just -- it is  
3127 | mind-boggling. And I would urge my colleagues to reconsider  
3128 | their opposition to this amendment, because we ought to have  
3129 | a policy that is humane, that is one that permits law  
3130 | enforcement to do its job, and that is fiscally responsible.  
3131 | The current policy we have and the detention bed mandate  
3132 | meets none of those requirements.

3133 | Chairman Goodlatte. Who seeks recognition?

3134 | Mr. Gutierrez. I -- strike the last word.

3135 | Chairman Goodlatte. The gentleman from Illinois is  
3136 | recognized for 5 minutes.

3137 | Mr. Gutierrez. Thank you, Mr. Chairman. Well, first  
3138 | of all, we know that there were 34,000 beds under Obama and  
3139 | 400,000 deportations. In other words, working as well as  
3140 | they could, that is the cap: 400,000; 34,000 beds. The fact  
3141 | is that under Donald Trump's budget, they are asking for  
3142 | 53,000 beds.

3143 | Now, it seems to me to be a little -- how would I say  
3144 | it -- contradictory to ask for more beds when the President  
3145 | of the United States is going around everywhere saying that  
3146 | it is down 65 percent in the first 4 months.

3147 | He says people coming across the border are down 65

3148 percent -- coming across the border. So, why would you want  
3149 to increase the number of beds when you are bragging about a  
3150 two-thirds reduction in the number of people? He said he is  
3151 scaring them away. Between the -- he is taking all kinds of  
3152 credit.

3153 Well, good. Okay. Let's say he is right. So, why  
3154 would the same President that says, on the one hand, two-  
3155 thirds have stopped, and we happen to know, Mr. Chairman,  
3156 during the last 16 years -- it has been decreasing for 16  
3157 years. It has been decreasing. And he now states two-  
3158 thirds reduction since he become President.

3159 Why do you need more beds? Maybe to finance the -- you  
3160 do not need them for the deportation, because the most he  
3161 can deport is 400,000. One thing Barack Obama and his  
3162 administration did at Homeland Security was show us what --  
3163 how you can max out. He is deporter-in-chief. He deported  
3164 more people than any president before him, so he kind of  
3165 maxed out on that. Why would you need more beds?

3166 I think that leaves the question open to what kinds of  
3167 special interests are coming and lobbying before the  
3168 Congress of the United States for more additional beds?

3169 So, I would like to say to Mr. Deutch, you are  
3170 absolutely correct, and I am happy you are bringing -- and  
3171 continue to bring this amendment. But look what they are

3172 doing. They are going to try to make it even worse. And I  
3173 would just like to state for the record that I know,  
3174 everybody knows, that 87.2 percent of all undocumented  
3175 workers that are detained by Immigration show up an hour  
3176 early for their deportation.

3177 That is, the day they are deported, if they are asked  
3178 to show up at 9:00 that day, 87.6 of them show up an hour  
3179 early for deportation. So, why do we need more beds? Thank  
3180 you.

3181 Chairman Goodlatte. The question occurs on the  
3182 amendment offered by the gentleman from Florida.

3183 All those in favor, respond by saying aye.

3184 The clerk -- the chair is in doubt.

3185 The clerk will call the roll.

3186 Ms. Adcock. Mr. Goodlatte?

3187 Chairman Goodlatte. No.

3188 Ms. Adcock. Mr. Goodlatte votes no.

3189 Mr. Sensenbrenner?

3190 [No response.]

3191 Mr. Smith?

3192 [No response.]

3193 Mr. Chabot?

3194 [No response.]

3195 Mr. Issa?

3196 [No response.]  
3197 Mr. King?  
3198 [No response.]  
3199 Mr. Franks?  
3200 Mr. Franks. No.  
3201 Ms. Adcock. Mr. Franks votes no.  
3202 Mr. Gohmert?  
3203 [No response.]  
3204 Mr. Jordan?  
3205 [No response.]  
3206 Mr. Poe?  
3207 Mr. Poe. No.  
3208 Ms. Adcock. Mr. Poe votes no.  
3209 Mr. Chaffetz?  
3210 [No response.]  
3211 Mr. Marino?  
3212 Mr. Marino. No.  
3213 Ms. Adcock. Mr. Marino votes no.  
3214 Mr. Gowdy?  
3215 [No response.]  
3216 Mr. Labrador?  
3217 Mr. Labrador. No.  
3218 Ms. Adcock. Mr. Labrador votes no.  
3219 Mr. Farenthold?

3220 Mr. Farenthold. No.

3221 Ms. Adcock. Mr. Farenthold votes no.

3222 Mr. Collins?

3223 [No response.]

3224 Mr. DeSantis?

3225 Mr. DeSantis. No.

3226 Ms. Adcock. Mr. DeSantis votes no.

3227 Mr. Buck?

3228 [No response.]

3229 Mr. Ratcliffe?

3230 Mr. Ratcliffe. No.

3231 Ms. Adcock. Mr. Ratcliffe votes no.

3232 Mrs. Roby?

3233 [No response.]

3234 Mr. Gaetz?

3235 [No response.]

3236 Mr. Johnson of Louisiana?

3237 Mr. Johnson of Louisiana. No.

3238 Ms. Adcock. Mr. Johnson votes no.

3239 Mr. Biggs?

3240 [No response.]

3241 Mr. Conyers?

3242 Mr. Conyers. Aye.

3243 Ms. Adcock. Mr. Conyers votes aye.

3244 Mr. Nadler?

3245 Mr. Nadler. Aye.

3246 Ms. Adcock. Mr. Nadler votes aye.

3247 Ms. Lofgren?

3248 Ms. Lofgren. Aye.

3249 Ms. Adcock. Ms. Lofgren votes aye.

3250 Ms. Jackson Lee?

3251 [No response.]

3252 Mr. Cohen?

3253 Mr. Cohen. Aye.

3254 Ms. Adcock. Mr. Cohen votes aye.

3255 Mr. Johnson of Georgia?

3256 [No response.]

3257 Mr. Deutch?

3258 Mr. Deutch. Aye.

3259 Ms. Adcock. Mr. Deutch votes aye.

3260 Mr. Gutierrez?

3261 Mr. Gutierrez. Aye.

3262 Ms. Adcock. Mr. Gutierrez votes aye.

3263 Ms. Bass?

3264 [No response.]

3265 Mr. Richmond?

3266 [No response.]

3267 Mr. Jeffries?

3268 [No response.]

3269 Mr. Cicilline?

3270 Mr. Cicilline. Aye.

3271 Ms. Adcock. Mr. Cicilline votes aye.

3272 Mr. Swalwell?

3273 [No response.]

3274 Mr. Lieu?

3275 [No response.]

3276 Mr. Raskin?

3277 Mr. Raskin. Aye.

3278 Ms. Adcock. Mr. Raskin votes aye.

3279 Ms. Jayapal?

3280 Ms. Jayapal. Aye.

3281 Ms. Adcock. Ms. Jayapal votes aye.

3282 Mr. Schneider?

3283 Mr. Schneider. Aye.

3284 Ms. Adcock. Mr. Schneider votes aye.

3285 Chairman Goodlatte. The gentleman from Texas, Mr.

3286 Smith.

3287 Mr. Smith. No.

3288 Ms. Adcock. Mr. Smith votes no.

3289 Chairman Goodlatte. The gentleman from Iowa, Mr. King.

3290 Mr. King. No.

3291 Ms. Adcock. Mr. King votes no.

3292 Chairman Goodlatte. The gentleman from Texas, Mr.  
3293 Gohmert.  
3294 Mr. Gohmert. No.  
3295 Ms. Adcock. Mr. Gohmert votes no.  
3296 Chairman Goodlatte. The gentleman from Utah, Mr.  
3297 Chaffetz.  
3298 Mr. Chaffetz. No.  
3299 Ms. Adcock. Mr. Chaffetz votes no.  
3300 Chairman Goodlatte. Has every member voted who wishes  
3301 to vote?  
3302 Chairman Goodlatte. The clerk will report.  
3303 Ms. Adcock. Mr. Chairman, 10 members voted aye; 13  
3304 members voted no.  
3305 Chairman Goodlatte. And the amendment is not agreed  
3306 to. Are there further amendments to H.R. 2431?  
3307 Chairman Goodlatte. For what purpose does the  
3308 gentleman from Maryland seek recognition?  
3309 Mr. Raskin. Thank you, Mr. Chairman. I have an  
3310 amendment at the desk.  
3311 Chairman Goodlatte. The clerk will report the  
3312 amendment.  
3313 Ms. Adcock. Amendment to H.R. 2431, offered by Mr.  
3314 Raskin. Strike section 102.  
3315 [The amendment of Mr. Raskin follows:]

3316

\*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3317 Chairman Goodlatte. The gentleman is recognized for 5  
3318 minutes on his amendment.

3319 Mr. Raskin. Thank you kindly, Mr. Chairman. Everybody  
3320 loves federalism in theory. Too often our fidelity to  
3321 federalism depends on a strategic or selective deployment of  
3322 the idea. But sometimes there is an assault on federalism  
3323 that is so sweeping and breathtaking that I think it should  
3324 be give everybody pause. And that is what is embodied in  
3325 section 102 of this legislation: a massive assault on the  
3326 whole structure of federalism under the constitution.

3327 For more than 2 centuries in the United States, we have  
3328 endured repeat and successive waves of immigration by people  
3329 from all over the world. And some people, of course,  
3330 celebrate that and think that is the very definition and  
3331 essence of the United States, and others have been fearful  
3332 and have opposed it and resisted it.

3333 But never before in the history of our Republic has  
3334 there been a proposal as sweeping at this one, to try to  
3335 overturn the basic fundamental principles of federalism.  
3336 Section 102 would empower and authorize every State law  
3337 enforcement official essentially to become a Federal law  
3338 enforcement official for the purposes of enforcing the  
3339 immigration laws of the country for everything except of the  
3340 purposes of removal from the country.

3341 Section 102 also would empower and authorize the States  
3342 to adopt criminal laws and civil laws that exactly mirror  
3343 the Federal law. So, in essence, the immigration laws of  
3344 the country would be reproduced at the State level, and the  
3345 State bureaucratic apparatuses would be unleashed to enforce  
3346 the immigration laws of the country.

3347 And again, this is a totally radical break from  
3348 everything we have ever seen before in U.S. history. It is  
3349 unprecedented, and we should ask whether there is even the  
3350 factual predicate to justify such an extreme departure from  
3351 everything that has ever gone before.

3352 Now, I want to pick on just one very problematic  
3353 dimension of this revolution in our constitutional system.  
3354 Yesterday, the majority rejected an amendment offered by Mr.  
3355 Gutierrez that would have said that all of the new law  
3356 enforcement powers created under this legislation could not  
3357 be deployed against U.S. citizens, and I believe that  
3358 everybody on this side of the aisle who voted, voted for  
3359 that amendment, and everybody who voted on that side of the  
3360 aisle who voted, voted against that amendment.

3361 And so, this massive new dragnet power that is invested  
3362 in the law enforcement community would be able to be applied  
3363 against citizens as well as noncitizens. And I just want to  
3364 tease out one implication of section 102 -- what this might

3365 mean. Because let's assume, as I think it is fair to  
3366 assume, that nobody up here cares much about the drug  
3367 dealers and the rapists of the President's imagination, nor  
3368 that much really for even the refugees of -- from El  
3369 Salvador, refugees from gang violence, or gang rape, or the  
3370 journalists fleeing political repression in Mexico -- let's  
3371 assume you do not care about any of that. At least you  
3372 should care about what this legislation means for the  
3373 citizens of the United States.

3374 Now, our current criminal law allows for people to be  
3375 prosecuted, and arrested, and sent to jail for harboring  
3376 undocumented people. And that harboring provision has been  
3377 litigated in at least five Federal circuits I am aware of,  
3378 and that includes people who are citizen landlords in the  
3379 country, citizen families of noncitizens who knowingly  
3380 harbor and let people stay in their home. It includes  
3381 churches that open their doors to Syrian refugee families  
3382 who currently have an undocumented status in the country,  
3383 and so on.

3384 So, we would be empowering at least 50 jurisdictions in  
3385 the country -- I am not quite sure how this applies to the  
3386 District of Columbia and the territories -- but at least 50  
3387 jurisdictions now would have the power to go out and  
3388 criminalize citizens who are alleged harborers of

3389 noncitizens and people who are undocumented in the country.

3390       The same effect would take place for small businesses,  
3391 or any businesses at all, for that matter, who engage in the  
3392 unlawful employment of undocumented people.

3393       So we are going to train the whole criminal apparatus  
3394 who exists at the Federal level for prosecuting businesses  
3395 that employ undocumented people at the State and local level  
3396 too. So, you could have the State of Mississippi, the State  
3397 of Rhode Island, the State of Alaska prosecuting employers  
3398 for alleged violations of Federal immigration law, and I  
3399 just think that is a step way too far. It is certainly not  
3400 justified by any hearings we have had in this committee on  
3401 the subject, and I really caution my colleagues that we  
3402 really do not want to go down this road at this point in our  
3403 history. I yield back.

3404       Mr. Smith. [Presiding] Thank you, Mr. Raskin.

3405       The gentleman from Idaho, Mr. Labrador, is recognized  
3406 in opposition to the amendment.

3407       Thank you, Mr. Chairman. I strongly oppose this  
3408 amendment. This amendment strikes the most crucial  
3409 provision of H.R. 2431, the provision ensuring that State  
3410 and local law enforcement can participate in the enforcement  
3411 of our immigration laws.

3412       The bill adheres to the Supreme Court's requirements in

3413 Arizona vs. U.S. and grants States and localities specific  
3414 congressional authorization to enact and enforce their own  
3415 immigration laws. They may enact criminal and civil  
3416 penalties that penalize conduct prohibited by criminal and  
3417 civil provisions of Federal immigration law, as long as the  
3418 penalties do not exceed the relevant Federal penalties.

3419 The bill also provides that law enforcement personnel  
3420 of States and localities may investigate, identify,  
3421 apprehend, detain, or transfer to Federal custody aliens in  
3422 the United States for the purposes of assisting in the  
3423 enforcement of the immigration laws of the United States.  
3424 Without the assistance of State and local law enforcement,  
3425 we have no mechanism to ensure that the immigration laws  
3426 will be enforced, despite another unwilling administration.  
3427 I urge my colleagues to oppose the amendment, and I yield  
3428 back.

3429 Mr. Smith. Thank you, Mr. Labrador.

3430 The gentleman from Rhode Island is recognized.

3431 Mr. Cicilline. I move to strike the last word, and  
3432 thank you, Mr. Chairman.

3433 Mr. Smith. The gentleman is recognized for 5 minutes.

3434 Mr. Cicilline. I strongly support the Raskin  
3435 amendment, and I think it is important to listen to what the  
3436 gentleman from Maryland explained. This legislation, and it

3437 is an important reminder, for which we have had no hearing  
3438 that sort of was sprung upon us in the dark of night, would  
3439 result in a major transformation of our constitutional  
3440 system. And so, it is not something that we should just  
3441 sort of look at lightly.

3442 This is a significant departure from the existing  
3443 immigration system and from our existing sort of balance  
3444 between Federal and State rights. I think two issues, which  
3445 are particularly troublesome, is that we have heard  
3446 overwhelmingly from those individuals that are charged with  
3447 the solemn responsibility of keeping our communities safe  
3448 that, in fact, they do not want to take on the  
3449 responsibility of the Federal Immigration and Enforcement,  
3450 that they do not have the staff, the resources, the  
3451 training, or the personnel to do it.

3452 And not only do they not have those resources or  
3453 personnel, but that it will actually undermine their most  
3454 important responsibility of keeping our communities safe.

3455 And for all the reasons I said yesterday that those men  
3456 and women who are leading our police departments and law  
3457 enforcement agencies at the local and State level, who do  
3458 incredibly difficult work and do it incredibly well, we  
3459 ought to honor that service by deferring to their judgement  
3460 about what is the best mechanism to keep our communities

3461 safe and whether or not taking on Federal immigration law  
3462 will make communities more safe or less safe.

3463         And every single person who has written to us, everyone  
3464 who has spoken out on this, every organization that has  
3465 spoken out on this that I have read has come out strongly in  
3466 opposition to this because of their certainty that it will  
3467 make their communities less safe, and it will make it more  
3468 difficult to fulfill their responsibilities to keep  
3469 residents of their communities protected.

3470         What I think is particularly alarming is that, in  
3471 addition to the potential, and almost the certainty, that if  
3472 we start allowing States and local governments to enact  
3473 their own immigration laws, that we are going to end up with  
3474 this terrible patchwork of immigration policy in America,  
3475 which is inconsistent with what it has always been.

3476         We always have had consistency and always wanted to  
3477 have an immigration policy that spoke for our entire Nation.  
3478 And the idea of allowing or inviting communities, and  
3479 cities, and towns, and States all to enact their own  
3480 immigration laws, seems to me, undermines the very purpose  
3481 of having national and Federal immigration law. And the  
3482 consequences of that are obvious.

3483         The other thing that I think is particularly alarming,  
3484 and I want to particularly pay attention to it, is that

3485 section 102 does not contain any provisions requiring State  
3486 and local police to receive specialized training by  
3487 Immigration and Enforcement, which means they will be asked,  
3488 or invited, or allowed to take on a whole new set of  
3489 responsibilities, enforcing Federal immigration law, but  
3490 there is no requirement that they actually be trained to do  
3491 it.

3492           Professor Jacqueline Stevens estimates that in the last  
3493 decade U.S. Immigration and Customs Enforcement may have  
3494 incarcerated over 20,000 U.S. citizens and deported  
3495 thousands of U.S. citizens. Let me say that again:  
3496 incarcerated over 20,000 U.S. citizens and deported  
3497 thousands of U.S. citizens. There is no doubt that section  
3498 102 will increase the frequency of these kinds of mistakes  
3499 by allowing untrained State and local law enforcement  
3500 officers to be on the front line for immigration status  
3501 inquiries and enforcement.

3502           This is a recipe for disaster. Allowing State and  
3503 local law enforcement, with no training, in an environment  
3504 which they are not interested in doing this because they  
3505 understand that it undermines their ability to keep  
3506 communities safe, this is a terrible idea.

3507           And I know, from lots of conversations with police  
3508 officers, and I will repeat what I said yesterday. When I

3509 | was mayor of a city, we had the lowest crime rate in 40  
3510 | years. And my police chief said, and the men and women of  
3511 | that department agreed, that the single most powerful tool  
3512 | that they had to keep the community safe was not a gun, was  
3513 | not a military-style tank, or any fancy equipment; it was  
3514 | the trust of the community they served.

3515 |         This directly undermines that, so I thank the gentleman  
3516 | from Maryland for his thoughtful and really important  
3517 | amendment and look forward to supporting it, and I urge my  
3518 | colleagues to do the same. And I yield back.

3519 |         Mr. Smith. Are there are other members who wish to be  
3520 | heard on the amendment?

3521 |         If not, the question is on the Raskin amendment.

3522 |         All in favor, say aye.

3523 |         Opposed, nay.

3524 |         In the opinion of the chair, the nays have it. The  
3525 | amendment is not agreed to.

3526 |         Are there further amendments to this bill?

3527 |         Mr. Raskin. Mr. Chairman, could I request a roll call  
3528 | vote?

3529 |         Mr. Smith. Roll call vote has been requested, and the  
3530 | clerk will call the roll.

3531 |         Ms. Adcock. Mr. Goodlatte?

3532 |         [No response.]

3533 Mr. Sensenbrenner?  
3534 [No response.]  
3535 Mr. Smith?  
3536 Mr. Smith. No.  
3537 Ms. Adcock. Mr. Smith votes no.  
3538 Ms. Adcock. Mr. Chabot?  
3539 [No response.]  
3540 Mr. Issa?  
3541 [No response.]  
3542 Mr. King?  
3543 [No response.]  
3544 Mr. Franks?  
3545 Mr. Franks. No.  
3546 Ms. Adcock. Mr. Franks votes no.  
3547 Mr. Gohmert?  
3548 [No response.]  
3549 Mr. Jordan?  
3550 Mr. Gohmert. No.  
3551 Ms. Adcock. Mr. Gohmert votes no.  
3552 Mr. Jordan?  
3553 [No response.]  
3554 Mr. Poe?  
3555 [No response.]  
3556 Mr. Chaffetz?

3557 [No response.]

3558 Mr. Marino?

3559 Mr. Marino. No.

3560 Ms. Adcock. Mr. Marino votes no.

3561 Mr. Gowdy?

3562 Mr. Gowdy. No.

3563 Ms. Adcock. Mr. Gowdy votes no.

3564 Mr. Labrador?

3565 Mr. Labrador. No.

3566 Ms. Adcock. Mr. Labrador votes no.

3567 Mr. Farenthold?

3568 Mr. Farenthold. No.

3569 Ms. Adcock. Mr. Farenthold votes no.

3570 Mr. Collins?

3571 [No response.]

3572 Mr. DeSantis?

3573 [No response.]

3574 Mr. Buck?

3575 [No response.]

3576 Mr. Ratcliffe?

3577 Mr. Ratcliffe. No.

3578 Ms. Adcock. Mr. Ratcliffe votes no.

3579 Mrs. Roby?

3580 [No response.]

3581 Mr. Gaetz?

3582 [No response.]

3583 Mr. Johnson of Louisiana?

3584 Mr. Johnson of Louisiana. No.

3585 Ms. Adcock. Mr. Johnson votes no.

3586 Mr. Biggs?

3587 Mr. Biggs. No.

3588 Ms. Adcock. Mr. Biggs votes no.

3589 Mr. Conyers?

3590 Mr. Conyers. Aye.

3591 Ms. Adcock. Mr. Conyers votes aye.

3592 Mr. Nadler?

3593 Mr. Nadler. Aye.

3594 Ms. Adcock. Mr. Nadler votes aye.

3595 Ms. Lofgren?

3596 Mr. Lofgren. Aye.

3597 Ms. Adcock. Ms. Lofgren votes aye.

3598 Ms. Jackson Lee?

3599 Ms. Jackson Lee. Aye.

3600 Ms. Adcock. Ms. Jackson Lee votes aye.

3601 Mr. Cohen?

3602 [No response.]

3603 Mr. Johnson of Georgia?

3604 [No response.]

3605 Mr. Deutch?

3606 [No response.]

3607 Mr. Gutierrez?

3608 [No response.]

3609 Ms. Bass?

3610 [No response.]

3611 Mr. Richmond?

3612 [No response.]

3613 Mr. Jeffries?

3614 [No response.]

3615 Mr. Cicilline?

3616 Mr. Cicilline. Aye.

3617 Ms. Adcock. Mr. Cicilline votes aye.

3618 Mr. Swalwell?

3619 [No response.]

3620 Mr. Lieu?

3621 [No response.]

3622 Mr. Raskin?

3623 Mr. Raskin. Aye.

3624 Ms. Adcock. Mr. Raskin votes aye.

3625 Ms. Jayapal?

3626 Ms. Jayapal. Aye.

3627 Ms. Adcock. Ms. Jayapal votes aye.

3628 Mr. Schneider?

3629 Mr. Schneider. Aye.

3630 Ms. Adcock. Mr. Schneider votes aye.

3631 Mr. Smith. The gentleman from Tennessee?

3632 Mr. Cohen. Aye.

3633 Ms. Adcock. Mr. Cohen votes aye.

3634 Mr. Smith. The gentleman from Ohio?

3635 Mr. Chabot. No.

3636 Ms. Adcock. Mr. Chabot --

3637 Mr. Smith. The gentleman from Virginia?

3638 Chairman Goodlatte. No.

3639 Ms. Adcock. Mr. Goodlatte votes no.

3640 Mr. Smith. The gentleman from Iowa?

3641 Mr. King. No.

3642 Ms. Adcock. Mr. King votes no.

3643 Mr. Smith. The gentleman from Texas, Mr. Poe?

3644 Mr. Poe. No.

3645 Ms. Adcock. Mr. Poe votes no.

3646 Mr. Smith. Are there other members who wish to record

3647 their vote?

3648 The gentleman from Michigan? Oh, I am sorry, yes.

3649 Mr. Deutch. Aye.

3650 Ms. Adcock. Mr. Deutch votes aye.

3651 Mr. Smith. The gentleman from Florida? Excuse me.

3652 If there are no other members who wish to vote, the

3653 clerk will report.

3654 Before the clerk reports, the gentlewoman from Alabama?

3655 Mrs. Roby. No.

3656 Ms. Adcock. Mrs. Roby votes no.

3657 Mr. Smith. The clerk will report.

3658 Ms. Adcock. Mr. Chairman, 10 members voted aye; 15

3659 members voted no.

3660 Mr. Smith. Okay. The nays have it, and the amendment

3661 is not agreed to.

3662 Are there any further --

3663 Ms. Jackson Lee. Mr. Chairman, I have an amendment at

3664 the desk.

3665 Mr. Smith. The gentlewoman from Texas, Ms. Jackson

3666 Lee, is recognized for the purpose of offering an amendment.

3667 The clerk will report the amendment.

3668 Ms. Adcock. Amendment to H.R. 2431 offered by Ms.

3669 Jackson Lee of Texas. Page 78 after, line 2, insert the

3670 following --

3671 [The amendment of Ms. Jackson Lee follows:]

3672 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3673 Mr. Smith. Without objection, the amendment is  
3674 considered as read, and the gentlewoman from Texas is  
3675 recognized to explain her amendment.

3676 Ms. Jackson Lee. I thank the chairman very much. I  
3677 thank the ranking member and all the members who have  
3678 participated in an enormously vigorous process. Let me say,  
3679 I would like to have in the record the unanimous consent of  
3680 the amendments offered by my colleagues, my Democratic  
3681 colleagues, that, if I had been present, I would have voted  
3682 aye.

3683 I want to take particular note of the Jayapal amendment  
3684 regarding racial profiling. I believe that Mr. Richmond may  
3685 have one on racial profiling, and I would have voted yes  
3686 among the other amendments, and I thank my colleagues.

3687 I was away because I was dealing with the budget that  
3688 has been offered by this administration, and I can assure  
3689 you, unfortunately, that the Deportation Task Force is  
3690 funded, and the wall is funded, and of course, this bill is  
3691 to add to the authorization.

3692 Although the good news is that Senator Lindsey Graham  
3693 has indicated that the budget is dead on arrival, so  
3694 certainly, those of us on the Budget Committee in the House  
3695 contributed to that interpretation. And I want to place on  
3696 the record why I was delayed.

3697 But I do want to offer an amendment that I believe,  
3698 procedurally, does no damage to this bill, and I will read  
3699 it: "In the case of an alien, who was granted a provisional  
3700 stay of deportation or removal, is the subject of a pending  
3701 of a pending proceeding challenging the removal order or  
3702 otherwise is seeking to establish grounds for remaining in  
3703 the United States, the removal period should not begin until  
3704 72 hours after the time when it otherwise would begin under  
3705 subparagraph B."

3706 I do believe that it is a general proposition that  
3707 those within the borders of this country have basic due  
3708 process rights and do have constitutional protection.

3709 Otherwise, we would not be the Nation that we are, and  
3710 so I raise this question because I have seen, if I might  
3711 say, and this is a descriptive term; this is a metaphor, the  
3712 bloodiness of what happens when a family member, who has  
3713 been in this country for 15 years, has been snatched away  
3714 from their family: snatched away from their wife, snatched  
3715 away from the plant manager or paint manager store that they  
3716 were doing, snatched away from their 2-year-old daughter,  
3717 handcuffed in front of that daughter, and from their loving,  
3718 little son, from a church member, from an individual who is  
3719 about to buy a second home. I have seen it, literally.

3720 I have seen Muslims, who, after 9/11, unfortunately,

3721 were gathered for prayer, and the neighbors thought they  
3722 were gathered for other activities, a family of nine. They  
3723 owned a flag store, making American flags, and I saw them  
3724 thrown out of the country because of a lack of ability to  
3725 explain their circumstance, even though we were working with  
3726 them.

3727         So, I thank you for the opportunity of explaining what  
3728 this means. This simple, limited, but necessary provision  
3729 will help prevent a tragedy that none of us wants, and that  
3730 is to see loving families needlessly torn apart and American  
3731 children deprived of the parental love and guidance that  
3732 results when ICE equates a loving, law-abiding, taxpaying  
3733 mother or father with a violent felon, or a terrorist, or  
3734 drug dealer, human trafficker, or terrorist.

3735         Let me share with you the shocking story, repeating  
3736 again the family, the Escobar family, who lost its status on  
3737 the basis of a paperwork gaff that his lawyer was trying to  
3738 correct. More importantly, he was eligible for DACA, TPS,  
3739 which is Temporary Protective Status. His mother had sent  
3740 for him from El Salvador when he was about 15, and, like  
3741 her, he qualified for Temporary Protective Status for people  
3742 fleeing widespread disasters in certain countries.

3743         Jose's mother assumed that, because he was a minor, his  
3744 permit would automatically renew when she reapplied for

3745 | hers. There goes the gap of information that many of our  
3746 | unstated people get with this legislation. Of course,  
3747 | going further underground and under the shadows, many of  
3748 | them will not be able to access information, and there lies  
3749 | the cause of the Deportation Task Force that is in this  
3750 | bill.

3751 |         But it did not. That slip-up has trailed him ever  
3752 | since. No criminal record. The family moved and did not  
3753 | receive the paperwork informing Jose that he had missed the  
3754 | deadline for renewal. When he finally figured out what had  
3755 | happened, he tried to reapply for a permit, but was too  
3756 | late.

3757 |         Because he had suddenly lost protective status, the  
3758 | government initiated deportation proceedings to El Salvador,  
3759 | a country he had not seen in 16 years. By then, he was  
3760 | married to his middle school sweetheart. Jose tried to  
3761 | apply for his green card through his marriage, but lawyers  
3762 | told him that he might risk waiting years in El Salvador  
3763 | because he had been here illegally. Not knowing what to do,  
3764 | Jose and Rose carried on with their lives.

3765 |         We were able to get action relief in 2011, the  
3766 | humanitarian relief. At that point, he contacted our  
3767 | office, and we worked with them for release on an order of  
3768 | supervision, of which he responsibly reported. His

3769 temporary stay was among the reprieves announced that year  
3770 by the administration of the former President of the United  
3771 States. So, he wanted to focus the government's limited  
3772 resources on deporting violent criminals, the former  
3773 President, rather than people with clean records like  
3774 Escobar who had been here for years and have American  
3775 children.

3776 The crux of this amendment, however, is that his  
3777 lawyers, other lawyers are in the process of seeking a legal  
3778 remedy and, in the midst of that, was hastily, rudely,  
3779 abruptly, violently, and this is, again, pejorative, in  
3780 terms of the fact that he was ripped away from his family.  
3781 The government's decision to remove this 31-year-old father  
3782 of two small children, who has no criminal record and is  
3783 married to an American citizen, who had a work permit, based  
3784 upon the false campaign promises, really, is destructive.

3785 So, this is an overall amendment that allows at least a  
3786 pause of only 72 hours to allow whatever proceedings that  
3787 may be in place, as this was, to get a response. The  
3788 government never responded to the lawyer's request.

3789 Additionally, I contacted and received verbal assurance  
3790 from other officers that the individual would remain in  
3791 custody as this effort was proceeding. But instead of  
3792 keeping their word, immigration agents flew this gentleman

3793 out of the country, separating him, for years, from his wife  
3794 and children, of which we are still trying to remedy.

3795 And so, in order to avoid this miscarriage of justice,  
3796 adding to the Trump Mass Deportation Act, I would ask my  
3797 colleagues to support a simple, procedural amendment that  
3798 would allow us to prevent the most egregious miscarriages of  
3799 justice and to be able to focus on those bad actors,  
3800 criminals, and violent persons that I think are clearly  
3801 responsible for violence.

3802 Mr. Smith. The gentlewoman's time has expired.

3803 Ms. Jackson Lee. I ask my colleagues to support the  
3804 amendment.

3805 Mr. Smith. Thank you, Ms. Jackson Lee.

3806 Ms. Jackson Lee. I yield back. Thank you.

3807 Mr. Smith. The gentleman from Idaho, Mr. Labrador, is  
3808 recognized in opposition to the amendment, after which I am  
3809 hoping we can vote on the amendment and then go to the floor  
3810 and vote there.

3811 The gentleman is recognized.

3812 Mr. Labrador. Thank you, Mr. Chairman. I will be very  
3813 brief. I oppose the amendment, and I believe aliens are  
3814 already afforded due process rights in immigration  
3815 proceedings, and with that, I yield back.

3816 Mr. Smith. The gentleman yields back.

3817 Are there any other individual members who wish to be  
3818 heard?

3819 The gentlewoman from California?

3820 Ms. Lofgren. I move to strike the last word.

3821 Mr. Smith. The gentlewoman is recognized for 5  
3822 minutes.

3823 Ms. Lofgren. This is an important amendment for many  
3824 reasons. There are instances where, I mean, since there are  
3825 no priorities, other than someone is undocumented, people  
3826 are going to be picked up for deportation, and if there is  
3827 not a slight delay to find out severe equities, there will  
3828 be problems.

3829 One of the issues is undocumented parents of severely  
3830 disabled U.S.-citizen children, and I would like to ask  
3831 unanimous consent to put into the record an article from The  
3832 Atlantic that talks about U.S.-citizen children with  
3833 cerebral palsy, with cancer, with severe defects who need  
3834 the care of undocumented parents.

3835 Mr. Smith. Without objection, the article will be made  
3836 a part of the record.

3837 [The information follows:]

3838 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3839 Ms. Lofgren. In most cases in the past, some leniency  
3840 has been granted because these American-citizen children  
3841 will die if they are removed with their parents, and there  
3842 is no one else to care for them, given the severity of their  
3843 disability.

3844 So, I think that I object to much of what is in this  
3845 bill, but what Ms. Jackson Lee has offered is really just a  
3846 modest delay to make sure that mistakes are not made. And I  
3847 think that is really the least that we should do, and with  
3848 that, I yield back the balance of my time.

3849 Mr. Smith. Thank you, Ms. Lofgren. The vote is on the  
3850 amendment.

3851 All in favor, say aye.

3852 Opposed, nay.

3853 In the opinion of the chair, the nays have it.

3854 A roll call vote has been requested, and the clerk will  
3855 call the role.

3856 Ms. Adcock. Mr. Goodlatte?

3857 Chairman Goodlatte. No.

3858 Ms. Adcock. Mr. Goodlatte votes no.

3859 Mr. Sensenbrenner?

3860 [No response.]

3861 Mr. Smith?

3862 Mr. Smith. No.

3863 Ms. Adcock. Mr. Smith votes no.  
3864 Mr. Chabot?  
3865 [No response.]  
3866 Mr. Issa?  
3867 [No response.]  
3868 Mr. King?  
3869 [No response.]  
3870 Mr. Franks?  
3871 Mr. Franks. No.  
3872 Ms. Adcock. Mr. Franks votes no.  
3873 Mr. Gohmert?  
3874 Mr. Gohmert. No.  
3875 Ms. Adcock. Mr. Gohmert votes no.  
3876 Mr. Jordan?  
3877 [No response.]  
3878 Mr. Poe?  
3879 [No response.]  
3880 Mr. Chaffetz?  
3881 [No response.]  
3882 Mr. Marino?  
3883 Mr. Marino. No.  
3884 Ms. Adcock. Mr. Marino votes no.  
3885 Mr. Gowdy?  
3886 Mr. Gowdy. No.

3887 Ms. Adcock. Mr. Gowdy votes no.  
3888 Mr. Labrador?  
3889 Mr. Labrador. No.  
3890 Ms. Adcock. Mr. Labrador votes no.  
3891 Mr. Farenthold?  
3892 Mr. Farenthold. No.  
3893 Ms. Adcock. Mr. Farenthold votes no.  
3894 Mr. Collins?  
3895 [No response.]  
3896 Mr. DeSantis?  
3897 [No response.]  
3898 Mr. Buck?  
3899 [No response.]  
3900 Mr. Ratcliffe?  
3901 Mr. Ratcliffe. No.  
3902 Ms. Adcock. Mr. Ratcliffe votes no.  
3903 Mrs. Roby?  
3904 Mrs. Roby. No.  
3905 Ms. Adcock. Mrs. Roby votes no.  
3906 Mr. Gaetz?  
3907 [No response.]  
3908 Mr. Johnson of Louisiana?  
3909 Mr. Johnson of Louisiana. No.  
3910 Ms. Adcock. Mr. Johnson votes no.

3911 Mr. Biggs?

3912 Mr. Biggs. No.

3913 Ms. Adcock. Mr. Biggs votes no.

3914 Mr. Conyers?

3915 Mr. Conyers. Yes.

3916 Ms. Adcock. Mr. Conyers votes yes.

3917 Mr. Nadler?

3918 Mr. Nadler. Aye.

3919 Ms. Adcock. Mr. Nadler votes aye.

3920 Ms. Lofgren?

3921 Ms. Lofgren. Aye.

3922 Ms. Adcock. Ms. Lofgren votes aye.

3923 Ms. Jackson Lee?

3924 Ms. Jackson Lee. Aye.

3925 Ms. Adcock. Ms. Jackson Lee votes aye.

3926 Mr. Cohen?

3927 [No response.]

3928 Mr. Johnson of Georgia?

3929 [No response.]

3930 Mr. Deutch?

3931 [No response.]

3932 Mr. Gutierrez?

3933 Mr. Gutierrez. Yes.

3934 Ms. Adcock. Mr. Gutierrez votes yes.

3935 Ms. Bass?

3936 [No response.]

3937 Mr. Richmond?

3938 [No response.]

3939 Mr. Jeffries?

3940 [No response.]

3941 Mr. Cicilline?

3942 Mr. Cicilline. Aye.

3943 Ms. Adcock. Mr. Cicilline votes aye.

3944 Mr. Swalwell?

3945 [No response.]

3946 Mr. Lieu?

3947 [No response.]

3948 Mr. Raskin?

3949 [No response.]

3950 Ms. Jayapal?

3951 Ms. Jayapal. Aye.

3952 Ms. Adcock. Ms. Jayapal votes aye.

3953 Mr. Schneider?

3954 Mr. Schneider. Aye.

3955 Ms. Adcock. Mr. Schneider votes aye.

3956 Mr. Smith. The gentleman from Texas, Mr. Poe?

3957 Mr. Poe. No.

3958 Ms. Adcock. Mr. Poe votes no.

3959 Mr. Smith. The gentleman from Iowa, Mr. King?

3960 Mr. King. No.

3961 Ms. Adcock. Mr. King votes no.

3962 Mr. Smith. The gentleman from Ohio?

3963 Mr. Chabot. No.

3964 Ms. Adcock. Mr. Chabot votes no.

3965 Mr. Smith. The gentleman from Florida, Mr. Gaetz?

3966 Ms. Adcock. Mr. Gaetz votes no.

3967 Mr. Smith. Are there other members who wish to be  
3968 recorded?

3969 Yes, we are. Does anybody else wish to be recorded?

3970 If not, the clerk will report.

3971 Ms. Jackson Lee. How am I recorded?

3972 Mr. Smith. How is Ms. Jackson Lee recorded?

3973 Ms. Adcock. Mr. Chairman, 8 members voted aye; 16  
3974 members voted no.

3975 Mr. Smith. The noes have it, and the amendment is not  
3976 agreed to.

3977 And we will now recess until immediately after this  
3978 series of, I think, five votes.

3979 [Recess.]

3980 Mr. King. The committee will now return to order and  
3981 will continue taking up the mark up of H.R. 2431.

3982 For what purpose does the gentleman from Illinois seek

3983 the floor?

3984 Mr. Schneider. I have an amendment at the desk.

3985 Mr. King. The clerk will report.

3986 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

3987 Schneider. Section 275 of the --

3988 [The amendment of Mr. Schneider follows:]

3989 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

3990 Mr. King. The amendment will be considered as read,  
3991 and the gentleman is recognized for 5 minutes.

3992 Mr. Schneider. Thank you, Mr. Chairman. This  
3993 amendment addresses DACA. The amendment to 2431 will exempt  
3994 those in the Deferred Action for Childhood Arrivals program,  
3995 also known as DACA, recipients from the harsh criminal  
3996 provisions included in Section 314. My colleagues have  
3997 clearly explained the devastation this legislation would  
3998 cause for millions of our neighbors by cruelly criminalizing  
3999 nearly all undocumented people.

4000 I would like to emphasize one specific group that would  
4001 be unjustly affected: DACA recipients. These young men and  
4002 women, people who came to this country as children, who grew  
4003 up in our communities, who aspire to be a part of the very  
4004 fabric of our great Nation, who, in short, are literally  
4005 pursuing the American dream; these people receive no  
4006 exemption under this bill. Rather, with this bill, their  
4007 presence in the country becomes a misdemeanor or even felony  
4008 offense, putting them at very real risk of criminal  
4009 prosecution and possible imprisonment.

4010 This bill is not just a threat to DACA recipients. It  
4011 will have real, profoundly negative consequences for all the  
4012 communities we represent. The concerns are not theoretical.  
4013 Each of us have DACA recipients living, working, and

4014 building lives in the districts we represent. They are our  
4015 neighbors, our coworkers, our children's teachers,  
4016 physicians, and role models. They are not just working in  
4017 our communities; many are starting new businesses and  
4018 creating new jobs. Instead of looking to deport these  
4019 DREAMers, we should be seeking ways to empower them to  
4020 pursue their dreams and improve our Nation.

4021 Last week I shared the story of one of these DREAMers.  
4022 I would like to take this opportunity to highlight another.  
4023 Several years ago, at a roundtable discussion on immigration  
4024 reform, I met a young DREAMer named Estefania (?). Her  
4025 story is just one of many that underscore what is at stake  
4026 in this debate and how cruel and self-defeating this  
4027 legislation is.

4028 A DREAMer, Estefania, was brought to this country when  
4029 she was just 4 years old. She has lived in the United  
4030 States virtually her whole life. She grew up here, went to  
4031 school here, graduated from college here, and is now  
4032 building her career helping others here. The United States  
4033 is unquestionably her home. Her dreams and aspirations are  
4034 American dreams. Her success is America's success and  
4035 strengthens our community and advances our Nation.

4036 Estefania's story is moving, but it is not unique.  
4037 More than 700,000 young people have received DACA. A

4038 national survey conducted last September to assess the  
4039 impact of DACA concluded that the program has benefitted  
4040 both the recipients as individuals and the American economy  
4041 as a whole. DACA recipients reported substantial increases  
4042 in income and wages, which not only improved their lives and  
4043 the lives of their family, but also means they are able to  
4044 purchase homes, buy cars, and, in these activities, pay  
4045 taxes that bolster these communities and grow our economy.  
4046 Without DACA, these people would lose their jobs, their  
4047 homes, their health insurance. Essentially, they would lose  
4048 their futures.

4049         The data is clear. We know these DREAMers are  
4050 tremendous assets to our community, but this bill would  
4051 label them criminals. No one like Estefania, who came here  
4052 as a child and has lived here nearly her entire life, should  
4053 have to live in constant fear of deportation. But helping  
4054 DACA recipients is not just the right thing to do; it is  
4055 also wise economic policy. It is worth repeating figures I  
4056 have previously shared with this committee.

4057         A recent estimate by the Cato Institute found that  
4058 deporting DACA recipients could deprive the United States of  
4059 over \$280 billion in economic growth over the next 10 years.  
4060 A 2016 survey found 6 percent of DACA recipients, more than  
4061 40,000 young people, had started their own small business in

4062 | the United States. That is a rate of entrepreneurship twice  
4063 | as high as average Americans. It is estimated that, after  
4064 | gaining DACA status, more than 50 percent purchase their  
4065 | first car, and 12 percent purchase their first home. These  
4066 | are significant decisions that positively contribute to our  
4067 | local and national economies. In other words, this bill,  
4068 | without this amendment, will hurt DACA recipients and  
4069 | American workers alike.

4070 |         We all agree our immigration system is broken, but this  
4071 | draconian, cruel bill is the absolute wrong way to fix it.  
4072 | What we need is comprehensive immigration reform, not this  
4073 | mass deportation approach. True bipartisan reform,  
4074 | including increased border security alongside a path to  
4075 | citizenship for those like Estefania, will grow our economy,  
4076 | reduce our debt, and strengthen our communities.

4077 |         DACA recipients are not criminals. They are the  
4078 | products of our schools, part of our communities, and  
4079 | important to the future success and growth of our country.

4080 |         I strongly urge my colleagues to join me in supporting  
4081 | this amendment to make sure that we do not label these young  
4082 | people pursuing the American dream as criminals. And I  
4083 | yield back.

4084 |         Mr. King. The gentleman returns his time.

4085 |         For what purpose does the gentleman from Pennsylvania

4086 seek the floor?

4087 Mr. Marino. Respectfully, I will not support the  
4088 amendment.

4089 Mr. King. The gentleman is recognized for 5 minutes.

4090 Mr. Marino. Very briefly and simply, the Obama  
4091 administration did not consider DACA recipients to be an  
4092 unlawful status. Therefore, criminal provisions of section  
4093 314 do not apply to them, and nothing yet out of this  
4094 administration or Republican Congress has done anything to  
4095 change DACA. With that, I yield back.

4096 Mr. King. The gentleman returns his time. The  
4097 gentlelady from California?

4098 Ms. Lofgren. Mr. Chairman, I think that Mr.  
4099 Schneider's amendment is not only important, but necessary.  
4100 This bill, as it is written, would make the DREAM Act kids  
4101 deportable. It would make them a criminal, every one of  
4102 them a criminal as well. And to believe otherwise is just  
4103 incorrect, and I would be happy to yield to the author of  
4104 the amendment, should he wish to expound upon that.

4105 Mr. Schneider. Thank you. I just wanted to clarify,  
4106 as my colleague indicated, recipients of DACA are granted  
4107 deferred action. It is not a question of status. It is  
4108 deferred action, and I would like to emphasize that  
4109 distinction. I yield back.

4110 Ms. Lofgren. I would be happy to yield to Mr.  
4111 Cicilline.

4112 Mr. Cicilline. I thank the gentlelady for yielding,  
4113 and I would like to rise in strong support of the  
4114 gentleman's amendment. I think it is important to note that  
4115 this bill, and the criminalization that is outlined in this  
4116 bill, and the reduction in procedural due process, and all  
4117 those things do apply to DACA recipients. It is not  
4118 considered a lawful status. It is merely deferral of  
4119 removal action based on their circumstances, and as a  
4120 consequence, this would criminalize the DACA students.

4121 I think it is really important to recognize, as Mr.  
4122 Schneider has so eloquently described, these are young  
4123 people who live in communities all across this country, who  
4124 have made enormous contributions and who did nothing wrong.  
4125 They were brought here or traveled here with their families  
4126 as minors, clearly not committing any wrongdoing, have made  
4127 their lives here. This is the only country they know for  
4128 many of these young people, and the idea of deporting them  
4129 to a country that they were born in after having grown up  
4130 here, they are as American as everyone on this committee.

4131 It is also important to recognize, in DACA, in order to  
4132 be in DACA, you have to have passed a background check; you  
4133 have to have been born after June 16, 1981; you have had to

4134 | come to the United States before your 16th birthday, not  
4135 | have lawful immigration status, and be at least 15 years  
4136 | old, have continuously lived in the United States since June  
4137 | of 2007, have been present here, have graduated high school  
4138 | or obtained a GED or honorably discharged as a veteran or  
4139 | the Coast Guard or armed services, or currently attend  
4140 | school on the date that the application is committed.

4141 |         You cannot be convicted of a felony offense or a  
4142 | significant misdemeanor, and not pose a threat to national  
4143 | security or public safety. So, these are exactly the kind  
4144 | of people we want in America.

4145 |         These are law-abiding citizens that are productive,  
4146 | that have served our country, that are employed. And I  
4147 | would like to put into the record a report from the Center  
4148 | for American Progress how DACA has improved the lives of  
4149 | undocumented young people. Also, a report called, "Ending  
4150 | DACA Will Cost States Billions of Dollars" which outlines  
4151 | what the economic impact would be if we criminalize the DACA  
4152 | children. And also, another report, a new study of DACA  
4153 | beneficiaries, shows positive economic and educational  
4154 | outcomes. These young people have added so much to the  
4155 | communities we serve.

4156 |         I think even the President of the United States, at  
4157 | least during his campaign, said, "You have people in this

4158 | country for 20 years. They have done a great job. They  
4159 | have done wonderfully. They have gone to school. They have  
4160 | gotten good marks. They are productive. Now, we are  
4161 | supposed to send them out of the country? I do not believe  
4162 | in that." That was Donald Trump in 2012. So, he apparently  
4163 | has changed his mind, or at least some members of his party  
4164 | have.

4165 |         As has been indicated, there are a number of estimates  
4166 | that deporting DACA students, in addition to having,  
4167 | obviously, a devastating impact on those young people and  
4168 | their families, which is hard to quantify, but it would be  
4169 | devastating. But in the aggregate, one estimate found that  
4170 | deporting DACA recipients could deprive the United States of  
4171 | over \$280 billion in economic growth over the next 10 years.  
4172 | And these are young people who are buying cars, buying their  
4173 | first house, contributing significantly to the economy of  
4174 | our country.

4175 |         This makes no sense. It is not in the best interest of  
4176 | the American people, and I urge my colleagues to support Mr.  
4177 | Schneider's amendment, and I --

4178 |         Mr. Schneider. Would the gentleman yield?

4179 |         Ms. Lofgren. I would be happy to yield to Mr.  
4180 | Schneider.

4181 |         Mr. Schneider. Thank you. Listening to my colleague's

4182 remarks from the other side, he indicated that DACA  
4183 recipients would not be criminalized under section 314. If  
4184 that is the case and we are trying to avoid confusion, I  
4185 wanted to ask if you would consider supporting this  
4186 amendment to put it in writing.

4187 Mr. King. Without objection, the gentleman from Rhode  
4188 Island's documents will be introduced into the record.

4189 [The information follows:]

4190 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4191 Mr. Cicilline. Thank you, Mr. Chairman.

4192 Ms. Lofgren. Mr. Chairman, I would ask unanimous  
4193 consent to put into the record a letter from the Global  
4194 Jewish Advocacy in opposition to this bill, a statement by  
4195 the Sisters of the Good Shepherd National Advocacy Center in  
4196 opposition to this bill, and a report from the American  
4197 Immigration Council on the criminalization of immigration in  
4198 the United States.

4199 Mr. King. Without objection, so ordered.

4200 [The information follows:]

4201 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4202 Ms. Lofgren. And I yield back the balance of my time.

4203 Mr. King. The gentlelady returns her time, and the  
4204 chair recognizes himself to speak on the amendment for 5  
4205 minutes. The subject before us, the Schneider Amendment,  
4206 deals with DACA and DAPA. I did not hear DAPA addressed  
4207 very thoroughly in this discussion, but I think it is  
4208 important that this committee speak to the other side of  
4209 this argument and recognize the contradiction that has been  
4210 created.

4211 This is a contradiction that did not exist until Barack  
4212 Obama gave his analysis of the limitations of the  
4213 Constitution, when 22 times he said he did not have the  
4214 constitutional authority to grant what I will describe as  
4215 amnesty to the DACA or the DAPA recipients. Twenty-two  
4216 times on videotape. Who knows how many times not on  
4217 videotape? And he uttered it with specific clarity before a  
4218 high school here in town shortly before he issued this DACA  
4219 order, and those were the words to a high school class.

4220 He said, "I do not have the constitutional authority to  
4221 do this. I am the President. That means I head the  
4222 executive branch of government, and we have three branches  
4223 of government." He also complimented the intelligence of  
4224 the students at the time, and he said, "Congress writes the  
4225 laws." And he said, "My job is to enforce the laws, and the

4226 | court is to interpret the laws." And it was a very compact  
4227 | and concise analysis of the constitutional authority vested  
4228 | in the three branches of government.

4229 |         Barack Obama being an adjunct constitutional professor,  
4230 | he articulated that very well. I think we may have one in  
4231 | this room, as well, maybe not an adjunct. But I would bring  
4232 | back to this that Congress has to pass these laws. The  
4233 | President of the United States cannot manufacture laws at  
4234 | his will, yet he has gotten away with this because of the  
4235 | difficulty in litigating these executive edicts that granted  
4236 | an, I will say, a pseudo-legal status to people that were  
4237 | unlawfully present in America.

4238 |         And the merits that we constantly hear for DACA  
4239 | recipients are the very finest cases that they can come up  
4240 | with, and it is not the average. And no society takes on  
4241 | the characteristics of its exceptions. And so, I would  
4242 | point people to some of those other characteristics that we  
4243 | see there, and that is that there are many young people that  
4244 | came into this country unlawfully that crossed our border  
4245 | that committed that crime. Many of these DACA recipients  
4246 | came across the border unlawfully. That is a crime.  
4247 | Unlawful entry is a crime.

4248 |         Those that overstayed their visa, not a crime, but it  
4249 | is a violation of civil, not criminal, law. And many of

4250 | them knew what they were doing. They were supposed to have  
4251 | come in before their 16th birthday. Many of them will say,  
4252 | "Well, yes. I came in before my 16th birthday, but I am now  
4253 | 34 or 35 years old," and they would be covered also under  
4254 | this DACA language that we are discussing here today.

4255 |         But the central point is this, that we cannot have both  
4256 | the rule of law and amnesty. We cannot have both respect  
4257 | for the rule of law and, at the same time, reward people for  
4258 | breaking it. This is a contradiction on the part of the  
4259 | people on the other side of the aisle and a few of the  
4260 | people on my side of the aisle.

4261 |         We have been trying to reconcile this for a long time,  
4262 | but the equation that I have delivered here is precisely the  
4263 | way we should be obligated to think about this. If you  
4264 | reward lawbreakers, you get more lawbreakers. And our job  
4265 | needs to be restore the respect for the rule of law. That  
4266 | has been at the core of the immigration argument ever since  
4267 | Ronald Reagan let me down in 1986 and signed the Amnesty  
4268 | Act.

4269 |         And this is the administration that promised to end  
4270 | DACA and end DAPA, and they should have done that on the  
4271 | first day of the administration. It should have been a  
4272 | January 20th function. It would have been less painful that  
4273 | day than any day thereafter. I urge the administration to

4274 do that. I urge also my colleagues to vote no on the  
4275 Schneider amendment, and I yield back the balance of my  
4276 time.

4277 Ms. Lofgren. Would the gentleman yield?

4278 Mr. King. I would yield to the gentlelady from  
4279 California.

4280 Ms. Lofgren. I would just like to observe that we do  
4281 not agree on this point, obviously. But we write the law,  
4282 and so to argue against President Obama's use of executive  
4283 authority in opposition to writing the law, I think, is  
4284 inapt, and --

4285 Mr. King. I am reclaiming my time. If the gentlelady  
4286 is going to call me inept, she can do it on her time.

4287 Ms. Lofgren. No, inapt, A-P-T.

4288 Mr. King. That is not a word I am comfortable with  
4289 either, and I would point out that the President created  
4290 this scenario that we are in. He created the conundrum that  
4291 we have today. He did so unconstitutionally, and he knew it  
4292 was unconstitutional. And so, I return the balance of my  
4293 time. Does anyone else seek the floor?

4294 Mr. Nadler. Mr. Chairman?

4295 Mr. King. I recognize the gentleman from New York, Mr.  
4296 Nadler.

4297 Mr. Nadler. I seek the floor for two purposes: one,

4298 | to express wonderment at anybody being upset by the word  
4299 | inapt, which is a perfectly legitimate English word; and  
4300 | second, to yield to the gentlelady from California.

4301 |         Ms. Lofgren. Yes, Mr. Chairman. This, to me, is a  
4302 | little bit of a morality play here. We have, and I think  
4303 | most of the American people agree, that if you have got  
4304 | someone who has been brought to this country as a child,  
4305 | that child really does not have a decision. I will just  
4306 | tell you about someone who I know personally, who was  
4307 | brought to the United States from the Philippines when he  
4308 | was under 1 year old.

4309 |         He did not have a decision on whether to come here. He  
4310 | spent his whole life in the United States, does not speak  
4311 | Tagalog and, in fact, thought he was an American citizen  
4312 | until he went to apply for a license and found out, much to  
4313 | his chagrin, that he was not actually born in the United  
4314 | States. Multiply that experience hundreds of thousands of  
4315 | times, and you have a very compelling case for why Mr.  
4316 | Schneider's amendment should be approved.

4317 |         I would just like to, once again, talk about the role  
4318 | of executive action, which, by the way, the current  
4319 | President has done more than any other President since the  
4320 | Great Depression in such a short timeframe. But to argue  
4321 | that President Obama should not have created DACA has

4322 nothing to do with Mr. Schneider's amendment because we are  
4323 writing the law here. And we have the capacity to make a  
4324 moral decision that young people, who had no decision to  
4325 make, who were brought to this country, who were raised in  
4326 this country, who are American in every respect except their  
4327 paperwork, should not be arrested and deported.

4328         And that is simply what Mr. Schneider's amendment does.  
4329 Now some people may think that the people who were brought  
4330 here as babies and thought they were Americans until they  
4331 applied for a license should be deported, that there is  
4332 something morally wrong with them, but to say that there is  
4333 something incorrect or somehow impermissible about this  
4334 exercise is simply incorrect.

4335         And it is Mr. Nadler's time, but I am sure that he  
4336 would --

4337         Mr. Nadler. I yield to the gentleman from Illinois.

4338         Mr. Schneider. Thank you, and again, I just want to  
4339 raise the question for my colleague from Pennsylvania, but  
4340 if it is true that nothing here would criminalize the status  
4341 in section 314, I am hoping that we could have bipartisan  
4342 support for this amendment that would make it clear that  
4343 they would not be included by anything covered here. And I  
4344 am hoping I could get an answer.

4345         Mr. Nadler. I yield to the gentleman from Illinois,

4346 | the other gentleman from Illinois, one of the many other  
4347 | gentleman from Illinois.

4348 |         Mr. Gutierrez. Thank you so much. First of all, I  
4349 | thought inapt was a pretty good word, not suitable, kind of  
4350 | incorrect. That is all it really means. I know English is  
4351 | my second language, but I thought I would look it up for  
4352 | everybody here. It is really a pretty nice word. We have  
4353 | said liar, hypocrite, silly here. Inapt seems very good.  
4354 | But inapt, for those learning the English language, just  
4355 | means not suitable. I do not think anybody's words are  
4356 | going to be taken down.

4357 |         Mr. King. Would the gentleman yield?

4358 |         Mr. Gutierrez. Sure.

4359 |         Mr. Nadler. I will yield to the gentleman from Iowa.

4360 |         Mr. King. I thank the gentlemen from New York and  
4361 | Illinois. It was an entirely suitable argument. If the  
4362 | President had not created DACA and DAPA, we would not have  
4363 | the subject before us here today. That is my point. It was  
4364 | apt, not inapt, to bring up that argument. I return my  
4365 | time.

4366 |         Mr. Nadler. I yield to the gentleman from Illinois  
4367 | again.

4368 |         Mr. Gutierrez. I thank the gentleman from New York.  
4369 | So look, the majority had an opportunity to go to Federal

4370 court, and yet they decided not to. They challenged every  
4371 other one of President Obama's executive orders, every last  
4372 one of them. This one, they did not. When President Obama  
4373 tried to expand on DACA and DAPA, they went to court. They  
4374 left the 750,000 recipients of DACA alone. I think that  
4375 speaks volumes. Of course, now what they figure they could  
4376 not win in court, either judicially or in the court of  
4377 public opinion, they want to here today. Mr. Chairman?

4378 Mr. King. Does the gentleman from Illinois seek  
4379 recognition?

4380 Mr. Gutierrez. I do. I move to strike the last word.

4381 Mr. King. The gentleman is recognized for 5 minutes.

4382 Mr. Gutierrez. Thank you so much. So, this has been a  
4383 long process. So I want to thank Mr. Schneider. I want  
4384 thank the Congresswoman from California Zoe Lofgren, for  
4385 making the argument because I think it is an important one.  
4386 Now, what I really think is so upsetting about this is that  
4387 750,000 people, who came here as children; that is, this is  
4388 the Judiciary Committee; we probably would not put  
4389 responsibility for children for coming with their parents to  
4390 the United States as children. It was a mistake.

4391 They did not have any choice in the matter. They came  
4392 to this country. Now, they pledge allegiance to the same  
4393 flag my children pledge allegiance to. The only country

4394 that they know and, for the most part, the only language  
4395 that they speak is English, the same language that my  
4396 children speak. They are American in everything in terms of  
4397 their loyalty, in terms of who they are, in everything but a  
4398 simple piece of paper. And one day, hopefully sooner than  
4399 later, we will get them that piece of paper. The point  
4400 being is they did exactly what most people think they should  
4401 do. They registered with the government.

4402 Now, in order to register with the government, what did  
4403 they have to do? They had to provide their fingerprints, so  
4404 that they could go through an exhaustive background check.  
4405 And who did the background check? Well, it is going to be a  
4406 lot more thorough than the background check that the ICE  
4407 officers are going to have to go through because they went  
4408 through a background check by the law enforcement security  
4409 officers of the United States of America, the FBI.

4410 And they found their records to be clean and  
4411 impeccable, so they were given what? A Pell Grant? No.  
4412 The right to any public services? No. What they are given  
4413 is the opportunity to get a work permit, so they can get a  
4414 Social Security card, so they could work, go to school, and  
4415 pay taxes, and yet not be able to derive any of the benefits  
4416 that those tax dollars go to. None. And here is what we  
4417 have, and this is why I am happy Congressman Schneider

4418 brought it up.

4419           In Chicago, we have young people, who, right now, this  
4420 month are graduating. You know what they are graduating  
4421 from? Medical school, and they are getting ready to be  
4422 doctors. Others are doctors, and I assure you they take  
4423 excellent care of those of us that were born in the United  
4424 States of America. Thousands of them are school teachers  
4425 across the United States of America, helping to educate and  
4426 having a true vocation for inspiring our young people to  
4427 knowledge.

4428           Think school teachers, nurses, doctors, engineers, and  
4429 they are all paying taxes. I think the real problem here is  
4430 when you strip everything away and you allow people to come  
4431 forward, you see that most Americans do not see them as  
4432 something demonic, do not see them as people who have, what  
4433 is it? Watermelons on their legs crossing the borders, you  
4434 know, see them as human beings. See them as their  
4435 neighbors. I am happy that they have come forward because,  
4436 in coming forward, what they have done is they have truly  
4437 instructed the rest of us in who they are.

4438           Now the President of the United States does have the  
4439 discretion. I am happy he used the discretion, and I would  
4440 just like to add the following. The only reason this is not  
4441 in law is because the actual Republican sponsors of the

4442 DREAM Act, when it came up for a vote, refused to vote for  
4443 cloture. Let's be clear.

4444         The Republican sponsors of the DREAM Act refused to  
4445 vote for cloture because they were pressured by their  
4446 extreme right wing. I think that is unfortunate, but we  
4447 have seen that happen time and time again. When I joined  
4448 the Judiciary Committee, just for those who were not here, I  
4449 remember coming here 8 years ago, and there was one hearing  
4450 after another hearing about how it was we were going to  
4451 reform the immigration system, both sides of the aisle, both  
4452 sides of the arguments.

4453         When I introduced immigration reform in 2004, Paul  
4454 Ryan, the current Speaker of the House, yes, was a co-  
4455 sponsor of comprehensive immigration reform, and he joined  
4456 me in Chicago. I think it is unfortunate that we are at  
4457 this place today when, just recently, we were at a place,  
4458 give us a vote any day of the week, any week of the month,  
4459 any month of the year on immigration reform. On the DREAM  
4460 Act, give us a vote, and it will pass the House of  
4461 Representatives with a Republican majority. Give us the  
4462 vote.

4463         They will not give us the vote because they do not want  
4464 to resolve the problem. They want it as a polemic to use  
4465 for electoral advantage.

4466 Ms. Jayapal. Mr. Chairman?

4467 Mr. King. The time for the gentleman has expired.

4468 For what purpose does the gentlewoman from Washington  
4469 to seek recognition?

4470 Ms. Jayapal. I move to strike the last word.

4471 Mr. King. The gentlewoman is recognized for 5 minutes.

4472 Ms. Jayapal. Thank you, Mr. Chairman. I want to first  
4473 thank my colleague from Illinois, Mr. Schneider, for  
4474 introducing this amendment. It is an incredibly important  
4475 amendment. I think, if the argument from the other side is  
4476 that none of these folks are going to be caught up in this  
4477 bill, they are not going to be criminalized, then all the  
4478 more reason to pass it.

4479 It seems like the smart thing to do to make sure that  
4480 we provide some assurances to the DACA students around this  
4481 country, who, frankly, are living in fear because there have  
4482 been people who have been picked up. And it is extremely  
4483 unclear to many of our DACA students whether or not they are  
4484 in limbo, whether or not their status is going to be  
4485 honored. And so, I would hope that that is a reason to  
4486 actually pass this amendment.

4487 The second thing I wanted to say is there are many  
4488 things in immigration reform and immigration law and policy  
4489 that are seen as controversial. The status of 11 million

4490 undocumented immigrants, how we deal with detention,  
4491 deportation; there are things that are controversial, but  
4492 the DREAMers are not controversial.

4493         The vast majority of Americans across this country,  
4494 from both parties, actually believe that we should allow  
4495 these young people to integrate into our economies, to be  
4496 here, and to stay here because most people understand that  
4497 many of them did not even know that they were undocumented  
4498 until they were teenagers or until they applied to go on a  
4499 field trip with their schools and were told by their parents  
4500 that they actually could not go.

4501         So this is, I think, a group of people who have made  
4502 their case to the American people, and the American people  
4503 have said, "Yes. We believe that you should be able to  
4504 stay." And so, I think that is a really important  
4505 distinction about why I hope, out of all the amendments that  
4506 we put forward today, that this would be at least one  
4507 amendment that we could agree to on a bipartisan basis.

4508         The third thing I want to say is I just want to  
4509 congratulate my other colleague from Illinois, who I have  
4510 worked with for so many years and seen be such a fearless  
4511 champion on this issue, for the comments he just made  
4512 because let's think about why exactly we are in the position  
4513 where the last President of the United States had to pass

4514 DACA and DAPA.

4515           It was because we tried over and over again, and with  
4516 Republican support, not on a partisan basis, but on a  
4517 bipartisan basis, to bring a bill to the floor to make this  
4518 law, to not make it an executive order.

4519           But now to say that the reason that we should not do  
4520 this is because this was done through executive order seems  
4521 to completely ignore the fact that actually, for years and  
4522 years, there were Republicans and Democrats who were willing  
4523 to vote on this bill, but then were talked into not bringing  
4524 it forward even for a vote on cloture or voting against it  
4525 for cloture because the leadership said, "Do not do this."

4526           Now, I think that this is a moment for us all to say,  
4527 "Hey, maybe there is some small thing that we can actually  
4528 work on, on immigration that brings us together." And to me  
4529 it would be an enormous sign of the understanding of the  
4530 pain that DACA students are in across this country.

4531           Now let's be clear, they are not going to be devoid of  
4532 pain because most DACA students are in families with  
4533 undocumented parents. And so, I think about the child who  
4534 told me that he stands with his hands up against the glass  
4535 window waiting to see if his parents are going to come back  
4536 at night or whether they are going to be deported. We have  
4537 families that are putting together emergency plans for what

4538 | to do if their parents are deported, hard-working people who  
4539 | have sometimes been in their communities for decades and who  
4540 | have been doing the work that this country has asked of  
4541 | them.

4542 |         And because we have not fixed the problems with our  
4543 | immigration system, because we have not taken on the  
4544 | underlying question of comprehensive immigration reform,  
4545 | they are sacrificed like sacrificial lambs. So Mr.  
4546 | Chairman, I would really urge my colleagues on both sides to  
4547 | support this amendment.

4548 |         If you are not afraid that this bill is going to  
4549 | criminalize DACA students, then let's support the amendment.  
4550 | Let's make absolutely sure. Let's send a message forward.  
4551 | And I hope that my friend from Idaho would actually speak  
4552 | for this amendment because I believe that this is something  
4553 | that everybody agrees on. Thank you, Mr. Chairman. I do  
4554 | yield.

4555 |         Mr. Gutierrez. Thank you so much. I do not think I  
4556 | made it absolutely clear. It failed in November, the DREAM  
4557 | Act, which would have been much more broader. It failed in  
4558 | the Senate because Republican senators, who were sponsors of  
4559 | the DREAM Act, refused to vote for cloture. That means it  
4560 | had a majority of senators, more than 50 senators for it,  
4561 | actually 54. One point I did not make very clear: it

4562 | passed, the DREAM Act. It passed in the House of  
4563 | Representatives in November of 2012.

4564 | Chairman Goodlatte. Time for the gentleman has  
4565 | expired.

4566 | Question is on the amendment offered by the --

4567 | Ms. Jackson Lee. Mr. Chairman, I would like to strike  
4568 | the last word.

4569 | Chairman Goodlatte. The gentlewoman is recognized for  
4570 | 5 minutes.

4571 | Ms. Jackson Lee. I thank you. Let me associate myself  
4572 | with the eloquent statement of the gentlelady from  
4573 | Washington and the gentleman from Illinois, who has offered  
4574 | this very thoughtful amendment.

4575 | As my good friend, Congressman Gutierrez, mentioned, or  
4576 | at least I am sure that he did, there has been a long,  
4577 | constructive history of fighting for DACA and having it  
4578 | passed by Republicans and Democrats. But more importantly,  
4579 | there is a long, credible history of the dynamic recipients  
4580 | of DACA: men and women in the United States military,  
4581 | scholars of all levels, teachers, doctors, lawyers,  
4582 | individuals, who have been able to complete their college  
4583 | education, engineers, employees of the Federal Government.

4584 | So many individuals have been able to benefit and gone  
4585 | on to contribute to not only the society, but the greater

4586 | good of this Nation. The bulk of DACA recipients, and DAPA  
4587 | as well, that did not move as quickly have been  
4588 | constructive, vital, wonderful citizens or unstated  
4589 | individuals with status documents, DACA, in the United  
4590 | States. And section 314 is a wide-reaching and extensive --  
4591 | I am trying to use a word acceptable for the record -- but  
4592 | fishing net that will grab anyone walking along the streets  
4593 | with a briefcase, a book bag, mathematical tools, going on  
4594 | to NASA Johnson to begin their training as an astronaut.

4595 |       Anybody will be grabbed up that is a DACA person  
4596 | because they may be criminalized because they are  
4597 | unstated. Now, the argument regarding the executive  
4598 | order, look at the history. The executive order was not  
4599 | written until time after, time after time, we put this bill  
4600 | on the floor of the house. But more importantly, the good  
4601 | news is that we now have the power to turn that executive  
4602 | order into appropriate law and to, therefore, not have young  
4603 | people, for the first time, be a criminal, a felon, because  
4604 | they are an unlawful presence.

4605 |       And that is what we would do. This section makes it a  
4606 | crime for a person of many different aspects of it, but  
4607 | unlawful presence, and that would be considered possibly a  
4608 | DACA individual. And so this amendment only girds these  
4609 | individuals to not be snatched out of a Ph.D. program or in

4610 | the middle of a reasonable research lab trying to find the  
4611 | cure for cancer, to be able to contribute to the United  
4612 | States.

4613 |         So I cannot imagine why this simple exception, well  
4614 | thought out amendment by the gentleman from Illinois,  
4615 | protecting children, young people, a talented group of  
4616 | Nation-builders, if you will, and pursuant to our  
4617 | understanding that immigrants have helped build this Nation.

4618 |         I would ask my colleagues to take a simple  
4619 | clarification. And I hope the audience is only laughing in  
4620 | support and not laughing in mockery, those who are sitting  
4621 | in the audience, because this is not a joke. It is a  
4622 | serious effort to save lives. And I would be happy to yield  
4623 | to the gentleman from Illinois.

4624 |         Mr. Schneider. Thank you, and I appreciate your good  
4625 | words. In closing, I want to State for the record that I am  
4626 | disappointed that my colleagues on the other side of the  
4627 | aisle will not answer the simple question I have posed now,  
4628 | we have posed it three times: if you believe that section  
4629 | 314 does not apply to DACA recipients, why not support this  
4630 | amendment?

4631 |         Chairman Goodlatte. Does the gentlewoman yield back?

4632 |         Ms. Jackson Lee. I have yielded to the gentleman, Mr.  
4633 | Schneider, to pose a question.

4634 Mr. Schneider. I yield back.

4635 Ms. Jackson Lee. So he yields back to me. Is anyone  
4636 prepared to answer the question of Mr. Schneider?

4637 Then the question goes unanswered: if you believe that  
4638 it does not cover the DACA young people, why not support  
4639 this amendment? That, in and of itself, should indicate the  
4640 fallacy of this underlying legislation. I yield back.

4641 Chairman Goodlatte. The question occurs on the  
4642 amendment offered by the gentleman from Illinois.

4643 All those in favor, respond by saying aye.

4644 Those who oppose, no.

4645 In the opinion of the chair, the noes have it. The  
4646 amendment is not agreed to.

4647 Mr. Schneider. I ask for a recorded vote.

4648 Chairman Goodlatte. A recorded vote is requested, and  
4649 the clerk will call the roll.

4650 Ms. Adcock. Mr. Goodlatte?

4651 Chairman Goodlatte. No.

4652 Ms. Adcock. Mr. Goodlatte votes no.

4653 Mr. Sensenbrenner?

4654 [No response.]

4655 Mr. Smith?

4656 [No response.]

4657 Mr. Chabot?

4658 Mr. Chabot. No.

4659 Ms. Adcock. Mr. Chabot votes no.

4660 Mr. Issa?

4661 [No response.]

4662 Ms. Adcock. Mr. King?

4663 Mr. King. No.

4664 Ms. Adcock. Mr. King votes no.

4665 Mr. Franks?

4666 Mr. Franks. No.

4667 Ms. Adcock. Mr. Franks votes no.

4668 Mr. Gohmert?

4669 [No response.]

4670 Mr. Jordan?

4671 Mr. Gohmert. No.

4672 Ms. Adcock. Mr. Gohmert votes no.

4673 Mr. Jordan?

4674 [No response.]

4675 Mr. Poe?

4676 [No response.]

4677 Mr. Chaffetz?

4678 [No response.]

4679 Mr. Marino?

4680 Mr. Marino. No.

4681 Ms. Adcock. Mr. Marino votes no.

4682 Mr. Gowdy?  
4683 Mr. Gowdy. No.  
4684 Ms. Adcock. Mr. Gowdy votes no.  
4685 Mr. Labrador?  
4686 Mr. Labrador. No.  
4687 Ms. Adcock. Mr. Labrador votes no.  
4688 Mr. Farenthold?  
4689 [No response.]  
4690 Mr. Collins?  
4691 [No response.]  
4692 Mr. DeSantis?  
4693 Mr. DeSantis. No.  
4694 Ms. Adcock. Mr. DeSantis votes no.  
4695 Mr. Buck?  
4696 [No response.]  
4697 Mr. Ratcliffe?  
4698 Mr. Ratcliffe. No.  
4699 Ms. Adcock. Mr. Ratcliffe votes no.  
4700 Mrs. Roby?  
4701 Mrs. Roby. No.  
4702 Ms. Adcock. Ms. Roby votes no.  
4703 Mr. Gaetz?  
4704 Mr. Gaetz. No.  
4705 Ms. Adcock. Mr. Gaetz votes no.

4706 Mr. Johnson of Louisiana?

4707 Mr. Johnson of Louisiana. No.

4708 Ms. Adcock. Mr. Johnson votes no.

4709 Mr. Biggs?

4710 Mr. Biggs. No.

4711 Ms. Adcock. Mr. Biggs votes no.

4712 Mr. Conyers?

4713 [No response.]

4714 Mr. Nadler?

4715 Mr. Nadler. Aye.

4716 Ms. Adcock. Mr. Nadler votes aye.

4717 Ms. Lofgren?

4718 Ms. Lofgren. Aye.

4719 Ms. Adcock. Ms. Lofgren votes aye.

4720 Ms. Jackson Lee?

4721 Ms. Jackson Lee. Aye.

4722 Ms. Adcock. Ms. Jackson Lee votes aye.

4723 Mr. Cohen?

4724 [No response.]

4725 Mr. Johnson of Georgia?

4726 Mr. Johnson of Georgia. Aye.

4727 Ms. Adcock. Mr. Johnson votes aye.

4728 Mr. Deutch?

4729 [No response.]

4730 Mr. Gutierrez?

4731 Mr. Gutierrez. Aye.

4732 Ms. Adcock. Mr. Gutierrez votes aye.

4733 Ms. Bass?

4734 [No response.]

4735 Mr. Richmond?

4736 [No response.]

4737 Mr. Jeffries?

4738 [No response.]

4739 Mr. Cicilline?

4740 Mr. Cicilline. Aye.

4741 Ms. Adcock. Mr. Cicilline votes aye.

4742 Mr. Swalwell?

4743 [No response.]

4744 Mr. Lieu?

4745 Mr. Lieu. Aye.

4746 Ms. Adcock. Mr. Lieu votes aye.

4747 Mr. Raskin?

4748 [No response.]

4749 Ms. Jayapal?

4750 Ms. Jayapal. Aye.

4751 Ms. Adcock. Ms. Jayapal votes aye.

4752 Mr. Schneider?

4753 Mr. Schneider. Aye.

4754 Ms. Adcock. Mr. Schneider votes aye.

4755 Chairman Goodlatte. The gentleman from Colorado?

4756 Mr. Buck. No.

4757 Ms. Adcock. Mr. Buck votes no.

4758 Chairman Goodlatte. The gentleman from Ohio?

4759 Mr. Jordan. No.

4760 Ms. Adcock. Mr. Jordan votes no.

4761 Chairman Goodlatte. The gentleman from Utah?

4762 Mr. Chaffetz. No.

4763 Ms. Adcock. Mr. Chaffetz votes no.

4764 Chairman Goodlatte. The gentleman from Michigan?

4765 Mr. Conyers. Aye.

4766 Ms. Adcock. Mr. Conyers votes aye.

4767 Chairman Goodlatte. Has every member voted who wishes

4768 to vote?

4769 The gentleman from California?

4770 Mr. Issa. No.

4771 Ms. Adcock. Mr. Issa votes no.

4772 Ms. Lofgren. Mr. Chairman, how am I recorded?

4773 Chairman Goodlatte. The gentlewoman is recorded as an

4774 aye for her own amendment.

4775 Ms. Lofgren. Not my amendment, Mr. Chair.

4776 Chairman Goodlatte. Oh, that is right.

4777 Ms. Lofgren. But one I like very much.

4778 Chairman Goodlatte. The clerk will report.

4779 Ms. Jackson Lee. How am I recorded? How am I  
4780 recorded? I am sorry.

4781 Ms. Adcock. Aye.

4782 Ms. Jackson Lee. Thank you.

4783 Chairman Goodlatte. The gentleman from Florida?  
4784 Mr. Deutch. Aye.

4785 Ms. Adcock. Mr. Deutch votes aye.

4786 Chairman Goodlatte. The clerk will report.  
4787 How is the gentlewoman from Alabama recorded?  
4788 Ms. Adcock. No.

4789 Chairman Goodlatte. You are recorded as a no.  
4790 For what purpose does the gentleman from Illinois seek  
4791 recognition? I believe you are recorded as an aye.

4792 The clerk will report.

4793 Ms. Adcock. Mr. Chairman, 11 members voted aye; 18  
4794 members voted no.

4795 Chairman Goodlatte. And the amendment is not agreed  
4796 to. Are there further amendments to H.R. 2431?

4797 Ms. Lofgren. Mr. Chairman, I have an amendment at the  
4798 desk.

4799 Chairman Goodlatte. The clerk will report the  
4800 amendment.

4801 Ms. Adcock. Amendment to H.R. 2431 offered by Ms.

4802 Lofgren. Section 1 of the bill is amended to read as  
4803 follows: section 1 short title: This Act May be Cited as  
4804 the Trump Mass Deportation Act.

4805 Ms. Lofgren. Actually, I think you have an amended  
4806 copy. It is the Trump Mass Deportation and Child  
4807 Incarceration Act.

4808 [The amendment of Ms. Lofgren follows:]

4809 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

4810 Chairman Goodlatte. The gentlewoman is recognized to  
4811 defend her amendment.

4812 Ms. Lofgren. Mr. Chairman, the murders of Officers  
4813 Davis and Oliver were truly terrible. As you know, they  
4814 were deputy sheriffs in Sacramento and Placer County. They  
4815 were good and honorable men. And their vicious murders have  
4816 no place in our society.

4817 As a Californian and a member of this committee, I  
4818 mourn their loss and honor their sacrifice. Their murders  
4819 are not only reprehensible, but heartbreaking to their  
4820 families. However, to name this bill after them, when the  
4821 bill has nothing to do with them, I think is wrong. This  
4822 bill would not prevent this type of travesty. It is not  
4823 about protecting officers in the line of duty. It is about  
4824 criminalizing all undocumented immigrants.

4825 Now, if this bill is really about protecting the Nation  
4826 from violent criminals, why would it seek to criminalize all  
4827 undocumented immigrants in the United States? The vast  
4828 majority of undocumented immigrants in the country have been  
4829 here for over a decade and are contributing members of our  
4830 society. They include DREAMers, spouses and parents of U.S.  
4831 citizens, the farm workers who grow our food, the chefs who  
4832 prepare it, the waiters who serve it. They are our friends  
4833 and neighbors. They own businesses and attend our churches,

4834 | synagogues, mosques, and other places of worship.

4835 |         And criminalizing them has nothing to do with  
4836 | protecting the Nation from violence. Family detention. If  
4837 | this bill is really about protecting the Nation from violent  
4838 | criminals, why does it require the mandatory detention of  
4839 | children and families seeking protection at the borders?

4840 |         Specifically, the bill requires mandatory detention of  
4841 | families with children, and it makes them all subject to  
4842 | expedited removal. In fact, not only does it require that  
4843 | young children be incarcerated and put in prison, but it  
4844 | would not allow them to be released, even if they had  
4845 | obtained a lawful status, if their parent were undocumented  
4846 | and in a jailed facility.

4847 |         So how does jailing these children protect against the  
4848 | kind of violence that was visited upon Deputy Oliver and  
4849 | Deputy Davis? Temporary Protected Status. If this bill  
4850 | were really about protecting the Nation from violent  
4851 | criminals, why would it make it more difficult to grant and  
4852 | extend TPS status to individuals who have no criminal  
4853 | records from countries that have suffered severe natural  
4854 | disasters?

4855 |         TPS beneficiaries are spouses, parents, and children  
4856 | from Nepal, Central America, Haiti, and several African  
4857 | countries. Many have been here for decades, and all are

4858 | legally here. Making it hard to extend status to them does  
4859 | not make us safer in any way.

4860 |         The income tax requirement. If this bill is really  
4861 | about protecting the Nation from violent criminals, why does  
4862 | it make obtaining U.S. citizenship substantially more  
4863 | difficult for persons who are legally here and have no  
4864 | criminal records of any kind?

4865 |         Section 615 appears to prohibit naturalization to  
4866 | anyone who cannot show and provide income tax returns for  
4867 | every single year that one was required to be filed, even if  
4868 | the person has been legally here for 30 years. Most of us  
4869 | do not keep 30 years of files because the statute of  
4870 | limitations on income tax does not go back 30 years. How  
4871 | many of us could fulfill that requirement? Maybe not too  
4872 | many.

4873 |         So the answer to this is that this bill really is not  
4874 | about violent criminals. This is about taking otherwise  
4875 | law-abiding people, turning them into criminals, mandatory  
4876 | detention of small children, and creating chaos in the  
4877 | immigration system, making a bad system of laws even worse.

4878 |         I know, Mr. Chairman, that this amendment will not  
4879 | pass. And I am actually only offering it to make these  
4880 | points. And so at this point, Mr. Chairman, I will withdraw  
4881 | this amendment. But I will personally continue to call this

4882 | the Trump Mass Deportation and Child Incarceration Act. And  
4883 | I yield back.

4884 |       Mr. Gutierrez. Mr. Chairman?

4885 |       Chairman Goodlatte. For what purpose does the  
4886 | gentleman from Illinois seek recognition?

4887 |       Mr. Gutierrez. Thank you, Mr. Chairman. To strike the  
4888 | last word.

4889 |       Chairman Goodlatte. The amendment is withdrawn. The  
4890 | gentleman is recognized for 5 minutes.

4891 |       Mr. Gutierrez. First of all, I thank Congresswoman  
4892 | Lofgren for bringing up the amendment. First of all, it  
4893 | seems as though the objection is when we call it the Trump  
4894 | Mass Deportation Act, because that has always been the  
4895 | objection. Oh, Luis, we have been doing this for years.  
4896 | You know, just because Trump is President is not why we are  
4897 | doing it now.

4898 |       They have not made the argument that it is not a mass  
4899 | deportation act, just that it is not Trump's Mass  
4900 | Deportation Act. So it seems to me that Mass Deportation  
4901 | Act is okay because the other side has not made the  
4902 | counterargument. They have not made the argument that it is  
4903 | not going to impact children. And let me just go on the  
4904 | record very, very, very, very, very, very clearly that, when  
4905 | a police officer is slain, everyone in America mourns, and

4906 everyone in America feels less safe, regardless of what  
4907 hands murdered that police officer.

4908 And the gentleman that murdered them was deported  
4909 twice, apparently admitted being into drugs. This was a bad  
4910 person. This is not a person anybody in this room has any  
4911 advocated for or has any sympathies for. These are not the  
4912 people that we raise our voices for here.

4913 But unfortunately, the bill goes from this terrible  
4914 specimen of a human being and extrapolates from that that a  
4915 mother and her children, arriving at our borders of the  
4916 United States of America, should be subjected to expedited  
4917 removal and be incarcerated. I am sorry. I do not connect  
4918 a vicious criminal act of murder and how that justifies  
4919 taking children who reach our border.

4920 How does that justify that someone who is in this  
4921 country under Temporary Protective Status from Haiti, very,  
4922 very, very, very, very poor; very, very, very, very  
4923 devastated, is going to make it easier to send them back? I  
4924 do not understand the connection between one thing and the  
4925 other.

4926 And that is why I am happy that the gentlelady is  
4927 bringing this, because it allows us to really examine what  
4928 must be the motives behind this. This is a mass deportation  
4929 act. And it impacts.

4930 Now, Mr. Chairman, I am ready to be corrected. But how  
4931 is it that 30 years of your income tax -- last time I  
4932 remember talking to my accountant, and it has not been  
4933 recently, he told me to keep everything for 7 years. That  
4934 is what he told me, for 7 years. So why are we asking those  
4935 who want to be citizens of the United States --

4936 Mr. Gutierrez. Could the gentleman yield? There is  
4937 nothing in this bill that requires people to provide their  
4938 income tax returns for 30 years.

4939 Mr. Gutierrez. It could be up to 30 years.

4940 Chairman Goodlatte. No, no.

4941 Mr. Gutierrez. Would you explain to me why not?

4942 Chairman Goodlatte. Because it only requires that you  
4943 --

4944 Mr. Gutierrez. Reclaiming my time.

4945 Chairman Goodlatte. -- that you have filed your income  
4946 tax.

4947 Mr. Gutierrez. Mr. Chairman, reclaiming my time.

4948 Chairman Goodlatte. It does not require that you  
4949 produce them.

4950 Mr. Gutierrez. Mr. Chairman, look. I am very, very  
4951 happy, so I am going to submit an amendment. I am going to  
4952 submit an amendment, since you say it is not. You just  
4953 stated it is not. I am going to submit an amendment that

4954 | says that they are only required to keep them what the IRS  
4955 | statute states, because, I mean, I read it. And it seems to  
4956 | me that you are talking about, well, we want them to keep  
4957 | them for 30, but we are not going to ask them to actually  
4958 | supply them to us.

4959 |         But I do not understand what making it more difficult  
4960 | to become a citizen of the United States has to do with this  
4961 | horrible act of murder against two law enforcement officers  
4962 | in the United States of America.

4963 |         Yes, I will.

4964 |         Ms. Lofgren. Would the gentleman yield?

4965 |         Mr. Gutierrez. Sure, I will.

4966 |         Ms. Lofgren. Because I would just note that section  
4967 | 615 on page 183 does put a new condition: good moral  
4968 | character, one who has failed properly to file an income tax  
4969 | return for each year that one was required to be filed, has  
4970 | not committed fraud on any tax return, and has paid taxes  
4971 | owed. And the only way to prove that is to actually have  
4972 | your returns and to show them. And since you could wait 20  
4973 | or 30 years as a legal, permanent resident before --

4974 |         Chairman Goodlatte. Would the gentlewoman yield?

4975 |         Ms. Lofgren. Well, it is not my time. It is Mr. --

4976 |         Chairman Goodlatte. That is why I am asking him to  
4977 | yield, so I can respond to you.

4978 Ms. Lofgren. I would just like to, if I could finish  
4979 my statement --

4980 Chairman Goodlatte. Because that information is  
4981 available from the IRS, you do not need to have the  
4982 individual provide it.

4983 Ms. Lofgren. I do not think that is at all clear from  
4984 this. The burden is on the applicant. But I think perhaps  
4985 Mr. Gutierrez should offer an amendment clarifying that,  
4986 because I do not think it is at all clear from the drafting  
4987 of the bill that the burden is on the IRS.

4988 Mr. Gutierrez. And we will have the support of the  
4989 majority.

4990 Ms. Lofgren. I yield back to Mr. Gutierrez.

4991 Mr. Cicilline. Mr. Chairman?

4992 Ms. Jayapal. Mr. Chairman?

4993 Chairman Goodlatte. We want to move to a vote on this.

4994 Mr. Gutierrez. Well, I know you do, Mr. Chairman, but  
4995 we do not.

4996 Chairman Goodlatte. What was that?

4997 Mr. Gutierrez. We do not. We think this is a terrible  
4998 bill.

4999 Chairman Goodlatte. I understand you think that, but  
5000 it is time to vote on it.

5001 Mr. Cicilline. I seek recognition, Mr. Chairman.

5002 Chairman Goodlatte. The gentleman is recognized for 5  
5003 minutes.

5004 Mr. Cicilline. Thank you, Mr. Chairman. I will not  
5005 take my full 5 minutes. But I do want to say that I think  
5006 that what the gentlelady has proposed and withdrawn is a  
5007 really important final point to make about this bill. You  
5008 know, it is important that we be honest with the American  
5009 people. And we are all familiar with that old term bait and  
5010 switch, where you purport to honor someone, but, in fact,  
5011 what you are doing is something quite different.

5012 And as the gentlelady from California said, of course  
5013 the death of Deputy Sherriff Danny Oliver and the Placer  
5014 County Detective Michael Davis are horrible tragedies. And  
5015 I am certain that everyone recognizes that, any time you  
5016 lose a police officer in the line of duty, it is not only  
5017 devastating for the family and for that department, but  
5018 really for our whole country.

5019 But that is not what this bill is about. There are  
5020 lots of ways to honor those men, and we should. This bill  
5021 is about fundamentally changing our immigration system to  
5022 criminalize people based on their status, to reduce the  
5023 standards we have for due process, and to impose incredible  
5024 harm on families, particularly on DACA students. And so,  
5025 you know, I think I would just urge my colleagues, you know,

5026 describe this in the same way that the gentlelady from  
5027 California has. This is a mass deportation and child  
5028 incarceration act.

5029 If you are proud of what this bill does, say so. Do  
5030 not hide behind the heroic lives of these two officers.  
5031 This bill is a bill that provides for mass deportation and  
5032 the incarceration of children. And if you think it is the  
5033 right thing to do, own up to it and accept that description,  
5034 and do not hide behind the lives of these two great American  
5035 heroes. And with that, I yield back.

5036 Ms. Jayapal. Mr. Chairman?

5037 Chairman Goodlatte. For what purpose does the  
5038 gentlewoman from Washington seek recognition?

5039 Ms. Jayapal. Move to strike the last word.

5040 Chairman Goodlatte. The gentlewoman is recognized for  
5041 5 minutes.

5042 Ms. Jayapal. Thank you, Mr. Chairman. I appreciate  
5043 that very much.

5044 I, too, would like to thank the gentlewoman from  
5045 California for her amendment, even though it was withdrawn,  
5046 because I do think it goes to the heart of what we are  
5047 actually doing in this bill. And the description of this  
5048 bill as the Trump Mass Deportation and Child Incarceration  
5049 Act, to me, actually does define what is happening in this

5050 bill.

5051           This bill will have very real and human consequences,  
5052 including for victims of violence. I wanted to go back to  
5053 much of the language that has been used in the committee to  
5054 defend pieces of the bill, it has centered on public safety  
5055 and improving the safety of our communities. But who wins  
5056 when victims and witnesses of crime are scared to contact  
5057 the police and participate in court proceedings? Violent  
5058 people.

5059           In my home State of Washington, one in every seven  
5060 people in our State is an immigrant. So how can our law  
5061 enforcement maintain public safety if one in every seven  
5062 people fear contacting the police because it might result in  
5063 detention or deportation? The gentlewoman from California  
5064 reminded us that undocumented families and friends and  
5065 neighbors are interwoven into our society. Many have been  
5066 here for decades.

5067           And between 2009 and 2013, there were at least 4.1  
5068 million U.S.-citizen children who were being raised by at  
5069 least one undocumented parent. So if you are cracking down  
5070 and criminalizing undocumented immigrants, it means you are  
5071 restricting access to justice and to participation in our  
5072 society, among all of those with legal status, as well as  
5073 those who are undocumented.

5074 Our prosecutor has submitted a letter, which I  
5075 submitted for the record. The chief justice of my State  
5076 supreme court, Mary Fairhurst, wrote a letter to DHS  
5077 Secretary Kelly, which I think I submitted for the record,  
5078 expressing concern with the enforcement actions. And when I  
5079 look at who is really going to be hurt, what I think of is  
5080 our families and our communities are going to be  
5081 dramatically hurt. And our public safety is going to be  
5082 hurt.

5083 The mandatory detention of children seems like an  
5084 absolutely inhumane thing for us to be doing. The  
5085 investment in private prisons, we had a 30 minute discussion  
5086 on that. But the idea that we would go against the  
5087 recommendations of people in the military and  
5088 counterterrorism and all of those who have said we need to  
5089 scale back on private prisons, not continue our use of that.  
5090 But even if you did not, in the end, believe in the moral  
5091 arguments for voting against the Trump Mass Deportation and  
5092 Child Incarceration Act, I would just call you to the  
5093 economics of this.

5094 And I just pulled, for interest, really, what would  
5095 happen, what the impact of mass deportation would be on the  
5096 State of Idaho, where our distinguished colleague, the  
5097 sponsor of this bill, hails from. So this is recording to a

5098 report by the Perryman Group. If all undocumented  
5099 immigrants were deported from Idaho, the State would lose  
5100 \$428 million in economic activity, \$190 million in gross  
5101 State product, and approximately 3,060 jobs, even accounting  
5102 for adequate market adjustment time. In 2010, Mr. Chairman,  
5103 undocumented Idahoans paid \$26.7 million in State and local  
5104 taxes, including \$21 million in sales taxes, \$2.6 million in  
5105 State income taxes, and \$2.4 million in property taxes.

5106 If those Idahoans had had legal status, their  
5107 contributions would increase to \$32 million because they  
5108 would be buying houses and coming out into the open to  
5109 actually contribute themselves fully to our economy. And  
5110 look at the dairy industry, Mr. Chairman, in the State of  
5111 Idaho. Diaries represent about one-third of Idaho's total  
5112 agribusiness sector. And according to the Idaho Dairyman's  
5113 Association, "The economic vitality of rural Idaho stands on  
5114 the shoulders of foreign-born laborers."

5115 Mr. Chairman, I hope that we would, instead of pursuing  
5116 this extremely misguided Trump Mass Deportation Act, that we  
5117 look at passing common-sense immigration reform. I hope  
5118 that in the Immigration Subcommittee, with your leadership  
5119 and with Chairman Sensenbrenner's leadership, we can  
5120 actually have hearings on some of these things that are in  
5121 this bill. It seems to me that that would be an appropriate

5122 use of at least our debate time, so that we can really  
5123 debate what a real solution to our broken immigration system  
5124 is.

5125 And with that, Mr. Chairman, I yield back.

5126 I yield to the gentleman from Illinois.

5127 Chairman Goodlatte. The time of the gentlewoman has  
5128 expired.

5129 Would the gentleman state his question?

5130 Mr. Gutierrez. It seemed to both the gentlelady from  
5131 California, Zoe Lofgren, and this member that you would have  
5132 to keep your income tax returns for up to 30 years. Now,  
5133 the reason I use that 30 years is because I have had people  
5134 who have been permanent residents for 30 years before they  
5135 decided to become and apply for American citizenship. Now,  
5136 the chairman states that that is not the intent. What  
5137 appears to us to be the intent is not the intent.

5138 Can we reach an agreement that it would be 7 years, as  
5139 the IRS states that members of this House of Representatives  
5140 should keep their taxes?

5141 Chairman Goodlatte. It does not have any amount of  
5142 time stated, and it is not correct that the individual  
5143 seeking citizenship would be required to produce their tax  
5144 returns. It simply says that they must have filed their tax  
5145 returns.

5146 Mr. Gutierrez. I guess that is the point. And, since  
5147 it appears unclear to both the gentlelady from California  
5148 and most of the members of the minority side, why do not we  
5149 just agree that, since it is not a problem, we make it  
5150 abundantly clear to everybody?

5151 Chairman Goodlatte. I do not see the need to do that.

5152 A reporting quorum being present, the question is on  
5153 the motion to report the bill.

5154 Mr. Conyers. Mr. Chairman?

5155 Chairman Goodlatte. For what purpose does the  
5156 gentleman from Michigan seek recognition?

5157 Mr. Conyers. Just to yield to the --

5158 Chairman Goodlatte. The gentleman has already been  
5159 recognized on the bill.

5160 Mr. Conyers. I have, yes, more than once.

5161 Chairman Goodlatte. Right, as, I think, everyone on  
5162 your side now.

5163 Mr. Gutierrez. Mr. Chairman?

5164 Mr. Conyers. Well --

5165 Chairman Goodlatte. A reporting quorum being present.

5166 Mr. Gutierrez. Mr. Chairman?

5167 Chairman Goodlatte. The question is on the motion to -

5168 -

5169 Mr. Gutierrez. Mr. Chairman?

5170 Chairman Goodlatte. -- report the bill --

5171 Mr. Gutierrez. Mr. Chairman?

5172 Chairman Goodlatte. -- H.R. 2431 --

5173 Mr. Gutierrez. Mr. Chairman?

5174 Chairman Goodlatte. -- favorably to the House.

5175 Mr. Gutierrez. Mr. Chairman?

5176 Ms. Lofgren. Mr. Chairman?

5177 Chairman Goodlatte. Those in favor will say aye.

5178 Mr. Gutierrez. Mr. Chairman?

5179 Ms. Lofgren. Mr. Chairman?

5180 Chairman Goodlatte. Those opposed, no.

5181 Mr. Cicilline. Mr. Chairman, point of order.

5182 Ms. Lofgren. Point of order.

5183 Chairman Goodlatte. The ayes have it.

5184 Mr. Cicilline. Point of order, Mr. Chairman.

5185 Chairman Goodlatte. And it was recorded favorably.

5186 Mr. Cicilline. Mr. Chairman?

5187 Ms. Lofgren. Mr. Chairman?

5188 Mr. Cicilline. Mr. Chairman, point of order.

5189 Chairman Goodlatte. You want a recorded vote or not?

5190 Mr. Cicilline. No, I said I am raising a point of

5191 order.

5192 Ms. Lofgren. There is an amendment to the offering.

5193 Chairman Goodlatte. State your point of order.

5194 Mr. Cicilline. That there was a member seeking  
5195 recognition that you ignored.

5196 Chairman Goodlatte. No.

5197 Mr. Cicilline. Yes.

5198 Chairman Goodlatte. He has already been recognized.

5199 Mr. Cicilline. No, I am talking about Mr. Gutierrez,  
5200 sought recognition and you simply ignored him, and I am  
5201 raising a point or order. If he is seeking recognition, are  
5202 you not obligated to acknowledge him?

5203 Ms. Lofgren. I move to adjourn. I move to adjourn.

5204 Chairman Goodlatte. We can only strike the last word  
5205 once on a bill.

5206 Mr. Cicilline. Second. Second.

5207 Ms. Lofgren. I move we adjourn.

5208 Mr. Cicilline. Second.

5209 Ms. Lofgren. That takes precedence over all other  
5210 motions.

5211 Chairman Goodlatte. Motion being made to adjourn.

5212 All those in favor of adjournment, respond by saying  
5213 aye.

5214 Those opposed, no.

5215 Ms. Lofgren. I ask for a recorded vote.

5216 Chairman Goodlatte. In the opinion of the chair, the  
5217 noes have it.

5218 A recorded vote is requested.

5219 Ms. Lofgren. I ask for a recorded vote.

5220 Chairman Goodlatte. And the clerk will call the roll.

5221 Ms. Adcock. Mr. Goodlatte?

5222 Chairman Goodlatte. No.

5223 Ms. Adcock. Mr. Goodlatte votes no.

5224 Mr. Sensenbrenner?

5225 [No response.]

5226 Mr. Smith?

5227 [No response.]

5228 Ms. Adcock. Mr. Chabot?

5229 Mr. Chabot. No.

5230 Ms. Adcock. Mr. Chabot votes no.

5231 Mr. Issa?

5232 Mr. Issa. No.

5233 Ms. Adcock. Mr. Issa votes no.

5234 Mr. King?

5235 Mr. King. No.

5236 Ms. Adcock. Mr. King votes no.

5237 Mr. Franks?

5238 Mr. Franks. No.

5239 Ms. Adcock. Mr. Franks votes no.

5240 Mr. Gohmert?

5241 Mr. Gohmert. No.

5242 Ms. Adcock. Mr. Gohmert votes no.  
5243 Mr. Jordan?  
5244 Mr. Jordan. No.  
5245 Ms. Adcock. Mr. Jordan votes no.  
5246 Mr. Poe?  
5247 [No response.]  
5248 Mr. Chaffetz?  
5249 Mr. Chaffetz. No.  
5250 Ms. Adcock. Mr. Chaffetz votes no.  
5251 Mr. Marino?  
5252 Mr. Marino. No.  
5253 Ms. Adcock. Mr. Marino votes no.  
5254 Mr. Gowdy?  
5255 Mr. Gowdy. No.  
5256 Ms. Adcock. Mr. Gowdy votes no.  
5257 Mr. Labrador?  
5258 Mr. Labrador. No.  
5259 Ms. Adcock. Mr. Labrador votes no.  
5260 Mr. Farenthold?  
5261 [No response.]  
5262 Mr. Collins?  
5263 [No response.]  
5264 Mr. DeSantis?  
5265 Mr. DeSantis. No.

5266 Ms. Adcock. Mr. DeSantis votes no.  
5267 Mr. Buck?  
5268 Mr. Buck. No.  
5269 Ms. Adcock. Mr. Buck votes no.  
5270 Mr. Ratcliffe?  
5271 Mr. Ratcliffe. No.  
5272 Ms. Adcock. Mr. Ratcliffe votes no.  
5273 Mrs. Roby?  
5274 Mrs. Roby. No.  
5275 Ms. Adcock. Mrs. Roby votes no.  
5276 Mr. Gaetz?  
5277 Mr. Gaetz. No.  
5278 Ms. Adcock. Mr. Gaetz votes no.  
5279 Mr. Johnson of Louisiana?  
5280 Mr. Johnson of Louisiana. No.  
5281 Ms. Adcock. Mr. Johnson votes no.  
5282 Mr. Biggs?  
5283 Mr. Biggs. No.  
5284 Ms. Adcock. Mr. Biggs votes no.  
5285 Mr. Conyers?  
5286 Mr. Conyers. Aye.  
5287 Ms. Adcock. Mr. Conyers votes aye.  
5288 Mr. Nadler?  
5289 Mr. Nadler. Aye.

5290 Ms. Adcock. Mr. Nadler votes Aye.

5291 Ms. Lofgren?

5292 Ms. Lofgren. Aye.

5293 Ms. Adcock. Ms. Lofgren votes aye.

5294 Ms. Jackson Lee?

5295 [No response.]

5296 Mr. Cohen?

5297 [No response.]

5298 Mr. Johnson of Georgia?

5299 Mr. Johnson of Georgia. Aye.

5300 Ms. Adcock. Mr. Johnson votes aye.

5301 Mr. Deutch?

5302 [No response.]

5303 Mr. Gutierrez?

5304 Mr. Gutierrez. Aye.

5305 Ms. Adcock. Mr. Gutierrez votes aye.

5306 Ms. Bass?

5307 [No response.]

5308 Mr. Richmond?

5309 [No response.]

5310 Mr. Jeffries?

5311 [No response.]

5312 Mr. Cicilline?

5313 Mr. Cicilline. Aye.

5314 Ms. Adcock. Mr. Cicilline votes aye.

5315 Mr. Swallow?

5316 [No response.]

5317 Mr. Lieu?

5318 Mr. Lieu. Aye.

5319 Ms. Adcock. Mr. Lieu votes aye.

5320 Mr. Raskin?

5321 Mr. Raskin. Aye.

5322 Ms. Adcock. Mr. Raskin votes aye.

5323 Ms. Jayapal?

5324 Ms. Jayapal. Aye.

5325 Ms. Adcock. Mr. Jayapal votes aye.

5326 Mr. Schneider?

5327 Mr. Schneider. Aye.

5328 Ms. Adcock. Mr. Schneider votes aye.

5329 Not recorded.

5330 Chairman Goodlatte. The gentlewoman from Texas?

5331 Ms. Jackson Lee. No.

5332 Ms. Adcock. Ms. Jackson Lee votes --

5333 Chairman Goodlatte. The gentleman from California?

5334 Gentleman from Texas?

5335 Mr. Poe. No.

5336 Ms. Adcock. Mr. Poe votes no.

5337 Chairman Goodlatte. The clerk will report.

5338 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

5339 Ms. Adcock. No.

5340 Ms. Jackson Lee. Okay, I vote aye.

5341 Ms. Adcock. Oh.

5342 Mr. Cohen. How am I not recording?

5343 Ms. Adcock. Not recorded.

5344 Mr. Cohen. Not recorded. I am going to vote no.

5345 Ms. Adcock. Okay. Mr. Cohen votes no.

5346 Mr. Cohen. Do not say I am not partisan.

5347 Mr. Conyers. This is crazy, you know that?

5348 Chairman Goodlatte. Yes.

5349 Ms. Adcock. Mr. Chairman, 11 members voted aye; 20

5350 members voted no.

5351 Chairman Goodlatte. And the motion to adjourn is not

5352 accepted.

5353 Mr. Gutierrez. Mr. Chairman?

5354 Chairman Goodlatte. The question is on the bill.

5355 Mr. Gutierrez. Mr. Chairman?

5356 Chairman Goodlatte. The clerk will call the roll.

5357 Ms. Adcock. Mr. Goodlatte?

5358 Chairman Goodlatte. Aye.

5359 Ms. Adcock. Mr. Goodlatte votes aye.

5360 Mr. Sensenbrenner?

5361 [No response.]

5362 Mr. Smith?

5363 [No response.]

5364 Mr. Chabot?

5365 Mr. Chabot. Aye.

5366 Ms. Adcock. Mr. Chabot votes aye.

5367 Mr. Issa?

5368 Mr. Issa. Aye.

5369 Ms. Adcock. Mr. Issa votes aye.

5370 [No response.]

5371 Mr. King?

5372 Mr. King. Aye.

5373 Ms. Adcock. Mr. King votes aye.

5374 Mr. Franks?

5375 Mr. Franks. Aye.

5376 Ms. Adcock. Mr. Franks votes aye.

5377 Mr. Gohmert?

5378 Mr. Gohmert. Aye.

5379 Ms. Adcock. Mr. Gohmert votes aye.

5380 Mr. Jordan?

5381 Mr. Jordan. Yes.

5382 Ms. Adcock. Mr. Jordan votes yes.

5383 Mr. Poe?

5384 Mr. Poe. Yes.

5385 Ms. Adcock. Mr. Poe votes yes.

5386 Mr. Chaffetz?

5387 Mr. Chaffetz. Aye.

5388 Ms. Adcock. Mr. Chaffetz votes aye.

5389 Mr. Marino?

5390 Mr. Marino. Yes.

5391 Ms. Adcock. Mr. Marino votes yes.

5392 Mr. Gowdy?

5393 Mr. Gowdy. Yes.

5394 Ms. Adcock. Mr. Gowdy votes yes.

5395 Mr. Labrador?

5396 Mr. Labrador. Yes.

5397 Ms. Adcock. Mr. Labrador votes yes.

5398 Mr. Farenthold?

5399 [No response.]

5400 Mr. Collins?

5401 [No response.]

5402 Mr. DeSantis?

5403 Mr. DeSantis. Yes.

5404 Ms. Adcock. Mr. DeSantis votes yes.

5405 Mr. Buck?

5406 Mr. Buck. Aye.

5407 Ms. Adcock. Mr. Buck votes aye.

5408 Mr. Ratcliffe?

5409 Mr. Ratcliffe. Yes.

5410 Ms. Adcock. Mr. Ratcliffe votes yes.

5411 Mrs. Roby?

5412 Mrs. Roby. Aye.

5413 Ms. Adcock. Mrs. Roby votes aye.

5414 Chairman Goodlatte. We are half done by the way.

5415 Ms. Adcock. Mr. Gaetz?

5416 Mr. Gaetz. Aye.

5417 Ms. Adcock. Mr. Gaetz votes aye.

5418 Mr. Johnson of Louisiana?

5419 Chairman Goodlatte. We have some people who have more

5420 bills to do.

5421 Mr. Johnson of Louisiana. Aye.

5422 Ms. Adcock. Mr. Johnson votes aye.

5423 Mr. Biggs?

5424 Mr. Biggs. Aye.

5425 Ms. Adcock. Mr. Biggs votes aye.

5426 Mr. Conyers?

5427 Mr. Conyers. No.

5428 Ms. Adcock. Mr. Conyers votes no.

5429 Mr. Nadler?

5430 Mr. Nadler. No.

5431 Ms. Adcock. Mr. Nadler votes no.

5432 Ms. Lofgren?

5433 Ms. Lofgren. No.

5434 Ms. Adcock. Ms. Lofgren votes no.

5435 Ms. Jackson Lee?

5436 Ms. Jackson Lee. No.

5437 Ms. Adcock. Ms. Jackson Lee votes no.

5438 Mr. Cohen?

5439 Mr. Cohen. No.

5440 Ms. Adcock. Mr. Cohen votes no.

5441 Mr. Johnson of Georgia?

5442 Mr. Johnson of Georgia. No.

5443 Ms. Adcock. Mr. Johnson votes no.

5444 Mr. Deutch?

5445 [No response.]

5446 Mr. Gutierrez?

5447 Mr. Gutierrez. No.

5448 Ms. Adcock. Mr. Gutierrez votes no.

5449 Ms. Bass?

5450 [No response.]

5451 Mr. Richmond?

5452 [No response.]

5453 Mr. Jeffries?

5454 [No response.]

5455 Mr. Cicilline?

5456 Mr. Cicilline. No.

5457 Ms. Adcock. Mr. Cicilline votes no.

5458 Mr. Swalwell?

5459 [No response.]

5460 Mr. Lieu?

5461 Mr. Lieu. No.

5462 Ms. Adcock. Mr. Lieu votes no.

5463 Mr. Raskin?

5464 Mr. Raskin. No.

5465 Ms. Adcock. Mr. Raskin votes no.

5466 Ms. Jayapal?

5467 Ms. Jayapal. No.

5468 Ms. Adcock. Ms. Jayapal votes no.

5469 Mr. Schneider?

5470 Mr. Schneider. No.

5471 Ms. Adcock. Mr. Schneider votes no.

5472 Chairman Goodlatte. Gentleman from Florida?

5473 Mr. Deutch. No.

5474 Ms. Adcock. Mr. Deutch votes no.

5475 Mrs. Roby. You are asking how many amendments we have?

5476 Chairman Goodlatte. How many amendments did we get

5477 screwed out of -- clerk will report.

5478 Ms. Adcock. Mr. Chairman, 19 members voted aye; 13

5479 members voted no.

5480 Chairman Goodlatte. The ayes have it, and the bill is

5481 ordered reported favorably to the House. Members will have

5482 | 2 days to submit views.

5483 |       Without objection, the bill will be reported as a  
5484 | single amendment in the nature of a substitute,  
5485 | incorporating all adopted amendments, and staff is  
5486 | authorized to make technical and conforming changes.

5487 |       Pursuant to notice, I now call up H.R. 2407 for  
5488 | purposes of mark up and move that the committee report the  
5489 | bill favorably to the House. The clerk will report the  
5490 | bill.

5491 |       Ms. Adcock. H.R. 2407, to amend the Homeland Security  
5492 | Act of 2002 to establish United States citizenship and  
5493 | immigration services and for other purposes.

5494 |       [The bill follows:]

5495 | \*\*\*\*\* INSERT 1 \*\*\*\*\*

5496 Chairman Goodlatte. Without objection, the bill is  
5497 considered as read and open for amendment at any time, and I  
5498 will begin by recognizing myself an opening statement.

5499 After the September 11, 2001 terrorist attacks,  
5500 Congress created the Department of Homeland Security as a  
5501 cabinet level agency dedicated to protecting the United  
5502 States and its citizens or threats to our national security.  
5503 Congress moved DHS component agencies from other cabinet  
5504 departments.

5505 For instance, the U.S. Coastguard, which helped protect  
5506 U.S. waters, was moved from the Department of the Treasury.  
5507 And the Transportation Security Administration was moved  
5508 from the Department of Transportation. DHS was also given  
5509 control over Immigration Services and Enforcement,  
5510 responsibilities of the Immigration and Naturalization  
5511 Service, previously part of the Department of Justice, were  
5512 moved to DHS.

5513 Specifically, the Homeland Security Act of 2002 created  
5514 the Bureau of Citizenship and Immigration Services. The  
5515 name was subsequently changed to United States Citizenship  
5516 and Immigration Services with the component agency, just  
5517 like the vast majority of such DHS agencies, has never been  
5518 reauthorized. So, the U.S. Code still refers to USCIS as  
5519 the Bureau of Citizenship and Immigration Services. And

5520 many of USCIS offices or directorates have never been  
5521 authorized.

5522         Accordingly, each House committee with jurisdiction  
5523 over DHS component agencies is working toward a common goal  
5524 of reauthorizing the department and is thus marking up bills  
5525 to authorize components within its jurisdiction. H.R. 2407,  
5526 the United States Citizenship and Immigration Services  
5527 Reauthorization Act does exactly what its title suggests.

5528         Specifically, the bill reauthorizes the agency and  
5529 parts of USCIS that were previously authorized, such as the  
5530 position of director, the Office of Policy and Strategy, the  
5531 Office of Chief Counsel, and the Office of Citizenship.

5532         H.R. 2407 also authorizes components of USCIS that were  
5533 created subsequent to passage of the Homeland Security Act  
5534 of 2002. Those include the Fraud Detection and National  
5535 Security Directorate, the Immigration Records and Identity  
5536 Services Directorate, the Field Operations Directorate, and  
5537 the Refugee Asylum and International Operations Directorate.

5538         Newly created by H.R. 2407 are the Office of  
5539 Professional Responsibility, the position of deputy  
5540 director, and the External Affairs Directorate. Of course,  
5541 H.R. 2407 does not hamstring the Director in the case where  
5542 a new USCIS component is needed. Instead, it authorizes a  
5543 director to establish additional offices, directorates, and

5544 officers as determined necessary to carry out the director's  
5545 duties.

5546 H.R. 2407 also requires transparency at USCIS by  
5547 putting in statute current USCIS policy to prevent undue  
5548 influence over the decisions made by adjudicators during  
5549 application or petition processing. And the bill makes the  
5550 voluntary E-Verify program permanent. The program has been  
5551 around in pilot form since the Illegal Immigration Reform  
5552 and Immigrant Responsibility Act created in 1996. After 21  
5553 years, we should take the guesswork out of its  
5554 reauthorization.

5555 H.R. 2407 also moves USCIS administrative appellate  
5556 functions to a DHS level component to be created by the  
5557 director, so as to ensure the independence of all  
5558 administrative appellate decisions.

5559 And finally, the bill helps American families who adopt  
5560 children internationally by prohibiting USCIS from charging  
5561 adoptive parents an exorbitant fee for a certificate of  
5562 citizenship. Pursuant to a USCIS fee schedule, which went  
5563 into effect last December, USCIS began charging such parents  
5564 \$1,170 for the certificate. It was an increase of 95  
5565 percent over the previous fee.

5566 International adoption is already expensive enough; we  
5567 should have in place policies to encourage it, not

5568 discourage it. United States Citizenship and Immigration  
5569 Services Reauthorization Act is a much-needed piece of  
5570 legislation. I urge my colleagues to support it.

5571 [The prepared statement of Chairman Goodlatte follows:]

5572 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5573 Mr. Conyers. Mr. Chairman?

5574 Chairman Goodlatte. Now, I would like to recognize  
5575 ranking member of the committee for his opening statement.

5576 Mr. Conyers. Mr. Chairman and members, in theory, it  
5577 makes sense to bring the Homeland Security Act up to speed  
5578 with organizational development. Unfortunately, however,  
5579 H.R. 2407, the United States Citizenship and Immigration  
5580 Services Act, does much more than codify the agency as it  
5581 is. Rather, it is substantially, in my view, reconfigures  
5582 that agency into a version, the majority, I suppose,  
5583 apparently, wants it to be.

5584 Thus, in key respects, then, H.R. 2407 is a reform  
5585 bill, and as such, it deserves due legislative process and  
5586 should have been the subject of a hearing, or maybe more  
5587 than one hearing, or been developed after an in-depth series  
5588 of briefings on the proposed changes. As it is, however, we  
5589 have not heard from not one single United States Custom and  
5590 Immigration Services official about the implications of this  
5591 bill.

5592 In the absence of such critical information, we really  
5593 have no way to determine whether the proposals in the bill  
5594 would help or whether they would do harm. Reforming an  
5595 agency without consulting that agency is not the usual way  
5596 this committee conducts itself.

5597 To take one example, H.R. 2407 reorganizes key offices  
5598 within USCIS and enshrines that new structure in statute.  
5599 It is possible the new structure has advantages, but how do  
5600 we know? We do not know because we have not been able to  
5601 hear from agency experts.

5602 I must also point out that my Republican colleagues who  
5603 frequently encourage government to run more like a business  
5604 are seeking to lock in some of USCIS' operations in a way  
5605 that no private company would tolerate. By freezing the  
5606 agency's architecture, the bill could make USCIS less  
5607 adaptable to meet future challenges. And this is bad  
5608 business and bad government, too.

5609 And so the bill, in addition, requires that USCIS  
5610 physically record or keep detailed minutes of oral  
5611 communications between stakeholders and agency personnel  
5612 regarding specific cases. I strongly support transparency  
5613 and fairness, but that transparency should extend to the  
5614 very legislative process through which this proposal now  
5615 reaches us.

5616 Without a hearing, we do not know the practical effect  
5617 of these requirements on agency business. They could very  
5618 well become so administratively burdensome as to  
5619 substantially shut down USCIS contact with external parties,  
5620 including members of the House of Representatives seeking to

5621 help their constituents.

5622 Let us not forget after all that USCIS is a benefits-  
5623 providing agency. When mistakes happen, as they often do,  
5624 people turn to others for help. Sometimes they turn to  
5625 advocacy organizations, and sometimes they turn to their  
5626 elected representatives. A bill that effectively seals  
5627 USCIS off from the outside world weakens its capacity to  
5628 fulfill its mission.

5629 Most troubling of all, H.R. 2407 would strip  
5630 fundamental due process rights from immigration benefit  
5631 applicants. It would strip fundamental due process rights  
5632 from immigration benefit applicants. The bill empowers  
5633 USCIS to deny cases based on evidence that the agency  
5634 refuses to permit applicants to inspect, much less rebut.

5635 This disregard for the Fifth Amendment undermines any  
5636 notion of fairness that the bill purports to protect. So  
5637 such unconstitutionality, made worse by total absence of  
5638 legislative transparency, leaves me no alternative but to  
5639 oppose this bill, and I thank the chairman.

5640 [The prepared statement of Mr. Conyers follows:]

5641 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5642 Chairman Goodlatte. The chair thanks the gentlemen. I  
5643 now recognize myself for purposes of offering an amendment,  
5644 and the clerk will report the amendment.

5645 Ms. Adcock. Amendment to H.R. 2407 offered by Mr.  
5646 Goodlatte of Virginia, page 2.

5647 [The amendment of Chairman Goodlatte follows:]

5648 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5649 Chairman Goodlatte. Without objection, the amendment  
5650 will be considered as read, and I will recognize.

5651 Ms. Lofgren. We do not have a copies of the amendment,  
5652 Mr. Chairman.

5653 Chairman Goodlatte. This amendment makes a few simple  
5654 yet necessary changes to the underlying bill text. First,  
5655 the amendment clarifies the functions of United States  
5656 Citizenship and Immigration Services. Specifically, the  
5657 amendment adds the functions as currently contained in  
5658 section 451 of the Homeland Security Act into the updated  
5659 section 451.

5660 Second, the amendment ensures that regulations can  
5661 still be drafted by the Office of Policy and Strategy as  
5662 currently happens and as has historically been the case.  
5663 The amendment also changes the word "American" to "U.S." in  
5664 order to be consistent with other Immigration and  
5665 Nationality provisions.

5666 Finally, the amendment makes a technical change to  
5667 remove the word "termination" from the title of the  
5668 subsection regarding E-Verify. I urge my colleagues to  
5669 support this amendment, and I yield back.

5670 Ms. Lofgren. Mr. Chairman?

5671 Chairman Goodlatte. You do not seek recognition?

5672 The gentlewoman from California is recognized.

5673 Ms. Lofgren. I move to strike the last word.

5674 Chairman Goodlatte. The gentlewoman is recognized for  
5675 5 minutes.

5676 Ms. Lofgren. The amendment does not solve any of the  
5677 concerns that I have about this bill. I will not repeat the  
5678 comments made by my colleague, the ranking member, about how  
5679 little we know about what the structural changes might  
5680 actually do. We have no idea whether codifying these  
5681 changes, for example, the Field Office Directorate and the  
5682 Service Center Directorate, is a good idea or a bad idea.

5683 And if it is a bad idea, putting in statute is a very  
5684 bad idea. We have no idea because we never had any hearings  
5685 on this. I do want to raise just one issue -- actually two  
5686 -- that I think members ought to be aware of.

5687 The bill makes it an improper activity to attempt to  
5688 influence a decision in a matter not accorded to all other  
5689 applicants. And what does this mean? I think this  
5690 provision could be interpreted to prevent members of  
5691 Congress to perform one of their basic representational  
5692 duties, which is to make inquiries on behalf of their  
5693 constituents before a Federal agency.

5694 I think all of us have occasion to call Federal  
5695 agencies when they are not responsive to our constituents.  
5696 We do that to the Veterans Affairs Department, to the Social

5697 Security Administration, and to USCIS when there is no  
5698 information coming forward. And I think that intercession,  
5699 if it is USCIS, would be improper under this bill, which I  
5700 think is wrong.

5701 I mean, I can recall times when artists where supposed  
5702 to come to appear in San Jose, and for some reason, they  
5703 never got their appointments to get their visas to come and  
5704 appear. They were going to be on stage in San Jose dancing,  
5705 right? And so you call and you say, what happened? And  
5706 someone says, well yeah, I guess we do need to do the  
5707 interviews.

5708 I mean, these are simple things sometimes; this would  
5709 make it improper, and I do not think that is something that  
5710 any of us want to do. Mr. Conyers has mentioned the Fifth  
5711 Amendment problem in the bill, and I think it is just a  
5712 central pillar of any legitimate adjudicative process that  
5713 the ability to present evidence and to contest evidence  
5714 against you is necessary.

5715 This bill just smashes that basic due process right.  
5716 It says that any kind of evidence coming from any Federal  
5717 Government or law enforcement sources, that the agency can  
5718 rely on it without notifying the applicant or providing an  
5719 opportunity to respond to it. That is a clear violation of  
5720 the U.S. Constitution and everything our country stands for.

5721 And I will tell you, the current DHS regulations do this:  
5722 they say that derogatory information unknown to the  
5723 petitioner or applicant, if the decision is adverse, the  
5724 applicant shall be advised of the fact and offered an  
5725 opportunity to rebut the information.

5726 Now, there is an exception made for classified  
5727 information, but this bill does not limit that to  
5728 classified. I think that this is a bad bill in some  
5729 respects and a bill that is unknowable in others and should  
5730 be opposed. I yield back.

5731 Chairman Goodlatte. Question is on --

5732 Mr. Nadler. Mr. Chairman? Mr. Chairman?

5733 For what purpose does the gentleman from New York seek  
5734 recognition?

5735 Mr. Nadler. Yeah. Two questions were raised by --

5736 Chairman Goodlatte. The gentleman is recognized for 5  
5737 minutes.

5738 Mr. Nadler. Two questions were raised by the  
5739 gentlelady from California, and I did not hear anyone, from  
5740 the majority or anywhere else, answer them. I am interested  
5741 in the answer.

5742 Does this language, in fact, prohibit congressional  
5743 inquiry or intercession in a case, and, if not, why does  
5744 this language not, in fact, do that?

5745           And second of all, I would like to hear a reply on the  
5746 Fifth Amendment problem, where it seems that, if derogatory  
5747 information is received from within the government, there is  
5748 no due process right or no opportunity to answer it. That  
5749 seems a very basic Fifth Amendment problem, so I would like  
5750 to know. There must be answer to these things.

5751           Chairman Goodlatte. Well, we are on the amendment I  
5752 have offered, and I think you have a question about the  
5753 underlying bill.

5754           Mr. Nadler. All right. So we will wait on that.

5755           Chairman Goodlatte. Okay. Thank you. The question is  
5756 on the amendment offered by the chairman.

5757           Those in favor, respond by saying aye.

5758           Those opposed, no.

5759           In the opinion of the chair, the ayes have it, and the  
5760 amendment is agreed to.

5761           Now, either the gentleman or anyone with an amendment  
5762 can be addressed.

5763           Mr. Nadler. Well, let's ask first, Mr. Chairman, I  
5764 would like to strike the last word.

5765           Chairman Goodlatte. Strike the last word. Gentleman  
5766 is recognized for 5 minutes.

5767           Mr. Nadler. The provisions of the bill say, I believe  
5768 on page 15, that, if evidence is received about a specific

5769 case from anyone other than an affected party, such  
5770 information may not be made part of the record, may not be  
5771 considered, unless the affected parties were given notice or  
5772 such notice is derogatory, the affected party. All right.  
5773 That is okay.

5774 But there is language in the bill that seems to say  
5775 that you cannot take information from a third party, and  
5776 that would seem to rule out congressional inquiries, which  
5777 is a basic part of our representational duties. I would  
5778 like to know why that is not the case.

5779 And second of all, it seems to indicate that in the  
5780 case information from within the Federal Government, there  
5781 is no opportunity to be heard on it, and that would seem to  
5782 implicate a Fifth Amendment violation. So, I would like to  
5783 know what are the answers to these two questions.

5784 Chairman Goodlatte. I do not see why those would be  
5785 correct because it says, in the language that the gentlemen  
5786 refers to, excluding Federal Government or law enforcement  
5787 sources.

5788 Ms. Lofgren. Mr. Chairman?

5789 Chairman Goodlatte. We are part of the Federal  
5790 Government.

5791 Ms. Lofgren. Would the gentleman yield?

5792 Mr. Nadler. I yield to the gentlelady.

5793 Ms. Lofgren. Page 13, line 5, improper activities:  
5794 "activities that constitute preferential treatment working  
5795 on or in any way attempting to influence in a manner not  
5796 available to or accorded to all other petitioners,  
5797 applicants, and seekers of benefits. The adjudication of  
5798 immigration benefits under the," et cetera, et cetera, et  
5799 cetera. "Meeting or communicating with persons associated,"  
5800 et cetera, et cetera, et cetera.

5801 It looks to me that this would prevent Members of  
5802 Congress from making an inquiry, a routine constituent  
5803 inquiry for a constituent. And I think that is something we  
5804 have all done from time to time. It is part of our job to  
5805 do that.

5806 Chairman Goodlatte. If the gentlewomen would yield.

5807 Mr. Nadler. I yield.

5808 Chairman Goodlatte. I agree with her. And I believe  
5809 that what you are concluding is not correct, but if you want  
5810 to offer an amendment clarifying that members of Congress  
5811 inquiries are not covered by this, I would be receptive to  
5812 it.

5813 Mr. Nadler. Thank you. What is the Fifth Amendment  
5814 one?

5815 Chairman Goodlatte. What was your other questions, Mr.  
5816 Nadler?

5817 Ms. Lofgren. It is the Fifth Amendment.

5818 Mr. Nadler. The other questions was the Fifth  
5819 Amendment. The language, it seems to implicate the Fifth  
5820 Amendment, which is on page 15.

5821 Now, which language is that?

5822 Okay. Mr. Chairman, if you read starting at line 5,  
5823 "If a director of the USCIS, in the course of written or  
5824 oral communication described in the subsection, receives  
5825 evidence about a specific case from anyone other than the  
5826 affected parties or his or her representative, excluding  
5827 Federal Government or law enforcement information sources,  
5828 such information may not be part of the record," et cetera.

5829 In other words, it would seem to say that, if you get  
5830 information from the Federal Government or law enforcement  
5831 sources, the party does not have the right referenced in the  
5832 next few lines of the section. In other words, this is a  
5833 provision that seems to accord with the Fifth Amendment  
5834 unless the information comes from the Federal Government; in  
5835 which case, it says never mind the Fifth Amendment. That is  
5836 the problem.

5837 Chairman Goodlatte. If the gentleman would yield?

5838 Mr. Nadler. Sure, I yield.

5839 Chairman Goodlatte. My understanding is that right  
5840 now, under current law, you do not have the right to look at

5841 anything with regard to these.

5842 Ms. Lofgren. That is not correct.

5843 Mr. Nadler. I yield to the gentlelady from California.

5844 Ms. Lofgren. Would the gentleman yield?

5845 Chairman Goodlatte. It is the gentleman from New

5846 York's time.

5847 Ms. Lofgren. All right, sorry. Thank you for your

5848 yielding. The current DHS regulations found at CFR

5849 103.2(b)(16) relate to the inspection of evidence and

5850 provide that the derogatory information unknown to the

5851 petitioner or applicant must be presented and rebutted.

5852 There is, as I mentioned earlier, under 72 FR 19100, an

5853 exception for classified information, but not for other

5854 information coming from the Federal Government. So, that is

5855 the current State of the law. This will change it, and you

5856 know, we could argue whether the classified exception meets

5857 the due process requirements; I do not really want to get

5858 into that argument. But certainly, they are real life

5859 examples. I can give you some from my own experience, where

5860 there was a request for evidence. Did IBM exist? And it is

5861 like, well, yes, it does exist. It is a rather large

5862 corporation.

5863 The Science Center is actually located in my district.

5864 If you did not have the opportunity to contest that finding  
5865 from an inspector who was an idiot, you know, the  
5866 application would be denied. That is from a Federal source.  
5867 It is not from a Federal law enforcement source. So, I  
5868 mean, these things happen, and if you do not have the  
5869 opportunity to correct theirs, to rebut, you will end up  
5870 with some very --

5871 Mr. Nadler. Reclaiming my time, this says excluding  
5872 Federal Government, or law enforcement sources. I would  
5873 read that as any law enforcement. It could be State, local,  
5874 federal.

5875 In other words, what this seems to say is that you have  
5876 the opportunity to rebut evidence, unless it comes from the  
5877 Federal Government or from law enforcement sources. And  
5878 then, you do not have the opportunity. And that ought to be  
5879 changed because that would seem to be against due  
5880 processing. Period. I yield back.

5881 Ms. Lofgren. I have an amendment on this point.

5882 Chairman Goodlatte. Well, let's get the amendment and  
5883 take a look at it.

5884 Ms. Lofgren. I have an amendment at the desk.

5885 Chairman Goodlatte. The clerk will record the  
5886 amendment.

5887 Ms. Adcock. Amendment to H.R. 2407, offered by Ms.  
5888 Lofgren. Page 15, beginning on line 11, strike "excluding

5889 Federal Government or law enforcement sources."

5890 [The amendment of Ms. Lofgren follows:]

5891 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

5892 Ms. Lofgren. Mr. Chairman, as I have mentioned, when  
5893 we moved to strike the last word --

5894 Chairman Goodlatte. The gentlewoman is recognized for  
5895 5 minutes.

5896 Mr. Lofgren: -- the bill generally provides due  
5897 process protections by preventing USCIS from considering  
5898 derogatory evidence from third parties in a specific case,  
5899 unless the applicant is notified of the evidence and given  
5900 an opportunity to respond to it, which is what the current  
5901 situation is.

5902 But subsection C, that basically excludes protection  
5903 from any evidence that a Federal Government or law  
5904 enforcement source provides creates this problem. It  
5905 violates the Fifth Amendment's guarantee of due process by  
5906 illuminating the right of applicants to know of evidence  
5907 presented against them and with the right to respond. An  
5908 argument for this exception for national security is not  
5909 correct because currently, the CFR, Code of Federal  
5910 Regulations, does provide for an exception for evidence that  
5911 is classified.

5912 So, let's look at some real-world examples of what  
5913 could happen here. Here is a case. A U.S. citizen filed a  
5914 petition to sponsor his wife for permanent residency. Now,  
5915 to determine whether the marriage was a valid one, a  
5916 government inspector was sent to the petitioner's apartment

5917 building. The investigator knocked on several apartment,  
5918 asked the residents about the married couple, but none of  
5919 the residents knew of them. None of them had ever seen  
5920 them.

5921 Based on this alone, the investigator concluded that  
5922 the petitioners were likely lying, and submitted an  
5923 investigative report to this effect. Because the petitioner  
5924 was given an opportunity to respond, it was discovered the  
5925 investigator had actually gone to the wrong building, not  
5926 the building where the petitioner and his wife actually  
5927 lived. So, a follow-up investigation concluded that the  
5928 marriage was, indeed, bona fide.

5929 Now, under this section, if unamended, a USCIS would  
5930 deny the petition based on the investigative report without  
5931 any additional process, leading to a really bad result for  
5932 this American citizen and his wife. Now, according to news  
5933 reports, Melania Trump, our first lady, sponsored herself  
5934 for a green card in 2001 as a model of extraordinary ability  
5935 under the employment-based, first preference category.  
5936 Prior to that, she reportedly had entered the country as a  
5937 non-immigrant on both a B visitor's visa and an H-1B  
5938 specialty occupation visa.

5939 Now, there have been various questions as to whether  
5940 Mrs. Trump worked illegally in the United States while on  
5941 her B visa, which does not allow employment. If the USCIS

5942 believed that she had so worked, the agency would have been  
5943 required to deny her petition for a green card, and she  
5944 would not have been given the opportunity to disprove the  
5945 allegations.

5946         The USCIS could consider a flag entered by a consort  
5947 officer or an investigative report conducted by an  
5948 immigration officer, any other evidence, without providing  
5949 someone like Mrs. Trump an opportunity to respond. Well,  
5950 that would simply be wrong if the mistake was made by the  
5951 government. So, I just think the easiest way to fix this is  
5952 to strike this section, continue the due process  
5953 requirements, and understand that the current DHS  
5954 regulations amply provide for the redaction of classified  
5955 information under 72 FR 19100, and that would be the reason  
5956 for my amendment, Mr. Chairman. And I yield back.

5957         Chairman Goodlatte. Well, would the gentleman from  
5958 Wisconsin seek time and yield to me?

5959         Mr. Sensenbrenner. Mr. Chairman, I move to strike the  
5960 last word.

5961         Chairman Goodlatte. The gentleman is recognized.

5962         Mr. Sensenbrenner. I yield to the gentleman from  
5963 Virginia.

5964         Chairman Goodlatte. I thank the gentleman. I just  
5965 want to say to the gentlewoman, I think she has a point, but  
5966 I think her amendment may go too far because our

5967 circumstance of classified information. So, we would  
5968 propose to you an alternative of, excusing the language in  
5969 the parentheses, excluding classified information from  
5970 Federal Government or law enforcement sources. So, we would  
5971 add the word "classified information from," instead of  
5972 striking. I can offer that as an alternative, or if the  
5973 gentlewoman would like to withdraw her amendment, we can  
5974 work with her as we move forward in the floor to come up  
5975 with something that is mutually agreeable.

5976 Ms. Lofgren. If I may --

5977 Mr. Sensenbrenner. Mr. Chairman, I yield to the  
5978 gentlewoman from California.

5979 Ms. Lofgren. Thank you. I think, if you read farther  
5980 down on page 15, the classified information is actually  
5981 covered under section B, and if you see, on page 16, line  
5982 12, 13, 14, I think the classified information is already  
5983 protected. It is not necessary to add that in.

5984 Chairman Goodlatte. Well, if the gentlewoman would be  
5985 willing to do that, I would be willing to accept the  
5986 amendment, adding that language instead of taking out the  
5987 entire parentheses; however, if she does not want to do  
5988 that, I can offer to work with her, going to the floor.  
5989 Other than that, I cannot support her amendment.

5990 Ms. Lofgren. What level of classification are we  
5991 talking about? When you say classified information, what do

5992 you mean?

5993 Chairman Goodlatte. It would not specify the level of  
5994 classification.

5995 Ms. Lofgren. Well, I think there is a problem. I  
5996 mean, I would accept this as a friendly amendment, but I do  
5997 not think it actually solves this in a very elegant way  
5998 because --

5999 Chairman Goodlatte. Well, we could put that in, and  
6000 then we could agree to continue to work as we move toward  
6001 the floor, if there is something more elegant that the  
6002 gentlewoman and I can work together to uncover. But at this  
6003 point, that would be what I would propose.

6004 Ms. Lofgren. All right. Then I would accept, as a  
6005 friendly amendment, "the classified information from" words,  
6006 between the word "excluding" and "Federal Government" on  
6007 line 11 to my amendment.

6008 Chairman Goodlatte. All right. So, instead of  
6009 striking, it would say, page 15, beginning on line 11,  
6010 insert --

6011 Ms. Lofgren. "Classified information from" --

6012 Chairman Goodlatte. -- after "excluding" and before  
6013 "Federal Government," "classified information from?"

6014 Ms. Lofgren. Correct.

6015 Chairman Goodlatte. Is there any objection to amending  
6016 the amendment, as described?

6017 The gentlewoman now offers a new amendment.

6018 A question occurs around the amendment offered by the  
6019 gentlewoman from California.

6020 All those in favor, respond by saying aye.

6021 Those opposed, no.

6022 The ayes have it, and the amendment is agreed to.

6023 And if the gentlewoman has further refinements, we  
6024 would be happy to discuss them with her as we move forward.

6025 For what purpose does the gentleman from Rhode Island  
6026 seek recognition?

6027 Mr. Cicilline. In the hopes that that comedy will  
6028 continue, I have a question with respect to the second issue  
6029 that was raised by the gentlelady from California. It seems  
6030 as if section 7 obligates officials or employees of the  
6031 United States Citizenship and Immigration Service to act  
6032 impartially --

6033 Chairman Goodlatte. What page are you on?

6034 Mr. Cicilline. I am on the bottom of page 12 and the  
6035 top of page 13. It says for the requirement that they act  
6036 impartially and not give preferential treatment, I presume,  
6037 in the decision making of the benefits or adjudications  
6038 under the act. The following section, then, speaks of the  
6039 conduct of other people, which, it seems to me, is what  
6040 creates the problem, not only for members of Congress, but  
6041 for advocacy groups or organizations.

6042           And I am wondering whether the intention is to try to  
6043 prohibit what might be protected activity, advocates, First  
6044 Amendment, or Members of Congress who have a constitutional  
6045 duty to provide services to those we represent. And I do  
6046 not know what the intention is of lines 5 through 21. They  
6047 do not seem to do anything with respect to the requirement  
6048 that the government officials at the Immigration Service act  
6049 impartially.

6050           That is set forth in lines, you know, 23, at the bottom  
6051 of page 12. So, that is clearly appropriate to say the  
6052 official employees must act impartially. But the next  
6053 section does something very different. It imposes a  
6054 prohibition on others not to advocate, and I think that  
6055 raises all kinds of problems, not only in the discharge of  
6056 our duties, but of advocates and others. And so, I would  
6057 offer --

6058           Ms. Lofgren. Would the gentleman yield?

6059           Mr. Cicilline. Sure. I am happy to yield.

6060           Ms. Lofgren. I thank you for yielding. I did not  
6061 mention this just because we all do constituent service  
6062 work, but a fair reading of this is that you could not hire  
6063 a lawyer. That cannot possibly be the case. I mean, that  
6064 would be a real due process violation. But that is what it  
6065 seems to say.

6066           Mr. Cicilline. Or someone who sends a letter in

6067 support of you.

6068 Ms. Lofgren. Yeah. Your high school coach sends a  
6069 letter saying what a great guy you are, and he hopes you get  
6070 every consideration.

6071 Mr. Cicilline. Right.

6072 Ms. Lofgren. And that would be improper. So, I think  
6073 this has a lot of problems in this section, and I thank the  
6074 gentleman for yielding.

6075 Mr. Cicilline. Right. And so, what I am suggesting,  
6076 Mr. Chairman, I know it is on its way, is if the chair  
6077 would, you know, consider a friendly amendment to simply  
6078 delete lines 5 through 21. I think it is very --

6079 Chairman Goodlatte. Will the gentleman yield?

6080 Mr. Cicilline. Of course.

6081 Chairman Goodlatte. I appreciate the gentleman's  
6082 sentiment. As I indicated, I am certainly willing to  
6083 entertain an amendment to this to clarify the point that you  
6084 have made, and the gentleman from New York, and the  
6085 gentlewoman from California made; however, this is actual  
6086 language from former Deputy Commissioner Mayorkas'  
6087 procedures at the Immigration Service, and I want to be  
6088 careful that we do not strike something that is intended to  
6089 prevent undue influence of immigration officials by people  
6090 who are petitioning them for a multitude of different  
6091 things, including EB-5 investor visas, which is where this

6092 language came from.

6093 Ms. Lofgren. Would the gentleman yield further?

6094 Mr. Cicilline. Absolutely.

6095 Ms. Lofgren. The problem with the language is that it  
6096 draws too broad a swath by saying any contact that is not  
6097 provided for everyone is improper. And we do not provide  
6098 lawyers at government expense. Only the people who can  
6099 afford to hire lawyers get lawyers. Well, that is  
6100 preferential, but that is the system we have set up, and it  
6101 would seem to violate this. That cannot be the case. That  
6102 cannot be.

6103 Mr. Cicilline. Yeah, it is what we were working. It  
6104 is not too late.

6105 Ms. Lofgren. I mean, I understand what you are saying,  
6106 and --

6107 Chairman Goodlatte. Would the gentleman yield?  
6108 Because I think this language is not directed at people  
6109 petitioning the government; it is directed at the employees  
6110 of the Immigration Service.

6111 Mr. Cicilline. No, but I think that is the problem.  
6112 It is not. Actually, I think you are right, Mr. Chairman.  
6113 The preceding session says, "Officials and employees of  
6114 United States Citizenship and Immigration Service shall act  
6115 impartially and may not give preferential treatment," et  
6116 cetera. We all agree. But then, you go to the next

6117 paragraph. It said, "Activities that constitute  
6118 preferential treatment under subsection A shall include  
6119 working on or in any way attempting to influence in a manner  
6120 not available or reported to other petitioners." There is  
6121 not qualifying language, so it seems like that applies to  
6122 everyone.

6123 Chairman Goodlatte. I do not believe so. I believe  
6124 section B is a modified section A, but I would be happy to  
6125 entertain an amendment that makes it clear that that is  
6126 exactly what it does. And we can do that now, or we could  
6127 do that going on the floor. You have my commitment that  
6128 that is a reasonable request.

6129 Mr. Cicilline. Thank you, Mr. Chairman.

6130 Chairman Goodlatte. As you requested that I be  
6131 reasonable.

6132 Mr. Cicilline. Thank you, Mr. Chairman. Very  
6133 becoming.

6134 Chairman Goodlatte. Are there amendments to H.R. 2407?

6135 Ms. Jayapal. Mr. Chairman, I have an amendment at the  
6136 desk.

6137 Chairman Goodlatte. The clerk will report the  
6138 amendment. It is on its way. Is that the amendment of the  
6139 gentleman from Illinois? He is not here.

6140 Let's see if we can find the amendment of the  
6141 gentlewoman from Washington.

6142 Ms. Jayapal. I was hoping to keep up the good work  
6143 here.

6144 Chairman Goodlatte. Maybe. Three times is a charm.  
6145 The clerk will report the amendment.

6146 Ms. Adcock. Amendment to H.R. 2407, offered by Ms.  
6147 Jayapal of Washington. Add at the end of the bill of the  
6148 following --

6149 [The amendment of Ms. Jayapal follows:]

6150 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6151 Chairman Goodlatte. Without objection, the amendment  
6152 is considered as read, and the gentlewoman will be  
6153 recognized for 5 minutes on her amendment.

6154 Ms. Jayapal. Thank you, Mr. Chairman. I am hoping for  
6155 three times is the charm. My amendment actually simply  
6156 requires reporting that helps us to exercise oversight over  
6157 a very important part of the USCIS program, which is a  
6158 Systematic Alien Verification for Entitlements program or  
6159 SAVE. And for those who do not know this part, the SAVE  
6160 program is an electronic database that checks the  
6161 immigration and nationality status of people in the United  
6162 States.

6163 And the reason this has come to my attention is because  
6164 there have been a number of people who have experienced  
6165 problems under the SAVE database. And just last week, my  
6166 district office assisted a constituent. His name is Ruben  
6167 Van Kempen, who was wrongly told that he was ineligible for  
6168 social security and Medicare benefits. And he originally  
6169 applied for benefits in February. He submitted his U.S.  
6170 passport, his Social Security card, his naturalization  
6171 certificate. He actually became a U.S. citizen 35 years  
6172 ago. And Social Security told him that his application  
6173 could not be processed because of questions about his  
6174 immigration status.

6175 So, Mr. Van Kempen attempted to try to address the

6176 issue in person and by phone, to no avail. And the most  
6177 recent communication came just a week before 65th birthday,  
6178 causing deep concern for him and his wife and his children,  
6179 all U.S. citizens.

6180 But fortunately, he is so beloved in my district, he is  
6181 actually a teacher in the Seattle Public Schools in the  
6182 theater department for 37 years. And he is like a rock star  
6183 of the district, so he had established one of the best drama  
6184 programs in the country at Roosevelt High School and touched  
6185 the lives of hundreds of students, and so the Seattle Times  
6186 wrote a piece about him and reached out to him to cover his  
6187 story, which is how my office learned about his situation.

6188 And we immediately contacted him, and within 48 hours,  
6189 we were actually able to determine that there was a,  
6190 "technical error," according to USCIS. And so, I am happy  
6191 that the case was resolved so easily, but not everyone has  
6192 those resources that Mr. Van Kempen had. So, I am trying to  
6193 get a handle on how big of an issue this is. We have heard  
6194 anecdotal reports about this. But because it is at the  
6195 center of how USCIS actually determines citizenship and  
6196 eligibility, I wanted to just quote Mr. Van Kempen's words.

6197 He said, "I would still be considered an alien in my  
6198 own country, and my file would still be sitting there  
6199 buried, if a friend had not thought to contact the Seattle  
6200 Times. But the newspaper cannot profile every immigrant

6201 with a problem, and that leaves me very unsettled."

6202           And so, my amendment would simply help us to learn more  
6203 about the problem by requiring quarterly reporting on the  
6204 number of instances in which the SAVE program inaccurately  
6205 denies people access to benefits. It would require us to  
6206 know what the reason was for that, and how the case was  
6207 resolved, and the length of time to research the resolution.  
6208 It is just a basic oversight amendment, and I hope that, Mr.  
6209 Chairman, you --

6210           Chairman Goodlatte. Would the gentlewoman yield?

6211           Ms. Jayapal. Yes?

6212           Chairman Goodlatte. The gentlewoman, certainly, I  
6213 think, has a reasonable concern. I am sure that these kinds  
6214 of errors do occur, and I do not think it would be at all a  
6215 bad idea to ask them to report on the incidents of the  
6216 errors. I do not want to saddle them with an unreasonable  
6217 requirement that would deter them from their other  
6218 responsibilities. So, I am wondering if you would amend it  
6219 to require an annual report, as opposed to a quarterly  
6220 report. If you would do that, I would be happy to accept  
6221 the amendment, from my perspective.

6222           Ms. Jayapal. I would very much appreciate that, Mr.  
6223 Chairman. If we could split the difference and do six  
6224 months, that would be even better, just so we have a sense  
6225 of how quickly this is moving. But if not, I will accept

6226 annual, and --

6227 Chairman Goodlatte. I think annual would be a better  
6228 benchmark that we would be able to measure ourselves,  
6229 whether they are complying with it or not.

6230 Ms. Jayapal. I would be willing to do that. Thank you  
6231 very much, Mr. Chairman.

6232 Chairman Goodlatte. Without objection, the amendment  
6233 of the gentlewoman will be amended to reflect on an annual  
6234 basis in line 5, and the question occurs on the amendment.

6235 All those in favor, respond by saying aye.

6236 Those opposed, no.

6237 The amendment is agreed to.

6238 Are there further amendments to H.R. 2407?

6239 For what purpose does the gentleman from Illinois seek  
6240 recognition?

6241 Mr. Gutierrez. I have an amendment at the desk, Mr.  
6242 Chairman.

6243 Chairman Goodlatte. The clerk will report the  
6244 amendment.

6245 Ms. Adcock. Amendment to H.R. 2407 offered by Mr.  
6246 Gutierrez. Add at the end of the bill the following:  
6247 "section 9, treatment of tax records. Nothing in this bill  
6248 shall be construed to require an individual to keep tax  
6249 records for more than 7 years or to produce records that are  
6250 older than 7 years."

6251 [The amendment of Mr. Gutierrez follows:]

6252 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6253 Mr. Gutierrez. Mr. Chairman, I move to strike the last  
6254 word.

6255 Chairman Goodlatte. The gentleman is recognized for 5  
6256 minutes.

6257 Mr. Gutierrez. Well, H.R. 2407, to amend the Homeland  
6258 Security Act of 2002, to establish United States Citizenship  
6259 and Immigration Services, and for other purposes. So, my  
6260 amendment simply adds section 9, treatment of tax records.  
6261 Nothing in this bill shall be construed to require an  
6262 individual to keep tax records for more than 7 years or to  
6263 produce records that are older than 7 years." And thereby,  
6264 a simple amendment, so you go apply for American  
6265 citizenship, got 7 years, we are all clear.

6266 Mr. Sensenbrenner. Mr. Chairman?

6267 Mr. Gutierrez. Hopefully, everybody can be in support  
6268 of it.

6269 Chairman Goodlatte. Gentleman from Wisconsin?

6270 Mr. Sensenbrenner. Mr. Chairman, I want to pose a  
6271 question. Now, would the adoption of this amendment require  
6272 a sequential referral to the Ways and Means Committee, since  
6273 it involves taxes? Because I look at the bill, and it has  
6274 been referred to us, as well as Homeland Security and  
6275 Education and Workforce, but not Ways and Means. You know,  
6276 I know that this is too late to raise a point of order  
6277 against the amendment, but I want to point my concern out on

6278 the record and ask the chair to answer that question. And I  
6279 yield to him.

6280 Chairman Goodlatte. I thank the gentleman for  
6281 yielding. I appreciate his concern. But since this is  
6282 simply a rule of construction and does not require any  
6283 change in the law or any action on the part of the Ways and  
6284 Means Committee or, for that matter, on the part of the IRS,  
6285 we do not believe that it would result in a referral to the  
6286 IRS.

6287 Mr. Sensenbrenner. Thank you. I yield back.

6288 Chairman Goodlatte. If the gentleman from Illinois  
6289 would yield.

6290 Mr. Gutierrez. I would accept that.

6291 Chairman Goodlatte. I am sympathetic to this  
6292 amendment, if the gentleman would be agreeable to put the  
6293 word "tax" between the word "produce" and "records?"

6294 Mr. Gutierrez. Between the words "produce," yes.  
6295 "Produce tax records." Yes.

6296 Chairman Goodlatte. All right.

6297 Mr. Gutierrez. "Tax records."

6298 Chairman Goodlatte. If the gentleman from Illinois has  
6299 the time?

6300 Mr. Nadler. Would the gentleman yield for a question?

6301 Mr. Gutierrez. Yes, I would love to yield for a  
6302 question.

6303 Mr. Nadler. My question is really for the chairman.  
6304 What records, other than tax records, more than 7 year olds  
6305 might be required to be produced?

6306 Chairman Goodlatte. I have no idea, but rather than  
6307 guess that, I would rather be precise about what record --

6308 Mr. Nadler. Okay. I withdraw my question. Thank you  
6309 for yielding.

6310 Chairman Goodlatte. Without objection --

6311 Mr. Gutierrez. Mr. Chairman? Just for all of my  
6312 colleagues, this is simply to settle the issue that the  
6313 chairman stated to us that it would never be 30 years.

6314 Congresswoman Zoe Lofgren, our leader on this side of  
6315 the aisle on immigration issues, and I thought that it  
6316 appeared that it could be construed as, if I was a permanent  
6317 resident of the United States and after 25 years, I decided  
6318 to become a citizen, I would have to come up with 25 years  
6319 of records.

6320 So, this simply settles that. And it is the same  
6321 requirement of having to keep records that any citizen of  
6322 the United States would have to keep; the IRS says you got  
6323 to bring 7 years and keep them. At least, I keep my last 7  
6324 years. Thank you, Mr. Chairman.

6325 Chairman Goodlatte. Without objection, the amendment  
6326 offered by the gentleman from Illinois will be amended to  
6327 insert the word "tax" between the words "produce" and

6328 "records."

6329 The question occurs on the amendment offered by the  
6330 gentleman from Illinois.

6331 All those in favor, respond by saying aye.

6332 Those opposed, no.

6333 The ayes have it, and the amendment is agreed to.

6334 That is four in a row. Is the gentleman from Rhode  
6335 Island going to try to keep the record going?

6336 Mr. Cicilline. Yeah. Mr. Chairman, I do have an  
6337 amendment at the desk, and I have gone back and read this  
6338 section that we just discussed, and I actually think the  
6339 chairman is right.

6340 I think the activities that are prohibited reference  
6341 back to subsection A, which is the officials and employees  
6342 of the United States Citizenship and Immigration Service.  
6343 The problem is the next paragraph then says, "It is an  
6344 improper activity for those officials to work on or, in any  
6345 way, attempt to influence in a manner not available to or  
6346 afforded all other petitioners, applicants, and seekers of  
6347 benefits."

6348 So, for example, if an official is required to exercise  
6349 some discretion in the discharge of their duties and says,  
6350 look, this application should be granted because this is a  
6351 single mom who has a very sick child, a set of  
6352 circumstances; that would be considered improper because

6353 that is not an advocacy that would be available to or  
6354 afforded to all other petitioners by the very exercise of  
6355 that sort of discretion.

6356         So, I think there is no way to cure this; you know, if  
6357 these were just sort of automatic decisions, and every case,  
6358 it was the same, then you would not need discretion or  
6359 judgment. But since we require, in the statute, they  
6360 exercise that kind of judgment, which includes advocating  
6361 some people should get a benefit; other people should be  
6362 denied a benefit, I am fearful that that provision would  
6363 basically prohibit the officials from doing their job. And  
6364 since the statute already says you must act impartially and  
6365 may not give preferential treatment to any person, I think  
6366 it is covered. And so, my amendment gets rid of lines 5  
6367 through --

6368         Chairman Goodlatte. Got the amendment now. So, the  
6369 clerk will report the amendment.

6370         Ms. Adcock. Amendment to H.R. 2407, offered by Mr.  
6371 Cicilline. On page 13, strike lines --

6372         [The amendment of Mr. Cicilline follows:]

6373 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6374

6375 Chairman Goodlatte. Without objection, the amendment  
6376 is considered as read, and the gentleman is recognized on  
6377 his amendment.

6378 Mr. Cicilline. So, the amendment, simply, Mr.  
6379 Chairman, just strikes lines 5 through 21. The statute  
6380 already requires officials to act impartially and prohibits  
6381 them from giving preferential treatment to any individual.  
6382 I think the additional language, which would essentially  
6383 prohibit them from doing their jobs because it says "working  
6384 on or in any way attempting to influence the particular  
6385 petition in a manner not according to all other  
6386 petitioners."

6387 By definition, everything they do does not happen with  
6388 all other petitioners. And so, the kind of discretion that  
6389 we demand of officials would be prohibited. I am sure that  
6390 is not the intention, but that is the language.

6391 Chairman Goodlatte. Would the gentleman yield?

6392 Mr. Cicilline. Sure. Of course.

6393 Chairman Goodlatte. I can offer two alternatives here.  
6394 One would be to withdraw your amendment and work with us as  
6395 we go to the floor because we do have concern that this is  
6396 language that has precedent, and we are reluctant to simply  
6397 strike it without examining that precedent.

6398 Secondly, we could offer, instead, insertion, on line  
6399 10, between "other petitioners," the line "similarly

6400 situated," so it would read, "Not available to or afforded  
6401 to all other similarly-situated petitioners." I do not know  
6402 if that satisfies the gentleman's concerns or not, but if it  
6403 does, we could take that.

6404 If it does not, I would recommend that the gentleman  
6405 withdraw his amendment because I cannot support it, but I  
6406 will work with you, going to the floor.

6407 Ms. Lofgren. Will the gentleman yield?

6408 Mr. Cicilline. I am happy to yield.

6409 Ms. Lofgren. I appreciate that the chairman is trying  
6410 to fix this, but I do not think the fix he suggested will  
6411 actually work because, if you take a look at the next  
6412 paragraph, it precludes meeting with a lawyer who is  
6413 representing -- there is a lot of problems with this, Mr.  
6414 Chairman. I do not know that it is what you intend, but I  
6415 think there is a lot of problems with this, and your fix,  
6416 with all due respect, I do not think will fix it, and I  
6417 thank the gentleman for yielding.

6418 Chairman Goodlatte. The chair would observe we have a  
6419 vote on the floor with nine-and-a-half minutes remaining.

6420 Are there other amendments to be offered to this bill?

6421 What I would suggest is that we pass this bill, and  
6422 then work on this going to the floor, if the gentleman would  
6423 be willing to withdraw his amendment. I assure him that I  
6424 understand his concern and will work with him to address it.

6425 Mr. Cicilline. In good faith.

6426 Chairman Goodlatte. In good faith.

6427 Mr. Cicilline. I would like to withdraw the amendment.

6428 Chairman Goodlatte. The amendment is withdrawn. A

6429 reporting quorum being present, the question is on the

6430 motion report the bill H.R. 2407, as amended, favorably to

6431 the House.

6432 Those in favor, respond by saying aye.

6433 Those opposed, no.

6434 The ayes have it, and the bill is reported --

6435 Ms. Lofgren. I request a recorded vote.

6436 Chairman Goodlatte. A recorded vote is requested, and

6437 the clerk will call the role.

6438 Ms. Adcock. Mr. Goodlatte?

6439 Chairman Goodlatte. Aye.

6440 Ms. Adcock. Mr. Goodlatte votes aye.

6441 Mr. Sensenbrenner?

6442 [No response.]

6443 Mr. Smith?

6444 [No response.]

6445 Mr. Chabot?

6446 Mr. Chabot. Aye.

6447 Ms. Adcock. Mr. Chabot votes aye.

6448 Mr. Issa?

6449 [No response.]

6450 Mr. King?

6451 Mr. King. Aye.

6452 Ms. Adcock. Mr. King votes aye.

6453 Mr. Franks?

6454 [No response.]

6455 Mr. Gohmert?

6456 Chairman Goodlatte. The clerk will suspend. I just

6457 want to remind all members, we do have two more bills,

6458 another reauthorization bill and a Secret Service bill that

6459 we will be taking up today.

6460 Ms. Adcock. Mr. Jordan?

6461 Mr. Jordan. Yes.

6462 Ms. Adcock. Mr. Jordan votes yes.

6463 Mr. Poe?

6464 [No response.]

6465 Mr. Chaffetz?

6466 [No response.]

6467 Mr. Marino?

6468 Mr. Marino. Yes.

6469 Ms. Adcock. Mr. Marino votes yes.

6470 Mr. Gowdy?

6471 [No response.]

6472 Mr. Labrador?

6473 [No response.]

6474 Ms. Adcock. Mr. Farenthold?

6475 Mr. Farenthold. Yeah.

6476 Ms. Adcock. Mr. Farenthold votes yeah.

6477 Mr. Collins?

6478 [No response.]

6479 Mr. DeSantis?

6480 [No response.]

6481 Mr. Buck?

6482 [No response.]

6483 Mr. Ratcliffe?

6484 Mr. Ratcliffe. Yes.

6485 Ms. Adcock. Mr. Ratcliffe votes yes.

6486 Mrs. Roby?

6487 Mrs. Roby. Yes.

6488 Ms. Adcock. Ms. Roby votes yes.

6489 Mr. Gaetz?

6490 Mr. Gaetz. Yes.

6491 Ms. Adcock. Mr. Gaetz votes yes.

6492 Mr. Johnson of Louisiana?

6493 Mr. Johnson of Louisiana. Aye.

6494 Ms. Adcock. Mr. Johnson votes aye.

6495 Mr. Biggs?

6496 Mr. Biggs. Yes.

6497 Ms. Adcock. Mr. Biggs votes yes.

6498 Mr. Conyers?

6499 Mr. Conyers. No.

6500 Ms. Adcock. Mr. Conyers votes no.  
6501 Mr. Nadler?  
6502 Mr. Nadler. No.  
6503 Ms. Adcock. Mr. Nadler votes no.  
6504 Ms. Lofgren?  
6505 Ms. Lofgren. No.  
6506 Ms. Adcock. Ms. Lofgren votes no.  
6507 Ms. Jackson Lee?  
6508 Ms. Jackson Lee. Aye. Oh, excuse me. I am sorry.  
6509 No.  
6510 Ms. Adcock. Ms. Jackson Lee votes no.  
6511 Mr. Cohen?  
6512 [No response.]  
6513 Mr. Johnson of Georgia?  
6514 [No response.]  
6515 Mr. Deutch?  
6516 [No response.]  
6517 Mr. Gutierrez?  
6518 Mr. Gutierrez. No.  
6519 Ms. Adcock. Mr. Gutierrez votes no.  
6520 Ms. Bass?  
6521 [No response.]  
6522 Mr. Richmond?  
6523 [No response.]  
6524 Mr. Jeffries?

6525 [No response.]

6526 Mr. Cicilline?

6527 Mr. Cicilline. No.

6528 Ms. Adcock. Mr. Cicilline votes no.

6529 Mr. Swalwell?

6530 [No response.]

6531 Ms. Adcock. Mr. Lieu?

6532 Mr. Lieu. No.

6533 Ms. Adcock. Mr. Lieu votes no.

6534 Mr. Raskin?

6535 Mr. Raskin. No.

6536 Ms. Adcock. Mr. Raskin votes no.

6537 Ms. Jayapal?

6538 Ms. Jayapal. No.

6539 Ms. Adcock. Ms. Jayapal votes no.

6540 Mr. Schneider?

6541 Mr. Schneider. No.

6542 Ms. Adcock. Mr. Schneider votes no.

6543 Chairman Goodlatte. The gentleman from Arizona?

6544 Mr. Franks. Aye.

6545 Ms. Adcock. Mr. Franks votes aye.

6546 Chairman Goodlatte. The gentleman from Colorado?

6547 Mr. Buck. Aye.

6548 Ms. Adcock. Mr. Buck votes aye.

6549 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

6550 Mr. Poe. Yes.

6551 Ms. Adcock. Mr. Poe votes yes.

6552 Chairman Goodlatte. The gentleman from Pennsylvania  
6553 has voted already? Has every member voted who wishes to  
6554 vote? The clerk will report.

6555 Ms. Adcock. Mr. Chairman, 14 members voted aye; 10  
6556 members voted no.

6557 Chairman Goodlatte. The ayes have it and the bill has  
6558 amended as ordered reported favorably.

6559 The House members will have 2 days to submit views.  
6560 Without objection the bill will be reported as a single  
6561 amendment in the nature of a substitute incorporating all  
6562 adopted amendments and staff is authorized to make technical  
6563 and conforming changes.

6564 And the committee will stand in recess and reconvene  
6565 immediately after this series of votes.

6566 [Recess.]

6567 Chairman Goodlatte. The committee will reconvene.  
6568 Pursuant to notice, I now call up H.R. 2406 for purposes of  
6569 markup and move that the committee report the bill favorably  
6570 to the House. The clerk will report the bill.

6571 Ms. Adcock. H.R. 2406, to amend section 442 of the  
6572 Homeland Security Act of 2002, to authorize United States  
6573 Immigrations and Customs Enforcement, and for other  
6574 purposes.

6575 [The bill follows:]

6576 \*\*\*\*\* INSERT 2 \*\*\*\*\*

6577 Chairman Goodlatte. Without objection the bill is  
6578 considered as read and open for amendment at any time and I  
6579 will begin by recognizing myself for an opening statement.

6580 Following enactment of the Homeland Security Act of  
6581 2002, this country witnessed one of the largest government  
6582 reorganizations in history. Much of this was based on the  
6583 trailblazing work of Jim Sensenbrenner.

6584 The Homeland Security Act included provisions  
6585 transferring the immigration and naturalization services  
6586 functions to the Department of Homeland Security that were  
6587 based on Mr. Sensenbrenner's Barbara Jordan Immigration  
6588 Reform and Accountability Act. That legislation was passed  
6589 by the House and would have abolished the INS and  
6590 established separate offices to conduct immigration  
6591 enforcement and provide immigration benefits.

6592 Under the Homeland Security Act, the INS functions were  
6593 transferred to several agencies within DHS. The act placed  
6594 responsibility over both immigration enforcement and customs  
6595 enforcement in the same directorate within DHS.

6596 In 2003, the Bush administration submitted a DHS  
6597 reorganization plan modification. The plan called for the  
6598 creation of the Bureau of Immigration and Customs  
6599 Enforcement which would comprise the INS interior  
6600 enforcement functions, as well as the interior enforcement  
6601 functions of the Custom Service and the Federal Protective

6602 Service. Its mission would be to enforce the full range of  
6603 immigration and customs laws within the interior of the  
6604 United States and to protect specified Federal buildings.

6605 Pursuant to the Bush administration's plan, ICE was  
6606 established and became DHS's investigative wing. While this  
6607 was all done in accordance with the Homeland Security Act,  
6608 nowhere does the Act specifically create an agency task with  
6609 interior enforcement of the Immigration and Customs laws.

6610 ICE's mission, especially on the investigative side, is  
6611 hampered by its lack of statutory authority. As a critical  
6612 law enforcement agency, it is past time that we formally  
6613 establish ICE by authorizing it in statute. H.R. 2406, The  
6614 United States Immigration Customs Enforcement Act, does  
6615 exactly that. It enshrines ICE's important work in statute  
6616 and facilitates the successful accomplishment of its  
6617 mission.

6618 Specifically, this bill establishes the agency and all  
6619 positions and component offices, including the director,  
6620 Homeland Security investigations, enforcement, and removal  
6621 operations, and the Office of Principal Legal Advisor. It  
6622 also clarifies that ICE's mission is exactly what the Bush  
6623 administration intended it to be, to protect the United  
6624 States by enforcing the full range of immigration and  
6625 customs laws within the interior of the United States.

6626 While H.R. 2406 seeks to maintain ICE's current

6627 operating structure, the bill does make needed adjustments  
6628 to the duties of each component. Notably, H.R. 2406 places  
6629 primary investigative jurisdiction over transnational  
6630 criminal gangs, weapons prosecutions, and non-national  
6631 security-related visa overstays with enforcement and removal  
6632 operations.

6633         These changes will provide for more efficiency in terms  
6634 of ultimate removals from the United States while  
6635 simultaneously allowing special agents within Homeland  
6636 Security Investigations to focus on larger scale national  
6637 security fraud and customs investigations.

6638         The current agency structure limits ERO's investigative  
6639 authority and provides ERO with no access to certain  
6640 essential DHS data bases. To support the agency in its  
6641 mission, H.R. 2406 provides ERO with such access to ensure  
6642 that both HSI and ERO may benefit from crucial databases for  
6643 the processing and retention of evidence.

6644         H.R. 2406 also statutorily authorizes the recently  
6645 established Victims of Crime Engagement Office or VOICE to  
6646 ask with keeping victims and their families informed about  
6647 the status of criminal aliens and providing resources for  
6648 victim's services, this office will play a crucial role  
6649 within the agency.

6650         This bill cannot fully anticipate the future needs of  
6651 the agency, thus authorizes the establishment of new

6652 offices, executive associate directors, and officers as  
6653 needed to carry out the agency's duties. H.R. 2406 does not  
6654 permit the creation of any public advocate office within ICE  
6655 to advocate for illegal aliens; an office for which Congress  
6656 has prohibited in multiple appropriations bills.

6657 H.R. 2406 provides long awaited statutory authority for  
6658 U.S. Immigration and Customs Enforcement and gives it a  
6659 structure design to carry out its functions.

6660 In addition, H.R. 2406 gives U.S. Immigration and  
6661 Customs Enforcement the resources that it needs by providing  
6662 additional officers, trial attorneys, as well as equipment  
6663 and weapons. This bill will ensure that the agency is  
6664 equipped with the necessary manpower, expertise, and tools  
6665 to carry out the mission and stay safe in the process.

6666 The United States Immigration and Customs Enforcement  
6667 Authorization Act is an important aspect of an overall DHS  
6668 reauthorization bill and is crucial for ICE at this  
6669 juncture. I urge my colleagues to support the bill, and it  
6670 is now my pleasure to recognize the ranking member of the  
6671 committee, the gentleman from Michigan, Mr. Conyers, for his  
6672 opening statement.

6673 [The prepared statement of Chairman Goodlatte follows:]

6674 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6675 Mr. Conyers. Thank you, Mr. Chairman. I am not  
6676 enthusiastic about H.R. 2406 and I would like to try to  
6677 explain my reluctance for supporting it. Although my  
6678 conservative friends on the committee present H.R. 2406 as  
6679 an authorization bill, this bill does not merely authorize  
6680 immigration and customs enforcement. Rather, this measure  
6681 would hasten its transformation into a "Donald Trump's mass  
6682 deportation force," as we informally call it when we are not  
6683 in committee.

6684 The bill accomplishes this by unleashing 10,000  
6685 additional deportation officers to find and arrest  
6686 immigrants authorizing two-and-one-half thousand more  
6687 detention officers to keep them incarcerated and creating a  
6688 drove of new prosecutors to expel them from the country;  
6689 10,000 additional deportation officers and authorizes two-  
6690 and-a-half thousand more detention officers to keep them  
6691 incarcerated.

6692 Nor would this newly expanded force focus where it  
6693 should, on the criminals. Instead the bill reinforces  
6694 President Trump's indiscriminate immigrant crackdown, from  
6695 my perspective. It even enhances ICE agent's authority to  
6696 apprehend individuals without having to bother with  
6697 obtaining a warrant.

6698 Goodness, already the existing force targets good men  
6699 like Roberto Beristain. He had no criminal record; he lived

6700 in the United States for 20 years, a devoted father,  
6701 husband, and owner of a neighborhood restaurant. His well-  
6702 intentioned wife voted for Donald Trump on the belief he  
6703 would go after criminals exclusively.

6704 Tragically, last month his administration proved her  
6705 wrong when it deported Mr. Beristain and tore her family  
6706 apart. Stories like this have become all too common and  
6707 makes it troubling that this bill would put an M-4 rifle in  
6708 the hands of every deportation agent, even those who sit in  
6709 an office or work with families.

6710 Some of us know that the M-4 is a military assault  
6711 rifle, but just in case that does not do the trick, allow me  
6712 to read a description of that rifle as provided by the  
6713 manufacturer itself. "Proven in military combat operations  
6714 all over the world, it is in a class by itself as a first-  
6715 rate combat weapon system. The colt M-4 carbine serves as  
6716 the United States Armed Forces weapon of choice and the  
6717 weapon of the 21st Century war fighter."

6718 I guess we should not be surprised. President Trump  
6719 has previously described immigration enforcement as a  
6720 military operation, a military operation. And this bill  
6721 makes sure that the deportation army is bigger and more  
6722 stockpiled that ever before.

6723 In case there is any confusion, let me convey this  
6724 clearly. Roberto Beristain is not an enemy combatant. Our

6725 Nation is comprised of millions of peaceful immigrants, even  
6726 those of the undocumented variety; they are not enemy  
6727 combatives, they are our neighbors frequently, friends  
6728 sometimes, and family members. They are the key to our  
6729 economy, they are core to our history, and they are critical  
6730 to our future.

6731           And so I urge that the House Judiciary Committee reject  
6732 the Trump war on immigrants and oppose this bill and I thank  
6733 the chairman.

6734           [The prepared statement of Mr. Conyers follows:]

6735 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6736 Chairman Goodlatte. The chair thanks the gentleman and  
6737 recognizes himself for purposes of offering an amendment.

6738 The clerk will report the amendment.

6739 Ms. Adcock. Amendment to H.R. 2406 offered by Mr.  
6740 Goodlatte of Virginia. Page 22 --

6741 [The amendment of Chairman Goodlatte follows:]

6742 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6743 Chairman Goodlatte. Without objection the amendment  
6744 will be considered as read, and I will recognize myself to  
6745 explain the amendment.

6746 This manager's amendment is offered to clarify a very  
6747 important component of the U.S. Immigration and Customs  
6748 Enforcement Authorization bill. There has been concern  
6749 raised in this committee that deportation officers at ICE  
6750 should not have access to certain weapons that the bill  
6751 explicitly mentions because of dangerous sanctuary city  
6752 policies, deportation officers must spend significant time  
6753 in the field arresting at large criminals which exposes  
6754 these officers to significant and unnecessary risk. It is a  
6755 travesty because these officers could be taken custody of  
6756 dangerous criminal aliens in secured facilities such as  
6757 detention centers, but for jurisdictions that simply refuse  
6758 to cooperate with the Department of Homeland Security.

6759 I am sure that my colleagues on both sides of the aisle  
6760 join me in never wanting to see any Federal agent, including  
6761 deportation officers, outgunned in the field. I offer this  
6762 amendment today, not to prohibit ICE from accessing weapons,  
6763 but, instead, to give DHS more discretion to choose the  
6764 weapons that are most appropriate for the job at hand.

6765 ICE should have access to the weapons that they need in  
6766 order to carry out the most dangerous aspects of their  
6767 mission, and I hope that the secretary of Homeland Security

6768 and the director of ICE provide the weapons that are most  
6769 effective and reliable.

6770 To that point, this amendment, likewise, adds language  
6771 requiring that the Secretary of Homeland Security provide  
6772 appropriate training prior to the issuance of any weapon. I  
6773 have full confidence that no deportation officer is sworn in  
6774 and handed credentials and weapons without such training.  
6775 However, I want to ensure that whenever new weapon systems  
6776 are introduced into the field, that the officers who receive  
6777 them are appropriately trained on their use. This will keep  
6778 the officers safe as they continue to keep the American  
6779 people safe and I urge my colleagues to join me in  
6780 supporting this amendment.

6781 Mr. Gutierrez. I move to strike the last word.

6782 Chairman Goodlatte. The gentleman from Illinois is  
6783 recognized for 5 minutes.

6784 Mr. Gutierrez. Thank you very much, Mr. Chairman.  
6785 Well, first of all, Mr. Chairman, it is pretty simple, if  
6786 you want someone, you get an arrest warrant. You get an  
6787 arrest warrant, the police hand them over to you.

6788 You make it sound as though there is all these  
6789 dangerous people and they are having to come into all of  
6790 these dangerous neighborhoods and so they need these semi-  
6791 automatic weapons -- assault weapons -- to come into those  
6792 neighborhoods.

6793           No, the police are there each and every day in those  
6794 neighborhoods; they do not have these assault weapons by  
6795 their side in order to do it. You make it sound, well, the  
6796 police will not do it, so now the immigration agents have to  
6797 come in there. That is not true. The city of Chicago, for  
6798 example, every year they get tens of thousands of arrest  
6799 warrants.

6800           The city of New York gets tens of thousands of arrest  
6801 warrants, and they issue tens of thousands in the city of  
6802 Los Angeles. That is all you really need is an arrest  
6803 warrant. If you want, let's use due process. Get an arrest  
6804 warrant, and boom, they will hand them over to you. But  
6805 what you want is simply willy-nilly for someone to hand  
6806 over, without going through the constitutional protections  
6807 that we have in our law. Get an arrest warrant, they are  
6808 yours.

6809           Now, it has been suggested by the chairman that, well,  
6810 he wants to make sure that they are trained. Well, we  
6811 offered that amendment earlier. Yes, the only other law  
6812 enforcement officers in the Federal level, and let's  
6813 understand, there are more law enforcement officers at  
6814 Homeland Security than the FBI, the DEA, the Secret Service,  
6815 than all other Federal police agencies. They have more than  
6816 all of them.

6817           But guess what? The FBI, which issues these same

6818 assault weapons, makes sure that agents go through specific  
6819 training and that there are specific background checks.  
6820 Yes, they have to take a polygraph, and they have to go  
6821 through different levels of training and interaction before  
6822 they become qualified to use these weapons.

6823         So on two bases: number one, get an arrest warrant,  
6824 city of Chicago will hand over to you anybody that you have  
6825 an arrest warrant for. You do not want to get an arrest  
6826 warrant. You want the city of Chicago to do what the city  
6827 of Chicago does not believe it needs to do, and that is hand  
6828 over people that you have not got an arrest warrant for. It  
6829 is pretty simple.

6830         And in our city of Chicago, the police go out without  
6831 these weapons each and every day. I do not see why an  
6832 immigration agent is not necessarily going to go up against  
6833 anybody more dangerous than a Chicago police officer does or  
6834 a Cook County sheriff does every day. That is not only in  
6835 Chicago, but across this country.

6836         Again, if it were so difficult, please explain to me  
6837 how every year hundreds of thousands of arrest warrants,  
6838 yes, hundreds of thousands of arrest warrants, are obtained  
6839 by municipalities and local police jurisdictions. Why can  
6840 we not do it? You obviously do not need hundreds of  
6841 thousands to pick up 400,000 because you only want the ones  
6842 that are in the hands of local police department, local

6843 forces. When you want one, we can do that.

6844 So you see, this is all not necessary. All we have to  
6845 do is follow the Constitution and do what every other police  
6846 department, because really, that is what this is, a huge,  
6847 Federal police department, does each and every day.

6848 And on the other hand, let's be clear. Why do we not  
6849 resolve the problem? Why do we not resolve the problem?  
6850 That is, why do we not fix our immigration system? Then we  
6851 can take, like we did with the DREAMers, and take people who  
6852 are working outside of the system, have them go through a  
6853 background check, give them a Social Security card, put them  
6854 to work, teach them about the Constitution, our language,  
6855 incorporate them more fully. Because they are here and some  
6856 of them have been here 15, 20, 25 years.

6857 What are we going to do? What are we going to say to  
6858 the 5 million American-citizen children whose parents are  
6859 undocumented? We are sending somebody in with an assault  
6860 weapon to pick up your mom and your dad?

6861 Let's stop making the 11 million this somehow  
6862 notoriously dangerous group of people. No. Guess what?  
6863 Today, everybody that has a salad or has a cup of fruit has  
6864 eaten from the hands of those people that you want assault  
6865 weapons to have to go up and pick. Guess what? When you  
6866 have some eggs, the dairy farms across this country, and  
6867 this is not me saying this, Mr. Chairman. We know for a

6868 AFTER 6:00 p.m.

6869 fact, and we are complicit, in the exploitation of 11  
6870 million people by allowing them to use substandards in terms  
6871 of their employment. Let's bring them out of the shadows.  
6872 Let's incorporate them.

6873 Lastly, millions of jobs are created, both by the  
6874 products that are bought in Mexico each and every year and  
6875 by the products that are bought by the 11 million  
6876 undocumented. Why do we not incorporate them into the  
6877 economy, creating more tax dollars and reducing the deficit  
6878 instead of creating this police force?

6879 Chairman Goodlatte. The chair thanks the gentleman.

6880 I ask unanimous consent to insert in the record a CBS  
6881 News story dated May 3, 2017: "Chicago Alderman: Cops Should  
6882 Carry High-Powered Weaponry in Some Neighborhoods."

6883 Without objection, it will be made a part of the  
6884 record.

6885 [The information follows:]

6886 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

6887 Chairman Goodlatte. The question occurs on the  
6888 amendment offered by the chairman.

6889 All those in favor, respond by saying aye.  
6890 Those opposed, no.

6891 In the opinion of the chair, the ayes have it, and the  
6892 amendment is agreed to.

6893 Mr. Conyers. I think we need a record vote.

6894 Chairman Goodlatte. A record vote is requested, and  
6895 the clerk will call the roll.

6896 Ms. Adcock. Mr. Goodlatte?  
6897 Chairman Goodlatte. Aye.

6898 Ms. Adcock. Mr. Goodlatte votes aye.  
6899 Mr. Sensenbrenner?

6900 [No response.]

6901 Mr. Smith?  
6902 [No response.]

6903 Mr. Chabot?  
6904 Mr. Chabot. Aye.

6905 Ms. Adcock. Mr. Chabot votes aye.  
6906 Mr. Issa?  
6907 [No response.]

6908 Mr. King?  
6909 [No response.]

6910 Mr. Franks?  
6911 [No response.]

6912 Mr. Gohmert?  
6913 [No response.]  
6914 Mr. Jordan?  
6915 [No response.]  
6916 Mr. Poe?  
6917 [No response.]  
6918 Mr. Chaffetz?  
6919 [No response.]  
6920 Mr. Marino?  
6921 Mr. Marino. Yes.  
6922 Ms. Adcock. Mr. Marino votes yes.  
6923 Mr. Gowdy?  
6924 [No response.]  
6925 Mr. Labrador?  
6926 [No response.]  
6927 Mr. Farenthold?  
6928 Mr. Farenthold. Yes.  
6929 Ms. Adcock. Mr. Farenthold votes yes.  
6930 Mr. Collins?  
6931 Mr. Collins. Yes.  
6932 Ms. Adcock. Mr. Collins votes yes.  
6933 Mr. DeSantis?  
6934 [No response.]  
6935 Mr. Buck?  
6936 [No response.]

6937 Mr. Ratcliffe?  
6938 Mr. Ratcliffe. Yes.  
6939 Ms. Adcock. Mr. Ratcliffe votes yes.  
6940 Mrs. Roby?  
6941 [No response.]  
6942 Mr. Gaetz?  
6943 Mr. Gaetz. Yes.  
6944 Ms. Adcock. Mr. Gaetz votes yes.  
6945 Mr. Johnson of Louisiana?  
6946 Mr. Johnson of Louisiana. Yes.  
6947 Ms. Adcock. Mr. Johnson votes yes.  
6948 Mr. Biggs?  
6949 [No response.]  
6950 Mr. Conyers?  
6951 Mr. Conyers. No.  
6952 Ms. Adcock. Mr. Conyers votes no.  
6953 Mr. Nadler?  
6954 Mr. Nadler. No.  
6955 Ms. Adcock. Mr. Nadler votes no.  
6956 Ms. Lofgren?  
6957 [No response.]  
6958 Ms. Jackson Lee?  
6959 [No response.]  
6960 Mr. Cohen?  
6961 [No response.]

6962 Mr. Johnson of Georgia?  
6963 Mr. Johnson of Georgia. No.  
6964 Ms. Adcock. Mr. Johnson votes no.  
6965 Mr. Deutch?  
6966 [No response.]  
6967 Mr. Gutierrez?  
6968 Mr. Gutierrez. No.  
6969 Ms. Adcock. Mr. Gutierrez votes no.  
6970 Ms. Bass?  
6971 [No response.]  
6972 Mr. Richmond?  
6973 [No response.]  
6974 Mr. Jeffries?  
6975 [No response.]  
6976 Mr. Cicilline?  
6977 [No response.]  
6978 Mr. Swalwell?  
6979 [No response.]  
6980 Mr. Lieu?  
6981 Mr. Lieu. No.  
6982 Ms. Adcock. Mr. Lieu votes no.  
6983 Mr. Raskin?  
6984 [No response.]  
6985 Ms. Jayapal?  
6986 Ms. Jayapal. No.

6987 Ms. Adcock. Ms. Jayapal votes no.

6988 Mr. Schneider?

6989 Mr. Schneider. Yes.

6990 Ms. Adcock. Mr. Schneider votes yes.

6991 Chairman Goodlatte. The gentleman from Iowa?

6992 Mr. King. Aye.

6993 Ms. Adcock. Mr. King votes aye.

6994 Chairman Goodlatte. Gentleman from Texas, Mr. Smith?

6995 Mr. Smith. Mr. Chairman, I vote aye.

6996 Ms. Adcock. Mr. Smith votes aye.

6997 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

6998 Mr. Poe. Yes.

6999 Ms. Adcock. Mr. Poe votes yes.

7000 Chairman Goodlatte. The gentleman from Florida?

7001 Mr. Deutch. No.

7002 Ms. Adcock. Mr. Deutch votes no.

7003 Chairman Goodlatte. How close? The clerk will report.

7004 The gentleman is recorded as a no. The gentleman changed

7005 his vote to aye.

7006 Mr. Gutierrez. How am I recorded?

7007 Chairman Goodlatte. The gentleman is recorded as a no.

7008 Mr. Gutierrez. I vote yes.

7009 Chairman Goodlatte. You need to change those votes.

7010 Mr. Conyers. Aye? Mr. Chairman?

7011 Chairman Goodlatte. The gentleman from Michigan?

7012 Mr. Conyers. I would like to change my vote from a no  
7013 to an aye.

7014 Chairman Goodlatte. The gentleman from New York?

7015 Mr. Conyers. Thank you.

7016 Mr. Nadler. You seem a good example, Ranking Member.  
7017 I would also like to change my vote to aye.

7018 Chairman Goodlatte. And the gentlewoman from  
7019 Washington?

7020 Ms. Jayapal. Same. Change my vote to an aye, please.

7021 Chairman Goodlatte. The gentleman from Rhode Island?

7022 Mr. Cicilline. Suspiciously, I vote aye.

7023 Chairman Goodlatte. The gentlewoman from California,  
7024 Ms. Bass?

7025 Ms. Adcock. No.

7026 Chairman Goodlatte. The gentleman from Georgia, Mr.  
7027 Johnson?

7028 Mr. Johnson of Georgia. How am I recorded?

7029 Ms. Adcock. Hold on.

7030 Chairman Goodlatte. You are recorded as a no.

7031 Mr. Johnson of Georgia. Change my vote to aye.

7032 Chairman Goodlatte. The gentlewoman from California?

7033 Ms. Lofgren. Yes.

7034 Ms. Adcock. Ms. Lofgren votes yes.

7035 Chairman Goodlatte. Has every member voted who wishes  
7036 to vote?

7037 Mr. Conyers. You have been rushing.

7038 Chairman Goodlatte. The gentleman from Ohio.

7039 Mr. Jordan. Yes.

7040 Ms. Adcock. Mr. Jordan votes yes.

7041 Chairman Goodlatte. The clerk will report.

7042 Ms. Adcock. Mr. Chairman, 23 members voted aye; zero

7043 members voted no.

7044 Chairman Goodlatte. And the amendment is agreed to.

7045 Are there further amendments to H.R. 2406?

7046 Mr. Conyers. I have one, sir.

7047 Chairman Goodlatte. The clerk will report the

7048 amendment of the gentleman from Michigan.

7049 Ms. Adcock. Amendment to H.R. 2406 offered by Mr.

7050 Conyers. Page 21, strike --

7051 [The amendment of Mr. Conyers follows:]

7052 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7053 Chairman Goodlatte. Without objection, the amendment  
7054 will be considered as read, and the gentleman is recognized  
7055 on his amendment.

7056 Mr. Conyers. Thank you. Members of the committee, the  
7057 amendment being passed out of mine strikes those provisions  
7058 of H.R. 2406 that would substantially increase the Trump  
7059 administration's mass deportation force.

7060 These provisions would unleash 10,000 more deportation  
7061 officers to find and arrest immigrants and another 2,500  
7062 detention officers to keep them in cells until they are  
7063 deported. By nearly tripling the number of deportation  
7064 officers and activating thousands more detention officers,  
7065 these provisions of H.R. 2406 effectively would authorize  
7066 the foot soldiers for the administration's war on  
7067 immigrants. I do not think this is appropriate.

7068 And to make matters worse, President Trump wants this  
7069 supercharged force to target virtually every undocumented  
7070 immigrant. His executive order on interior enforcement  
7071 makes clear that nearly all 11 million undocumented  
7072 individuals in the United States now constitute deportation  
7073 priorities.

7074 Tragically, that includes many millions of peaceful,  
7075 law-abiding immigrants, and that is why the administration  
7076 has already arrested double the number of noncriminal  
7077 immigrants in the period from Trump's inauguration through

7078 mid-March, relative to the same period last year.

7079         The hard truth is that President Trump will not use  
7080 these 10,000 new officers just to go after the people that  
7081 need to be investigated, arrested, or prosecuted. They will  
7082 be used to go after the good ones, as well as the bad ones.  
7083 President Trump has been clear that he views his mass  
7084 deportation project as a "military operation."

7085         It is, therefore, not surprising that he appointed a  
7086 retired general to command this initiative. And in true  
7087 military fashion, this bill would require the issuance of a  
7088 M4 assault rifle or equivalent to every last single  
7089 deportation officer. That means a total of over 15,000  
7090 agents hunting down many law-abiding immigrants with  
7091 military-grade combat weapons.

7092         My amendment would strike the provisions that are  
7093 intended to authorize the enlistment and deployment of foot  
7094 soldiers for President Trump's war on immigrants. As I have  
7095 emphasized in my previous comment, immigrants are not enemy  
7096 combatants. They are cherished members of some of our  
7097 families and many of our communities. Indeed, I do not  
7098 think I need to remind my Republican colleagues here that we  
7099 are collectively a Nation of immigrants.

7100         A war on immigrants is, in one fashion, in one way, a  
7101 war against ourselves. And so we must oppose such efforts,  
7102 and I accordingly urge all of my colleagues to please

7103 support my amendment. And I yield back any balance of time  
7104 that may exist.

7105 Chairman Goodlatte. The chair thanks the gentleman and  
7106 recognizes himself in opposition to the amendment.

7107 This amendment seeks to strike all provisions  
7108 increasing the number of deportation officers employed by  
7109 ICE. These provisions ensure that ICE may efficiently and  
7110 effectively carry out the mission. With a current force of  
7111 only 5,000 nationwide, resources are thin, and more criminal  
7112 aliens are falling through the cracks because ICE simply  
7113 does not have the manpower to run the Criminal Alien  
7114 Program, Fugitive Operations, custody management, and other  
7115 administrative functions, including handling non-detained  
7116 dockets.

7117 These additional officers are needed now, not to carry  
7118 out increased enforcement, but to enforce the law as it is  
7119 currently written. So for these reasons, I urge my  
7120 colleagues to oppose the amendment.

7121 For what purpose does the gentlewoman from California  
7122 seek recognition?

7123 Ms. Lofgren. Strike the last word.

7124 Chairman Goodlatte. The gentlewoman is recognized for  
7125 5 minutes.

7126 Ms. Lofgren. Mr. Chairman, I support Mr. Conyers'  
7127 amendment. This bill is not merely an authorization act; it

7128 really does a lot of substantive things that are new. One  
7129 is to triple the number of ICE officers, which Mr. Conyers'  
7130 amendment addresses.

7131         There are other problems in the bill. One provision,  
7132 for example, appears to require ICE to arrest, detain, and  
7133 remove any non-citizen, who "undermines the border security  
7134 efforts and operations of the United States."

7135         Now, nowhere in the Immigration and Nationality Act is  
7136 this language contained. We do not know exactly what it  
7137 means, and the bill certainly fails to define it. For all  
7138 we know, this phrase could refer to immigrants who advocate  
7139 against President Trump's policies on the border. This bill  
7140 may, therefore, rewrite the Immigration and Nationality Act  
7141 in a manner that is so ambiguous as to empower ICE agents to  
7142 deport virtually any non-citizen it pleases.

7143         I know that Ms. Jayapal will have an amendment later  
7144 dealing with the database issue, but the Department of  
7145 Homeland Security, in the bill, gives ICE access to every  
7146 single department database, and that includes asylum seekers  
7147 and VAWA victims of domestic abuse. That is really  
7148 unprecedented and uncalled for.

7149         I also believe that the bill removes a vital check on  
7150 potential ICE abuses. It would prevent ICE from  
7151 reinstating the Office of Public Advocate, which did work  
7152 with stakeholders, to remedy violations.

7153 I think, you know, there has not been a single hearing  
7154 held on this, and we do not know the implications of every  
7155 provision in the bill, accordingly. But I do know it is  
7156 important to have some checks on the behavior of agents,  
7157 who, oftentimes, operate unobserved with a vulnerable  
7158 population.

7159 Certainly, I have had situations where I had to  
7160 intervene, where agents were taking an unhealthy interest in  
7161 attractive, young immigrants. That kind of abuse really  
7162 should never be tolerated, and without the Office of Public  
7163 Advocate, there is not going to be an effective mechanism to  
7164 really check misbehavior.

7165 So I think this bill is fatally flawed. I think it  
7166 should not be before us today without a single hearing. It  
7167 is a part of the mass deportation effort underway, and I  
7168 support Mr. Conyers' amendment. I will have an amendment as  
7169 well.

7170 I want to mention also the VOIS database that is  
7171 enshrined in this bill. You know, we should not forget that  
7172 the public database presented by VOIS as an information  
7173 resource just recently contained the names of 2-year-olds;  
7174 they must have been some fierce 2-year-old to end up on that  
7175 criminal database. So to think that these databases are  
7176 even completely reliable would not be correct, and to give  
7177 broader access to them is a huge mistake.

7178           So with that, Mr. Chairman, I would yield back the  
7179 balance of my time.

7180           Mr. Gutierrez. Mr. Chairman?

7181           Chairman Goodlatte. The gentleman from Illinois, for  
7182 what purpose do you seek recognition?

7183           Mr. Gutierrez. To strike the last word.

7184           Chairman Goodlatte. The gentleman is recognized for 5  
7185 minutes.

7186           Mr. Gutierrez. Thanks. So I was just thinking how  
7187 much pain and suffering we could avoid, how much money we  
7188 could save, and how much safer, whether you are an immigrant  
7189 or a citizen of the United States born here, we could become  
7190 if we simply did what, I do not know, Christians and Muslims  
7191 and Jews and Hindus and every major religion in the United  
7192 States says we should do, which is pass comprehensive  
7193 immigration reform and allow people to sign up with the  
7194 government, go through a background check, get a work  
7195 permit. Maybe 10 years later, they can become citizens.  
7196 Maybe. But in the meantime, they work and raise their  
7197 children.

7198           Let me see. I was just thinking, Mr. Chairman, the  
7199 Chamber of Commerce, big, big over on the majority side, the  
7200 business community, every large corporation thinks it is a  
7201 good idea. But wait a minute: they got together with the  
7202 AFL-CIO, so that kind of covers our side. And they got

7203 together and thought it was a good idea. So business and  
7204 labor thought it was a good idea, religious community  
7205 thought it was a good idea. But moreover, think about it.  
7206 The Senate thought it was a good idea. Sixty-eight members,  
7207 and there were quite a few conservative members of the  
7208 Senate who voted for this bill.

7209         And Mr. Chairman, I happen to know, from personal  
7210 experience and knowledge, there are 240, 250 votes for  
7211 immigration reform any day of the week, any week of the  
7212 month, any month of the year, if we are simply given a vote.  
7213 So it is kind of ironic that the only place that people do  
7214 not see a solution to the immigration problem is right here  
7215 in the Judiciary Committee that has the jurisdiction over  
7216 immigration. Everybody else has an idea and has come to a  
7217 consensus of how we solve the immigration problem.

7218         And I just want to go back because I have been here a  
7219 while, 25 years, so, Mr. Chairman, I have been here like, I  
7220 do not want to say Mr. Conyers, but Mr. Conyers and I have  
7221 been here, and I think we might be the two senior members on  
7222 the Judiciary Committee right now. So I had the opportunity  
7223 to be here during the North American Free Trade Agreement.

7224         The North American Free Trade Agreement, which the  
7225 majority side loved, but we all know what happened. Last  
7226 time I was in Mexico City, literally, the taco I ate tasted  
7227 just like the one in Chicago. And lo and behold, you want

7228 to know why? Because the corn came from Iowa, whether you  
7229 eat it in Mexico or you eat it in Chicago or just about  
7230 anywhere else.

7231 So I find it interesting that so many people's farms  
7232 and agricultural business have been destroyed because of the  
7233 Trade Agreement, because you cannot compete with  
7234 agribusiness in the United States of America, which, of  
7235 course, makes them have to go to a jurisdiction in which  
7236 they do get a job; that is, from Mexico to the United  
7237 States, and then we create millions of jobs.

7238 And you know why I know this, like, we are never going  
7239 to really build a wall, and NAFTA will never be? Because  
7240 too many of the people that voted for the majority party,  
7241 their jobs count on the trade; millions of jobs that count  
7242 on the trade between Mexico. Mexicans literally buy product  
7243 that creates millions and millions of jobs for American  
7244 citizens, and the balance is on our side in our equation.  
7245 So we will never do that. But why do we not deal with the  
7246 reality that we need to work together?

7247 And moreover, you look at our high-tech industry, which  
7248 I have learned so much from Congresswoman Zoe Lofgren from.  
7249 So I would like to say to our ranking member, thank you so  
7250 much for bringing this amendment forward, because I think  
7251 there is another way.

7252 I mean, think about it one moment. Think about 5

7253 million American-citizen children. Their memory, their  
7254 childhood, their adolescent memory of their government was  
7255 they wanted to take their mom and dad away. That is their  
7256 memory. That is their fear. Think about the thousands of  
7257 children who are deported each year. They are American  
7258 citizens, but they go with their mom and their dad. What  
7259 are we going to do when they are 18, 19, 20, and want to  
7260 come back? There are so many things, human things, that we  
7261 should think about. So many children, so many families.

7262         And lastly, let me just make this issue. You know, the  
7263 majority side keeps wanting this mass deportation, but they  
7264 keep eating the food that the people that they want to  
7265 forcibly remove pick for them every day. They drink the  
7266 milk from the dairy farms that the people they want to  
7267 remove, they drink every day. They even like their, I do  
7268 not know, chardonnay from the people that pick the grapes  
7269 that give them such delicious wine.

7270         I mean, why do you eat and drink and celebrate so many  
7271 of the things that the very people that you want to  
7272 massively deport from the United States? Because I think  
7273 you really know you are not going to get rid of them. You  
7274 are going to continue to be able to have this dual society  
7275 in which people are exploited, and I just want one American  
7276 workforce, all of them under the same rule of law. Thank  
7277 you very much, Mr. Chairman.

7278 Ms. Jackson Lee. Mr. Chairman?

7279 Chairman Goodlatte. For what purpose does the  
7280 gentlewoman from Texas seek recognition?

7281 Ms. Jackson Lee. Strike the last word.

7282 Chairman Goodlatte. The gentlewoman is recognized for  
7283 5 minutes.

7284 Ms. Jackson Lee. Breaking news: the business community  
7285 in Houston, Texas, wants comprehensive immigration reform  
7286 and fully understands the integrated process of the economy  
7287 with many of the individuals that have fallen victim over  
7288 the last couple of months to the executive order that came  
7289 down from the Trump administration. I guess they were  
7290 looking to fulfill their campaign pledge of lock them up,  
7291 lock them up.

7292 Let me cite for you a story from CNN on April 16, 2017:  
7293 "ICE Immigration Arrests of Noncriminals Double Under  
7294 Trump." Let me read it again. "Ice Immigration Arrests of  
7295 Non-criminals." Not violent, not criminals, non-violent.  
7296 People who would not pose a threat or, in essence, are not  
7297 high-value individuals. Or, "The Mayor of Hancock Tells  
7298 ICE: Back off Arrests in Courthouses and near Schools,"  
7299 April 16, 2017.

7300 I rise to support the gentleman, the ranking member's,  
7301 amendment, and I want to thank him for this thoughtfulness.  
7302 I also want to thank the chairman, who, often during our

7303 hearings on a variety of issues or markups, have really  
7304 tried to find common ground. And for that reason, I have to  
7305 comment that, when you talk about ramping up individuals or  
7306 FTEs, more employees, which the ICE would be, and let me put  
7307 on the record that we are very grateful and appreciative of  
7308 the service of Federal law enforcement.

7309 Thank them for intending to serve and serving their  
7310 Nation. Let me thank detention officers, thanking them for  
7311 their service and for intending to serve. Let's get that  
7312 off the table as to opposition of Democrats against Federal  
7313 law enforcement and the work that they do. ICE officers  
7314 have saved lives.

7315 Detention officers do reputable work. But as you well  
7316 know, I submitted into the record, which I will do again, a  
7317 Houston Chronicle article that talked about the number of  
7318 deaths that are occurring in detention centers; the lack of  
7319 medical care; the problems with women and children being  
7320 detained in detention centers; the lack of ability to get  
7321 information, particularly in the privately-run detention  
7322 centers, whether or not their rights of Freedom of  
7323 Information Act on the people that have died; or the  
7324 autistic, non-violent, non-criminal immigrant who remained  
7325 incarcerated, detained for 3 years.

7326 And so, without a hearing, Mr. Chairman, to discern  
7327 whether or not we need 10,000 more ICE officers and 2,500

7328 more detention officers, we have had no hearing. We have  
7329 had no one sit in front of us and say, "We are in a crisis."  
7330 No one has said that we will collapse if we do not get  
7331 10,000 officers. They did tell me, when we were in India,  
7332 that we were suffering through the freeze that was put in by  
7333 Trump in his first few weeks on hiring government employees,  
7334 that we were going to be backlogged for the lack of consular  
7335 officers that needed to be vetted to deal with applicants  
7336 for visas.

7337         That was right, accurately, out of those on the ground.  
7338 What ICE officers have shown up here today or grabbed us in  
7339 the hallway, Mr. Johnson, Ms. Jayapal, stood outside as we  
7340 were voting, and begged for 10,000 ICE officers or 2,500  
7341 detention officers? My problem is it is not needed, and it  
7342 is a problem, excuse me, a solution running toward a  
7343 problem.

7344         The budget is not going anywhere. No wall. No  
7345 deportation task force that one can see readily, though I  
7346 know all kinds of tricks can come about. We cannot just be  
7347 complying with campaign rhetoric where there is no need and  
7348 spending money while we are throwing seniors out of nursing  
7349 homes because we are taking Medicaid from those seniors.

7350         So, I ask my colleagues to support the Conyers'  
7351 amendment. I yield back.

7352         Chairman Goodlatte. Time of the gentlewoman has

7353 expired. For what purpose does the gentlewoman from  
7354 Washington seek recognition?

7355 Ms. Jayapal. Move to strike the last word.

7356 Chairman Goodlatte. The gentlewoman is recognized for  
7357 5 minutes.

7358 Ms. Jayapal. Thank you, Mr. Chairman. I want to  
7359 strongly support Mr. Conyers' amendment and I want to  
7360 associate myself with the comments made by my colleagues on  
7361 this side of the aisle.

7362 I am a new member to this committee, but honestly, Mr.  
7363 Chairman, I do not understand how we spent 3 full days now  
7364 debating immigration bills that never went through the  
7365 Immigration Subcommittee. We have not had an opportunity to  
7366 get any perspectives on these bills, and these bills are  
7367 dramatic. They are draconian.

7368 The first bill we voted on would criminalize  
7369 undocumented immigrants. This one is not just a  
7370 reauthorization; as my good, ranking member on the  
7371 Immigration Subcommittee said, this is dramatic changes to  
7372 essentially allow for a deportation force to be funded and  
7373 have even more powers than it already has. And those powers  
7374 are significant.

7375 And so, Mr. Chairman, I wanted to just mention that  
7376 there is a number of faith communities that have spoken out  
7377 on this issue because, as Mr. Gutierrez said, this is not an

7378 issue that does not have a majority of the American people  
7379 across the country believing that we need a real solution to  
7380 the immigration problem in this country, and that would be  
7381 the comprehensive immigration reform that so many of us have  
7382 been working for, for so long.

7383         But faith communities across the country articulate  
7384 this over and over again in their statements. And we have  
7385 got statements from the American Friends Service Committee,  
7386 statements from the Assemblies of God, Christian Church,  
7387 Disciples of Christ, Christian Churches Together, Church of  
7388 Jesus Christ of Latter-Day Saints, the Church of the  
7389 Brethren, the Church of the Nazarene, the Community  
7390 Relations Council of the Jewish Federation, Conservative  
7391 Judaism, Episcopal Church, Evangelical Free Church of  
7392 America, the Evangelical Lutheran Church in America, the  
7393 Hindu American Foundation, the Mennonite Church,  
7394 Metropolitan Community Church, Muslim Public Affairs  
7395 Council, the National Association of Evangelicals, the  
7396 National Council of Churches, North Carolina Council of  
7397 Churches, Presbyterian Church.

7398         I could continue to read this long list, but I wanted  
7399 to just actually take a minute to read a paragraph from the  
7400 National Evangelical statement. And here it is:

7401 "Immigration is a worldwide phenomenon. People migrate due  
7402 to economic globalization, armed conflict, a desire to

7403 provide for their families. The United States of America is  
7404 a country founded by immigrants, and its history has been  
7405 characterized by waves of immigrants from different parts of  
7406 the world."

7407         It goes on to say that, "Due to the limited number of  
7408 visas, millions have entered the United States without  
7409 proper documentation or have overstayed temporary visas.  
7410 While these actions violate existing laws, socioeconomic,  
7411 political, and legal realities contribute to the problematic  
7412 nature of immigration. Society has ignored the existence of  
7413 an unauthorized workforce due to the economic benefits of  
7414 cheap immigrant labor. Without legal status and wary of  
7415 reporting abuses, immigrants can be mistreated and underpaid  
7416 by employers. Deportation of wage earners has separated  
7417 families and complicated the situation for many. This has  
7418 generated an underground industry for false documentation  
7419 and human smuggling."

7420         The answer to that, Mr. Chairman, is not bills that  
7421 push forward mass deportation. The answer, as all of these  
7422 religious communities around the country, regardless of  
7423 which party they come from, and 90 percent of the American  
7424 public, who knows that deporting 11 million undocumented  
7425 immigrants and putting a mass deportation force into effect  
7426 does absolutely nothing to make us safer, destroys our  
7427 economies, destroys our communities and our families. The

7428 answer to that is comprehensive immigration reform.

7429 But at a minimum, Mr. Chairman, I would hope that we  
7430 would actually have hearings on these bills, have an  
7431 opportunity to present the arguments either way. Your party  
7432 is still in the majority. You will probably still pass  
7433 these bills. But at least the American public will be able  
7434 to know that we are actually talking about these things and  
7435 maybe when they weigh in with their Republican members  
7436 across the country, who know darn well that you cannot  
7437 deport 11 million people and that a mass deportation force  
7438 does nothing except traumatize people across this country,  
7439 maybe then we would actually get some of the courage that I  
7440 believe we need to actually take on, as a Congress, the  
7441 essential reforms needed to our immigration system.

7442 I hope we support this excellent amendment by our  
7443 ranking member, Mr. Conyers. With that, I yield back.

7444 Mr. Cicilline. Mr. Chairman?

7445 Chairman Goodlatte. For what purpose does the  
7446 gentleman from Rhode Island seek recognition?

7447 Mr. Cicilline. I move to strike the last word.

7448 Chairman Goodlatte. The gentleman is recognized for 5  
7449 minutes.

7450 Mr. Cicilline. Thank you, Mr. Chairman. I rise to  
7451 strongly support the ranking member's amendment. It is  
7452 unclear to me, frankly, where this number of 10,000 new

7453 deportation officers come from.

7454 I mean, we do know that the President, in a previous  
7455 draft or in some public statement, has indicated his  
7456 intention to increase by 10,000 the number of ICE  
7457 deportation officers as part of his deportation squad. But  
7458 we also know, in an early draft, a Department of Homeland  
7459 Security memo, directed the CBB and ICE Commissioners to  
7460 enter into an agreement under which the National Guard  
7461 members would conduct immigration enforcement.

7462 Now, the final version of this document removed that,  
7463 but it is why I think we continue to hear the President  
7464 describe, or the administration to describe, this  
7465 enforcement against undocumented families in this country as  
7466 a military operation: more arms, more personnel, more boots  
7467 on the ground. These men and women who live in the  
7468 communities of our country are not enemy combatants. These  
7469 are people who are adding to the fabric of the communities  
7470 that we all live in. We benefit from all that they have  
7471 brought.

7472 And rather than, as the gentlelady from Washington  
7473 said, focusing on a serious effort in a bipartisan way to  
7474 enact comprehensive immigration reform that will fix our  
7475 broken immigration system and, at the same time, honor our  
7476 founding values as a country of being a welcoming place and,  
7477 at the same time, doing all that we can to exclude or deport

7478 really dangerous individuals. We could do that.

7479         There is legislation that would allow us to do that  
7480 successfully. And it is really hard to understand why we  
7481 are not focused on a bipartisan effort to actually fix the  
7482 issue and address the problem. That is why people  
7483 ultimately sent us to Washington, was to solve problems.  
7484 But that is not what this bill does.

7485         The ranking member's amendment will help to try to  
7486 change the focus of this effort to say we do not need to  
7487 treat this as a military operation. We have no evidence  
7488 before the committee whatsoever that 10,000 more agents to  
7489 enforce deportation and to create a robust deportation squad  
7490 is at all necessary. We do not know where that number comes  
7491 from. We do know it will be a huge expense to the taxpayers  
7492 of this country, and we will have to pay for that, of  
7493 course, by cutting other things.

7494         And it is really the wrong way that we should be  
7495 approaching this issue. And I want to end my comments with  
7496 some beautiful words from Pope Francis, who I think really  
7497 suggests a way that we should be thinking about immigration  
7498 and migrants. And in a message that he delivered on the  
7499 World Day of Migrants and Refugees, he said, and this is  
7500 Pope Francis, "Migrants trust that they will encounter  
7501 acceptance, solidarity, and help, that they will meet people  
7502 who will sympathize with the distress and tragedy

7503 experienced by others, recognize the values and resources  
7504 the latter have to offer, and are open to sharing humanly  
7505 and materially with the needy and disadvantaged."

7506 He went on to say the following day, another World Day  
7507 of Migrants and Refugees, "Migrants and refugees can  
7508 experience, along with difficulties, new, welcoming  
7509 relationships, which enable them to enrich their new  
7510 countries with their professional skills, their social and  
7511 cultural heritage, and not infrequently, their witness of  
7512 faith, which can bring a new energy and life to communities  
7513 of ancient and Christian tradition and invite others to  
7514 encounter Christ and come to know the church."

7515 And in an address to participants in a Pontifical  
7516 Council for the Pastoral Care of Migrants and Itinerant  
7517 People, the Pope said, "The church is mother, and her  
7518 motherly attention is expressed with special tenderness and  
7519 closeness to those who are obliged to flee their own country  
7520 and exist between rootlessness and integration. This  
7521 tension destroys people.

7522 "Christian compassion teaches suffering with compassion  
7523 is expressed first in a commitment to obtain knowledge and  
7524 that that forces people to leave their homeland and, where  
7525 necessary, to give voice to those who cannot manage to make  
7526 their cry of distress and oppression heard. They are all  
7527 elements that dehumanize and must push every Christian and

7528 the whole community to concrete attention."

7529 And so, I urge my colleagues to support Mr. Conyers'  
7530 amendment to take the words of Pope Francis as the way that  
7531 we should approach refugees and migrants, and I think is  
7532 consistent with the founding values of this great country.  
7533 And with that, I yield back.

7534 Chairman Goodlatte. For what purpose does the  
7535 gentleman from Georgia seek recognition?

7536 Mr. Johnson of Georgia. Move to strike the last word.

7537 Chairman Goodlatte. Gentleman is recognized for 5  
7538 minutes.

7539 Mr. Johnson of Georgia. Thank you, Mr. Chairman. The  
7540 history of this country has been to make money off of labor,  
7541 and the country was built on slave labor. And after slavery  
7542 was abolished, then sharecropping came in, another way of  
7543 keeping people locked in and underclass. And that system  
7544 stayed in place until the Civil Rights Movement took hold.  
7545 And that occurred in the 1950s and the 1960s.

7546 And so, with the advent of civil rights for African  
7547 Americans, the system had to find some new Negroes, as they  
7548 used to call them, had to find some new folks to work, maybe  
7549 not for free, but at certainly reduced wages that Americans  
7550 would settle for.

7551 And so therefore, we had the creation of this system  
7552 that attracts folks from south of the border to come and do

7553 jobs while they are undocumented and ineligible for certain  
7554 protections that Americans enjoy. And so, that system has  
7555 remained in place quietly, has grown.

7556 And meanwhile, we have had politicians who demonized  
7557 this group of people, who have proven themselves to be  
7558 viable people in America, who contribute by hard work and  
7559 dedication, and contribute to what has made America great,  
7560 despite being exploited for their labor. They have come  
7561 here from circumstances, and it is not all folks from south  
7562 of the border, but I am speaking now primarily about folks  
7563 from south of the border.

7564 They make up millions of people here in America who are  
7565 contributing to our society, and if they were suddenly to be  
7566 rounded up and deported, it would have a horrendous impact  
7567 on how we live in this country. And so, while politicians  
7568 demonize these folks, others realize that the folks that we  
7569 are demonizing are contributing to making life better for  
7570 all Americans.

7571 And so, the question becomes, why are we doing this?  
7572 Why are we putting together a deportation force, tripling  
7573 that force, re-upping the armaments that that force will  
7574 use, so that they can terrorize entire communities for the  
7575 sake of political gain by a certain party? It is self-  
7576 defeating. It is self-destructive. It is going to lead to  
7577 no good. We just do not treat people that way in this

7578 country.

7579 We should be embarking on comprehensive immigration  
7580 reform to bring people out of the shadows, to legitimize  
7581 people, to allow them to enjoy the benefits of citizenship  
7582 that they deserve, because many of them were brought here  
7583 not of their own volition, brought by parents, and they are  
7584 nothing but Americans. They do not know any other way. But  
7585 we are going to terrorize and demonize and send all of these  
7586 folks into these private, for-profit detention centers.

7587 To me, it makes no sense. It is counterproductive. It  
7588 is unwise. It is lacking in compassion. This is  
7589 ridiculous, what we are doing with this legislation that we  
7590 are passing. I urge my colleagues to think about what we  
7591 are doing. Instead of putting in punitive measures, let us  
7592 take a close look at the value that is being created or the  
7593 lack of value that is being created. Let us see what is  
7594 good for America, and let us do this thing right. With  
7595 that, I will yield back.

7596 This is the wrong way to do it, by the way. And I  
7597 support the Conyers amendment.

7598 Chairman Goodlatte. The question is on the amendment  
7599 offered by the gentleman from Michigan.

7600 All those in favor, respond by saying aye.

7601 Those opposed, no.

7602 In the opinion of the chair, the noes have it, and the

7603 amendment is not agreed to.

7604 Mr. Conyers. Recorded vote, please.

7605 Chairman Goodlatte. Recorded vote is requested, and

7606 the clerk will call the roll.

7607 Ms. Adcock. Mr. Goodlatte?

7608 Chairman Goodlatte. No.

7609 Ms. Adcock. Mr. Goodlatte votes no.

7610 Mr. Sensenbrenner?

7611 [No response.]

7612 Mr. Smith?

7613 Mr. Smith. No.

7614 Ms. Adcock. Mr. Smith votes no.

7615 Mr. Chabot?

7616 [No response.]

7617 Mr. Issa?

7618 [No response.]

7619 Mr. King?

7620 [No response.]

7621 Mr. Franks?

7622 [No response.]

7623 Mr. Gohmert?

7624 [No response.]

7625 Mr. Jordan?

7626 Mr. Jordan. No.

7627 Ms. Adcock. Mr. Jordan votes no.

7628 Mr. Poe?

7629 [No response.]

7630 Mr. Chaffetz?

7631 Mr. Chaffetz. No.

7632 Ms. Adcock. Mr. Chaffetz votes no.

7633 Mr. Marino?

7634 Mr. Marino. No.

7635 Ms. Adcock. Mr. Marino votes no.

7636 Mr. Gowdy?

7637 [No response.]

7638 Mr. Labrador?

7639 [No response.]

7640 Mr. Farenthold?

7641 Mr. Farenthold. No.

7642 Ms. Adcock. Mr. Farenthold votes no.

7643 Mr. Collins?

7644 Mr. Collins. No.

7645 Ms. Adcock. Mr. Collins votes no.

7646 Mr. DeSantis?

7647 Mr. DeSantis. No.

7648 Ms. Adcock. Mr. DeSantis votes no.

7649 Mr. Buck?

7650 [No response.]

7651 Mr. Ratcliffe?

7652 Mr. Ratcliffe. No.

7653 Ms. Adcock. Mr. Ratcliffe votes no.  
7654 Mrs. Roby?  
7655 Mrs. Roby. No.  
7656 Ms. Adcock. Mrs. Roby votes no.  
7657 Mr. Gaetz?  
7658 Mr. Gaetz. No.  
7659 Ms. Adcock. Mr. Gaetz votes no.  
7660 Mr. Johnson of Louisiana?  
7661 Mr. Johnson of Louisiana. No.  
7662 Ms. Adcock. Mr. Johnson votes no.  
7663 Mr. Biggs?  
7664 [No response.]  
7665 Mr. Conyers?  
7666 Mr. Conyers. Aye.  
7667 Ms. Adcock. Mr. Conyers votes aye.  
7668 Mr. Nadler?  
7669 Mr. Nadler. Aye.  
7670 Ms. Adcock. Mr. Nadler votes aye.  
7671 Ms. Lofgren?  
7672 Ms. Lofgren. Aye.  
7673 Ms. Adcock. Ms. Lofgren votes aye.  
7674 Ms. Jackson Lee?  
7675 Ms. Jackson Lee. Aye.  
7676 Ms. Adcock. Ms. Jackson Lee votes aye.  
7677 Mr. Cohen?

7678 [No response.]

7679 Mr. Johnson of Georgia?

7680 Mr. Johnson of Georgia. Aye.

7681 Ms. Adcock. Mr. Johnson votes aye.

7682 Mr. Deutch?

7683 Mr. Deutch. Aye.

7684 Ms. Adcock. Mr. Deutch votes aye.

7685 Mr. Gutierrez?

7686 [No response.]

7687 Ms. Bass?

7688 [No response.]

7689 Mr. Richmond?

7690 [No response.]

7691 Mr. Jeffries?

7692 [No response.]

7693 Mr. Cicilline?

7694 Mr. Cicilline. Aye.

7695 Ms. Adcock. Mr. Cicilline votes aye.

7696 Mr. Swalwell?

7697 [No response.]

7698 Mr. Lieu?

7699 [No response.]

7700 Mr. Raskin?

7701 [No response.]

7702 Ms. Jayapal?

7703 Ms. Jayapal. Aye.

7704 Ms. Adcock. Ms. Jayapal votes aye.

7705 Mr. Schneider?

7706 Mr. Schneider. Aye.

7707 Ms. Adcock. Mr. Schneider votes aye.

7708 Chairman Goodlatte. Gentleman from Ohio?

7709 Mr. Chabot. No.

7710 Ms. Adcock. Mr. Chabot votes no.

7711 Chairman Goodlatte. Gentleman from Iowa?

7712 Mr. King. No.

7713 Ms. Adcock. Mr. King votes no.

7714 Chairman Goodlatte. Gentleman from Illinois?

7715 Mr. Gutierrez. Yes.

7716 Ms. Adcock. Mr. Gutierrez votes yes.

7717 Chairman Goodlatte. Has every member voted who wishes

7718 to vote?

7719 Clerk will report.

7720 Ms. Adcock. Mr. Chairman, 10 members voted aye; 14

7721 members voted no.

7722 Chairman Goodlatte. And the amendment is not agreed

7723 to.

7724 For what purpose does the gentlewoman from California

7725 seek recognition?

7726 Ms. Lofgren. I have an amendment at the desk.

7727 Chairman Goodlatte. Clerk will report the amendment.

7728 Ms. Adcock. Amendment to H.R. 2406 offered by Ms.  
7729 Lofgren. Page 29, after line 6, add the following, "Title  
7730 III general provisions."

7731 [The amendment of Ms. Lofgren follows:]

7732 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7733 Chairman Goodlatte. Without objection, the amendment  
7734 is considered as read, and the gentlewoman is recognized for  
7735 5 minutes on her amendment.

7736 Ms. Lofgren. Mr. Chairman, while this bill is  
7737 advertised as just an authorization bill, as I mentioned  
7738 when discussing Mr. Conyers' amendment, there is some  
7739 ambiguous provisions in the bill that could be interested to  
7740 drastically alter the Nation's immigration policy.

7741 Specifically, certain language in the section codifying  
7742 the duties of the Office of Enforcement and Removal  
7743 Operations, usually referred to as ERO, could be read to  
7744 create new grounds of removal. This amendment simply  
7745 provides a rule of construction, stating that nothing in the  
7746 bill shall be construed to create any new ground of removal  
7747 under the immigration laws. The bill contains several  
7748 ambiguous provisions that could be misconstrued, as I  
7749 mentioned.

7750 The section of the bill that codifies the duties,  
7751 beginning on page 10, line 13 --

7752 Chairman Goodlatte. Would the gentlewoman yield?

7753 Ms. Lofgren. Yes.

7754 Chairman Goodlatte. I am perfectly happy with the  
7755 amendment the gentlewoman has offered and am prepared to  
7756 support it.

7757 Ms. Lofgren. Then I do not need to go further. If you

7758 will accept the amendment, I will yield back the balance of  
7759 my time.

7760 Chairman Goodlatte. Question occurs on the --

7761 Ms. Lofgren. I would like to ask unanimous consent to  
7762 put my statement in the record.

7763 Chairman Goodlatte. Absolutely. Your statement will  
7764 be placed in the record.

7765 [The prepared statement of Ms. Lofgren follows:]

7766 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7767 Chairman Goodlatte. And the question occurs on the  
7768 amendment offered by the gentlewoman from California.  
7769 All those in favor, respond by saying aye.  
7770 Those opposed, no.  
7771 The amendment is agreed to, and the question occurs on  
7772 whether or not there are further amendments to H.R. 2406.  
7773 Ms. Jayapal. Mr. Chairman, I have an amendment at the  
7774 desk.  
7775 Chairman Goodlatte. The clerk will report the  
7776 amendment of the gentlewoman from Washington.  
7777 Ms. Jayapal. I am hoping for two as the lucky charm  
7778 now.  
7779 Ms. Adcock. Amendment to H.R. 2406 offered by Ms.  
7780 Jayapal, page 16 --  
7781 [The amendment of Ms. Jayapal follows:]  
  
7782 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7783 Chairman Goodlatte. Without objection, the amendment  
7784 is considered as read. The gentlewoman is recognized for 5  
7785 minutes on her amendment.

7786 Ms. Jayapal. Thank you, Mr. Chairman. This section,  
7787 we get back to databases again. Ms. Lofgren mentioned this  
7788 in her opening comments on this bill. But my amendment  
7789 strikes section 442(k)(4), which is ICE access to the DHS  
7790 databases.

7791 Right now, as written, this section would  
7792 indiscriminately give every ICE deportation agent unchecked  
7793 access to DHS databases for immigration enforcement  
7794 purposes, ensuring their visibility into DACA recipients and  
7795 applicants, Violence Against Women Act applicants, U and T  
7796 visa applicants, and other highly vulnerable immigrant  
7797 populations.

7798 Specifically, the section mandates that all officers  
7799 within the Office of Enforcement and Removal Operations, the  
7800 ERO, shall receive access to any DHS database, as necessary,  
7801 to obtain and record evidence required to carry out those  
7802 ERO duties. And there are already controls and procedures  
7803 in place to ensure appropriate database access by DHS  
7804 personnel. These controls and procedures exist for very,  
7805 very good reasons.

7806 DHS components already coordinate and share data,  
7807 including information contained in the component databases,

7808 for law enforcement purposes. DHS can impose restrictions  
7809 on which specific individuals may access certain databases,  
7810 and the restrictions may be based on whether the individual  
7811 has a need to know or the appropriate clearance level to  
7812 access the data.

7813 The current database access rules and procedures are  
7814 the produce of very, very careful deliberation, and they do  
7815 reflect the paramount importance of avoiding irresponsible  
7816 dissemination of sensitive and even classified information.  
7817 For example, the DHS 4300A Sensitive Systems Handbook  
7818 states, "To protect sensitive information and limit the  
7819 damage that can result from accident, error, or unauthorized  
7820 use, the principle of least privilege must be applied.

7821 The principle of least privilege requires that users be  
7822 granted the most restrictive set of privileges or lowest  
7823 clearance needed for performance of authorized tasks.  
7824 Application of this principle ensures that access to  
7825 sensitive information is granted only to those users with a  
7826 valid need to know."

7827 As written, the provision could open the floodgates to  
7828 rogue enforcement against highly vulnerable populations  
7829 because it appears to replace the principle of least  
7830 privilege with the principle of most privilege. So, as  
7831 such, it could take a wrecking ball to DHS safeguards by  
7832 potentially granting all deportation officers imprudent

7833 access to sensitive and potentially even classified  
7834 databases and information.

7835         Some of the populations that the bill could ensure  
7836 deportation officers access to include, as I mentioned, DACA  
7837 recipients, DACA applicants, VAWA applicants, T and U visa  
7838 applicants, and asylum seekers. Moreover, the bill would  
7839 conceivably lay a foundation for future deportation policy  
7840 against current DACA recipients. But most importantly, I  
7841 think this provision could cause leaks of classified  
7842 material and harm national security.

7843         So, Mr. Chairman, I was hoping that, in your very good  
7844 mood that you are in right now, that we would be able to  
7845 have bipartisan --

7846         Chairman Goodlatte. If the gentlewoman would yield, I  
7847 am always in a good mood.

7848         Ms. Jayapal. I apologize, Mr. Chairman. I should have  
7849 said that. But I hope that we can have bipartisan support  
7850 and your agreement for this important amendment that I think  
7851 protects critical safeguards that took a lot of time,  
7852 frankly, to get into place.

7853         Chairman Goodlatte. The chair thanks the gentlewoman  
7854 and recognizes himself.

7855         We have a vigorous discussion going on over here with  
7856 your staff and our staff about the meaning of this  
7857 amendment. I think there is a misunderstanding. So, I must

7858 oppose your amendment because I think it strips out of the  
7859 bill a provision that is important: for all ICE officers to  
7860 have access to relevant departmental databases, and we avoid  
7861 the silo-type approach that plagues many government  
7862 agencies, including the current Department of Homeland  
7863 Security.

7864 Under ICE's current structure, the special agents with  
7865 Homeland Security Investigations already have access to  
7866 databases relevant for the collection and retention of  
7867 evidence that deportation officers with Enforcement and  
7868 Removal Operations do not. This was certainly  
7869 understandable when Enforcement and Removal Operations was  
7870 not provided any authority to investigate or present matters  
7871 for Federal criminal prosecution.

7872 However, H.R. 2406 provides Enforcement and Removal  
7873 Operations with investigative authority over transnational  
7874 criminal gangs, as well as aliens unlawfully in possession  
7875 of firearms. If deportation officers are expected to  
7876 effectively handle these matters, they need access to the  
7877 same databases as Homeland Security Investigations for the  
7878 purpose of evidence collection.

7879 This provision is practical and is meant to ensure that  
7880 Enforcement and Removal Operations have a smooth transition  
7881 into this investigative role. This access will not provide  
7882 deportation officers with backdoor access to data about

7883 aliens, as they already have access to those data systems.

7884 And I urge my colleagues to oppose the amendment.

7885 I do not know if this discussion has been resolved. If  
7886 the gentlewoman wants to withdraw her amendment, I can  
7887 assure her that we will continue to work on this when we  
7888 move to the floor. But we think that the language is  
7889 properly drafted, and therefore, at this point, I would have  
7890 to oppose the amendment.

7891 Ms. Jayapal. That is not my reading of it.

7892 Mr. Gutierrez. So, they were trying to explain to me  
7893 what it means. I do not know that they are right either.

7894 Ms. Jayapal. Mr. Chairman?

7895 Chairman Goodlatte. Yes?

7896 Ms. Jayapal. My understanding is, and I have been  
7897 assured of this by many people, that the way this is  
7898 constructed, we are giving access to multiple databases,  
7899 including ones that currently ICE officers do not have  
7900 access to, like the DACA database. And so if it is your  
7901 intent to only do what you just stated, then I would ask  
7902 that maybe we could go back and draft an amendment that  
7903 specifies exactly what you stated, versus what we understand  
7904 to be in the bill.

7905 Chairman Goodlatte. Well, we are willing to work with  
7906 you on that. We are not even sure what database you are  
7907 referring to, but we are certainly willing to work with you,

7908 and I assure you that the reasons for this language in the  
7909 bill are as stated to you: to make the department operate  
7910 more efficiently and not to create access to people who  
7911 should not have access to data.

7912 Ms. Jayapal. Okay. It looks like there is still a big  
7913 risk discussion going on there, but we will come back to you  
7914 either now or as this bill moves forward to clarify.

7915 Chairman Goodlatte. Well, the amendment is withdrawn  
7916 for now.

7917 Are there further amendments to H.R. 2406?

7918 Mr. Schneider. I have an amendment.

7919 Chairman Goodlatte. For what purpose does the  
7920 gentleman from Illinois seek recognition?

7921 Mr. Schneider. I have an amendment at the desk.

7922 Chairman Goodlatte. The clerk will report the  
7923 amendment.

7924 Ms. Adcock. Amendment to H.R. 2406 offered by Mr.  
7925 Schneider. Page 16, strike lines 1 through 6, and insert  
7926 the following: Office of Public Advocate. There is  
7927 established --

7928 [The amendment of Mr. Schneider follows:]

7929 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

7930 Chairman Goodlatte. Without objection, the amendment  
7931 is considered as read, and the gentleman is recognized for 5  
7932 minutes on his amendment.

7933 Mr. Schneider. Thank you, Mr. Chairman. I offer an  
7934 amendment to H.R. 2406 to codify the establishment of an  
7935 Office of the Public Advocate within U.S. Immigration and  
7936 Customs Enforcement. This amendment strikes section  
7937 101(k)(3) of the bill, which prevents the establishment of  
7938 such an office.

7939 An Office of the Public Advocate is a vital and common-  
7940 sense resource for both the public and the agency. It will  
7941 make ICE more effective, and crucially, it will assist the  
7942 ever-growing number of U.S. citizens, families, torn apart  
7943 by the harsh immigration policies of this administration.

7944 When it existed, the Public Advocate engaged in  
7945 important community outreach and shared information with  
7946 stakeholders on ICE policies, programs, and initiatives.  
7947 Similar community engagement entities are standard at  
7948 federal law enforcement agencies, and we have seen them work  
7949 well from the FBI's Community Relations Unit to the  
7950 Department of Justice's Community Relations Service. It  
7951 makes no sense for this bill to bar ICE from the same kind  
7952 of community outreach undertaken by the FBI or DOJ.

7953 The Public Advocate also keeps ICE leadership aware of  
7954 stakeholder recommendations for improving immigration

7955 enforcement efforts. This is not controversial. It is  
7956 harnessing outside expertise and external feedback to  
7957 improve the agency's operations.

7958 Finally, and most importantly, the Public Advocate  
7959 addresses the effect of ICE enforcement actions on U.S.  
7960 citizens. This is more relevant now than ever under  
7961 President Trump's harsh and counterproductive immigration  
7962 crackdown.

7963 Nearly 6 million U.S.-citizen children live with an  
7964 undocumented parent or other family member. Under this  
7965 administration's policies and enforcement priorities, many  
7966 of those mothers, fathers, siblings, and otherwise law-  
7967 abiding family members are under the threat of deportation.  
7968 These policies rip families apart.

7969 The Office of the Public Advocate is a resource for  
7970 Americans caught in this unimaginable situation. At a bare  
7971 minimum, the office can help separated U.S. children and  
7972 spouses locate their undocumented and otherwise law-abiding  
7973 loved ones in the U.S. detention system. The Office of the  
7974 Public Advocate is a common-sense step to make our  
7975 government agency work more efficiently and helps U.S.  
7976 citizens who are affected by the agency's actions. I want  
7977 to emphasize that point: these are U.S. citizens that the  
7978 office will help; they deserve an advocate.

7979 I strongly urge my colleagues to join me in supporting

7980 this amendment, and I yield back my time.

7981 Chairman Goodlatte. The chair thanks the gentleman and  
7982 recognizes himself. I must oppose this amendment.

7983 In February of 2012, ICE created the position of public  
7984 advocate to supposedly respond to the concerns and questions  
7985 of individuals, including those in immigration proceedings,  
7986 non-governmental organizations, and other community and  
7987 advocacy groups. However, from its inception, it was clear  
7988 that the role of this office was to undermine the important  
7989 work being done by the rest of ICE and to be a sounding  
7990 board and complaint department for illegal and criminal  
7991 aliens in removal proceedings, as well as for the attorneys  
7992 and the non-profit organizations that advocate for them.

7993 ICE, under the Obama administration, used this position  
7994 as another means of advocating its non-enforcement agenda.  
7995 It would be like the IRS establishing an office to advocate  
7996 for tax cheats. In response to this office, those whose  
7997 sole purpose was to undermine the rest of the agency it was  
7998 a part of, Congress defunded the position through the  
7999 appropriations process in 2013.

8000 In response, the Obama administration, rather than  
8001 complying, re-branded the office into the Office of  
8002 Community Outreach. This new office had essentially the  
8003 same mission as the public advocate. The public advocate  
8004 got a title change to deputy assistant director for custody

8005 programs and community outreach.

8006           The American people continued to foot the bill as the  
8007 office continued its work on behalf of aliens in removal  
8008 proceedings and their advocates. In the past year, former  
8009 Director Sarah Saldana testified at an oversight hearing  
8010 before this committee and touted efforts to hire two dozen  
8011 community engagement liaisons. These positions have very  
8012 similar job description to the former public advocate.

8013           While community engagement is an important initiative  
8014 for Federal law enforcement, ICE should be striving to  
8015 engage with the victims of crime by aliens, not to undermine  
8016 the primary objectives of ICE itself. Accordingly, this  
8017 Congress and the American people cannot afford another  
8018 public advocate, who undermines ICE and takes into account  
8019 only the concerns and complaints of those that ICE seeks to  
8020 remove. I would urge my colleagues to oppose this  
8021 amendment.

8022           Mr. Cicilline. Mr. Chairman?

8023           Chairman Goodlatte. For what purpose does the  
8024 gentleman from Rhode Island seek recognition?

8025           Mr. Cicilline. I move to strike the last word.

8026           Chairman Goodlatte. The gentleman is recognized for 5  
8027 minutes.

8028           Mr. Cicilline. Thank you. I rise in strong support of  
8029 the gentleman from Illinois' amendment, Mr. Schneider, and I

8030 think it is important to note that, with all due respect to  
8031 the chairman, that the position of public advocate does not  
8032 have, as its sole purpose, to undermine the agency. On the  
8033 contrary, the Public Advocate is engaging important  
8034 community outreach and shares information with stakeholders  
8035 on ICE policies, programs, and initiatives.

8036         Such community engagement entities are standard  
8037 components of Federal law enforcement agencies from the  
8038 FBI's Community Relations Unit or the Department of  
8039 Justice's Community Relations Service, so this is a  
8040 tradition that exists in many other law enforcement agencies  
8041 of the Federal government, and this is a very common-sense  
8042 vehicle by which information is shared with the public, and  
8043 the American people are served.

8044         It does not make any sense to eliminate this, and the  
8045 public advocate apprised ICE leadership of stakeholder  
8046 recommendations for improving immigration enforcement  
8047 efforts, so that they have engaged with outside groups to be  
8048 sure that they are putting forth improvements and policy and  
8049 practices. There really should not be anything  
8050 controversial about doing that.

8051         We owe it to the American people to ensure that we are  
8052 doing the best work that we can and using the resources to  
8053 improve the quality of that work, and I think no reasonable  
8054 administrator would deem it disadvantageous for an agency

8055 not to get that kind of feedback.

8056 Third, the public advocate addresses concerns related  
8057 to ICE enforcement actions impacting U.S. citizens. As has  
8058 been mentioned, there are a number of U.S. citizens that  
8059 were assisted by the public advocate. This underlying bill,  
8060 which would seek to prevent any ICE office from developing  
8061 this office, would prevent ICE officers from assisting the  
8062 very U.S. citizens whose tax dollars make the agency's  
8063 existence possible in the first place.

8064 And the notion that we would preclude the agency from  
8065 effectively serving the American people is hard to  
8066 comprehend. Nearly 6 million citizen, U.S. children reside  
8067 with an undocumented parent or other family member, and  
8068 under the President's immigration crackdown, virtually every  
8069 one of those undocumented family members living with a U.S.-  
8070 citizen child now would constitute a deportation priority,  
8071 particularly for the bill that the committee passed today.

8072 This public advocate also is responsible for critical  
8073 ICE hotline that enhances communication with other law  
8074 enforcement entities and helps combat sexual assault and  
8075 human trafficking. One of the public advocate's duties was  
8076 to manage this hotline, which is still operational and is  
8077 now known as the ICE ERO Detention and Reporting Information  
8078 Line. Among the other issues that this hotline addresses  
8079 are incidents of sexual assault at detention centers,

8080 reports of human trafficking victims located in those  
8081 centers, and outreach from other law enforcement entities.

8082         So this is an agency with tremendous responsibility  
8083 that has, in the past, an Office of Public Advocate that  
8084 ensures that it works most effectively and that it serves  
8085 the American people well, and the same kind of operation  
8086 exists in a number of the Federal law enforcement agencies.  
8087 It is hard to understand why we would eliminate the Office  
8088 of Public Advocate because it does so much good, and I thank  
8089 the gentleman for putting forth the amendment, and I  
8090 certainly yield the balance of my time to the gentleman from  
8091 Illinois.

8092         Mr. Schneider. Thank you. I want to thank my  
8093 colleague from Rhode Island, and I will challenge the  
8094 comparison that having an advocate at the IRS is like having  
8095 an advocate for tax cheats. That assumes that the people we  
8096 are talking about here are all undocumented immigrants. The  
8097 fact is that the majority of people who are reaching out to  
8098 this office are United States' citizens.

8099         They are people who are calling with a question, trying  
8100 to address an issue; oftentimes, it is someone who has a  
8101 family member who is within the system, but trying to get  
8102 that information. In the same way that I would like to have  
8103 people able to call the IRS with a question about their tax  
8104 status or a tax issue they are facing, I would want to have

8105 this office to be able to call, to have U.S. citizens call,  
8106 and find out what is the status of their loved one. I yield  
8107 back.

8108 Chairman Goodlatte. If the gentleman would yield. You  
8109 know, that role at the USCIS, which is the agency that  
8110 processes legal immigration applications, would be a good  
8111 one, but with ICE, the enforcement, that is a very different  
8112 set of circumstances.

8113 Mr. Schneider. If I may, with all due respect, there  
8114 are American citizens who have family members, U.S. citizens  
8115 who have family members, who are going to be dealing with  
8116 ICE in having a question, and as a citizen, they should be  
8117 able to identify the location of their loved one, the  
8118 situation, the status of their family member, and having  
8119 this office gives them a number to call and someone  
8120 advocating on their behalf.

8121 Chairman Goodlatte. Given the controversy that has  
8122 ensued with this over the last few years, I cannot support  
8123 the amendment.

8124 The question occurs on the amendment offered from the  
8125 gentleman from Illinois.

8126 All those in favor, respond by saying aye.

8127 All those opposed, no.

8128 In the opinion of the chair, the noes have it.

8129 Mr. Schneider. I ask for a recorded vote.

8130 Chairman Goodlatte. A vote is requested, and the clerk  
8131 will call role.

8132 Ms. Adcock. Mr. Goodlatte?

8133 Chairman Goodlatte. No.

8134 Ms. Adcock. Mr. Goodlatte votes no.

8135 Mr. Sensenbrenner?

8136 [No response.]

8137 Mr. Smith?

8138 [No response.]

8139 Mr. Chabot?

8140 [No response.]

8141 Mr. Issa?

8142 [No response.]

8143 Mr. King?

8144 [No response.]

8145 Mr. Franks?

8146 [No response.]

8147 Mr. Gohmert?

8148 [No response.]

8149 Mr. Jordan?

8150 Mr. Jordan. No.

8151 Ms. Adcock. Mr. Jordan votes no.

8152 Mr. Poe?

8153 [No response.]

8154 Mr. Chaffetz?

8155 [No response.]

8156 Mr. Marino?

8157 Mr. Marino. No.

8158 Ms. Adcock. Oh. Mr. Marino votes no.

8159 Mr. Gowdy?

8160 [No response.]

8161 Mr. Labrador?

8162 [No response.]

8163 Mr. Farenthold?

8164 Mr. Farenthold. No.

8165 Ms. Adcock. Mr. Farenthold votes no.

8166 Mr. Collins?

8167 Mr. Collins. No.

8168 Ms. Adcock. Mr. Collins votes no.

8169 Mr. DeSantis?

8170 [No response.]

8171 Mr. Buck?

8172 [No response.]

8173 Mr. Ratcliffe?

8174 Mr. Ratcliffe. No.

8175 Ms. Adcock. Mr. Ratcliffe votes no.

8176 Mrs. Roby?

8177 Mrs. Roby. Nay.

8178 Ms. Adcock. Mrs. Roby votes no.

8179 Mr. Gaetz?

8180 Mr. Gaetz. No.

8181 Ms. Adcock. Mr. Gaetz votes no.

8182 Mr. Johnson of Louisiana?

8183 Mr. Johnson of Louisiana. No.

8184 Ms. Adcock. Mr. Johnson of Louisiana votes no.

8185 Mr. Biggs?

8186 Mr. Biggs. No.

8187 Ms. Adcock. Mr. Biggs votes no.

8188 Mr. Conyers?

8189 Mr. Conyers. Aye.

8190 Ms. Adcock. Mr. Conyers votes aye.

8191 Mr. Nadler?

8192 [No response.]

8193 Ms. Lofgren?

8194 Ms. Lofgren. Aye.

8195 Ms. Adcock. Ms. Lofgren votes aye.

8196 Ms. Jackson Lee?

8197 Ms. Jackson Lee. Aye.

8198 Ms. Adcock. Ms. Jackson Lee votes aye.

8199 Mr. Cohen?

8200 [No response.]

8201 Mr. Johnson of Georgia?

8202 Mr. Johnson of Georgia. Aye.

8203 Ms. Adcock. Mr. Johnson votes aye.

8204 Mr. Deutch?

8205 Mr. Deutch. Aye.

8206 Ms. Adcock. Mr. Deutch votes aye.

8207 Mr. Gutierrez?

8208 [No response.]

8209 Ms. Bass?

8210 [No response.]

8211 Mr. Richmond?

8212 [No response.]

8213 Mr. Jeffries?

8214 [No response.]

8215 Mr. Cicilline?

8216 Mr. Cicilline. Aye.

8217 Ms. Adcock. Mr. Cicilline votes aye.

8218 Mr. Swalwell?

8219 [No response.]

8220 Mr. Lieu?

8221 [No response.]

8222 Mr. Raskin?

8223 [No response.]

8224 Ms. Jayapal?

8225 Ms. Jayapal. Aye.

8226 Ms. Adcock. Ms. Jayapal votes aye.

8227 Mr. Schneider?

8228 Mr. Schneider. Aye.

8229 Ms. Adcock. Mr. Schneider votes aye.

8230 Chairman Goodlatte. The gentleman from Ohio?

8231 Mr. Chabot. No.

8232 Ms. Adcock. Mr. Chabot votes no.

8233 Chairman Goodlatte. The gentleman from California?

8234 Mr. Issa. No.

8235 Ms. Adcock. Mr. Issa votes no.

8236 Chairman Goodlatte. The gentleman from Iowa?

8237 Mr. King. No.

8238 Ms. Adcock. Mr. King votes no.

8239 Chairman Goodlatte. The gentleman from New York?

8240 Mr. Nadler. Aye.

8241 Ms. Adcock. Mr. Nadler votes aye.

8242 Chairman Goodlatte. Has every member voted who wishes

8243 to vote?

8244 The clerk will report.

8245 Ms. Adcock. Mr. Chairman, 9 members voted aye; 13

8246 members voted no.

8247 Chairman Goodlatte. And the amendment is not agreed

8248 to.

8249 For what purpose does the gentleman from Texas seek

8250 recognition?

8251 Ms. Jackson Lee. To strike the last word. I have an

8252 amendment at the desk.

8253 Chairman Goodlatte. The clerk will report the

8254 amendment.

8255 Ms. Adcock. Amendment to H.R. 2406 offered by Ms.  
8256 Jackson Lee of Texas. Page 11, after line 24, insert the  
8257 following: special rule, in the case of an alien who is  
8258 granted a provisional stay of deportation or removal, as a  
8259 subject of a pending proceeding challenging the removal  
8260 order or otherwise is seeking to establish grounds --

8261 [The amendment of Ms. Jackson Lee follows:]

8262 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8263 Chairman Goodlatte. Without objection, the amendment  
8264 is considered as read, and the gentlewoman is recognized for  
8265 5 minutes on her amendment.

8266 Ms. Jackson Lee. I thank the chairman, and I am going  
8267 to call upon the good graces of the chairman and the ranking  
8268 member for this very simple addition, if I can explain it  
8269 very clearly in the context of what it practically means.

8270 What it practically means is that the individual is  
8271 detained, but Council Advocacy group are providing an effort  
8272 of a motion to stay, explanation of the ability of the  
8273 person to have a status or applicable laws applied to that  
8274 individual, and they are working to get that information.

8275 As they are working to get that information and they  
8276 submit that information, that there will be at least, if  
8277 there is notice that they are doing so, advocacy or lawyer;  
8278 that there will be a 72 hour point of refuge, if you will,  
8279 for the document to be received and an answer to come.

8280 Mr. Chairman and ranking member and colleagues,  
8281 individuals have been deported before the council has  
8282 received an answer that their motion for stay, I will use  
8283 that as an example, has been denied. That seems, for all of  
8284 us, unfair and untoward. And it seems that it would not be  
8285 difficult, and the decision maker that I am speaking of is  
8286 an ICE officer in an office or an ICE officer that is acting  
8287 for the director of the office who is out sick.

8288           And no response has come to that lawyer on what is the  
8289 status of their motion to stay. This just allows a period  
8290 for that answer to be given. Say it is filed at 6:00. Say  
8291 it is filed at 12:00 noon, and no answer. To deport an  
8292 individual at 6:00 a.m. in the morning, I would think, out  
8293 of basic fairness, that this is a simple change.

8294           I just want to add the case of Catalino Guerrero who  
8295 received a summons. By the time she received the summons to  
8296 appear on February 8th at the Newark Office of ICE, had been  
8297 living in the United States for 25 years, from Mexico, had  
8298 been living continuously, had work permits, was a dispatch  
8299 at the warehouse in Union City except for a brief  
8300 suspension; he held a valid work permit; he had a legitimate  
8301 Social Security number; he had a wife and four children; he  
8302 had grandchildren; and he had advocates; and he had gotten a  
8303 temporary reprieve pre-2017.

8304           And then, 2017, with this new approach, he got on the  
8305 deportation list, and they were waiting to provide the  
8306 necessary, appropriate information. And he could have been  
8307 subjected to that immediate deportation because they needed  
8308 a little bit more time to get the information that was  
8309 necessary.

8310           I do not think this would provide any hardship, because  
8311 it has a time certain, and it has to do with submission and  
8312 getting an answer. So I would ask my colleagues to support

8313 this amendment.

8314 Chairman Goodlatte. The chair thanks the gentlewoman  
8315 and recognizes himself in opposition to the amendment.

8316 As Mr. Labrador stated earlier today, there are  
8317 sufficient due process protections in the Immigration and  
8318 Nationality Act. In addition, some of the aliens that are  
8319 affected by this provision will already have stays in place  
8320 for longer than 72 hours. This amendment is superfluous,  
8321 and it is simply not clear who this amendment will benefit  
8322 other than the aliens already engaged in dilatory tactics to  
8323 delay their removal, so I must oppose the amendment.

8324 The question occurs on the amendment offered by the  
8325 gentlewoman from Texas.

8326 Mr. Johnson of Georgia. Mr. Chairman?

8327 Chairman Goodlatte. For what purpose does the  
8328 gentleman from Georgia wish to speak recognition?

8329 Mr. Johnson of Georgia. I move to strike the last  
8330 word.

8331 Chairman Goodlatte. The gentleman is recognized for 5  
8332 minutes.

8333 Mr. Johnson of Georgia. I yield to the gentlelady from  
8334 Texas.

8335 Ms. Jackson Lee. Mr. Chairman, I do not think it is  
8336 dilatory, and I do not think we have the information as to  
8337 whether it is dilatory. And, certainly, we have glaring

8338 examples of motions of stay being filed. They are going to  
8339 the administrator office; in this instance, the ICE officer,  
8340 and never responding to the petition, and the individual  
8341 being deported.

8342 I would minimally suggest to the gentleman, if there  
8343 could be comedy in this room, that we have a study as to the  
8344 impact of decisions being made by ICE officers acting in a  
8345 temporary administrative position that then result in  
8346 deportation with no response, no answer, to the motion being  
8347 filed. And, therefore, I would argue that it is not  
8348 redundant.

8349 It is, in fact, necessary, and that the due process  
8350 protections did not apply. So how do we know? You should  
8351 at least welcome the idea of a study. But I think that the  
8352 amendment is extremely relevant because of these occurrences  
8353 occurring. One instance no notice ever came back to the  
8354 lawyer that his stay had been denied. And his client had  
8355 legitimate reasons to access or additional ways of accessing  
8356 status to be documented. I disagree that it is redundant.

8357 Mr. Johnson of Georgia. And reclaiming my time. I  
8358 will rise in support of the Jackson Lee amendment. It is a  
8359 commonsense amendment. It is an amendment that is within  
8360 the norms of justice that we hold dear in this country:  
8361 fairness.

8362 When an alien has a acquired an attorney and is

8363 earnestly working within the bounds of the law to challenge  
8364 an order of deportation or removal, it is only fair that  
8365 they have the opportunity, and it often comes at a time of  
8366 great emergency; the lawyer gets involved; emergency  
8367 measures have to be taken to represent the detainee. Relief  
8368 is granted, but if there is no mechanism for that relief to  
8369 be relayed to the proper holding official, then a great  
8370 injustice occurs, and the person is deported and deprived of  
8371 the liberty that this country's laws would have afforded  
8372 that person.

8373         So just in the interest of fairness and substantial  
8374 justice, it requires us to look carefully at the Jackson Lee  
8375 amendment. That is why I support it, and with that, I will  
8376 yield to the gentleman from Rhode Island.

8377         Mr. Cicilline. I thank the gentleman very much for  
8378 yielding and rise in strong support of this amendment. I  
8379 think when you consider the breadth and scope of the new  
8380 kind of mass deportation and child incarceration legislation  
8381 that this committee just passed that, for me, many of the  
8382 individuals who would be targeted by this legislation, they,  
8383 as a practical matter, once they are removed or deported,  
8384 those decisions are essentially unreviewable. It is too  
8385 late.

8386         I mean, they are outside of the country, and does it  
8387 not make sense, when that is the consequence of these

8388 decisions, to be absolutely certain that they have received  
8389 notice and had an opportunity to respond? I think, have we  
8390 become so impatient that we are unwilling to have this  
8391 modest proposal to ensure that 72 hours have passed, so that  
8392 there is appropriate notice and due process and a right to  
8393 appeal?

8394 And I applaud the gentlelady even in this late hour for  
8395 attempting to vindicate very basic notions of fairness with  
8396 this amendment, and I urge my colleagues to support that.  
8397 And with that, I yield back to Mr. Johnson.

8398 Mr. Johnson of Georgia. With that, I yield back the  
8399 balance.

8400 Chairman Goodlatte. The question occurs on the  
8401 amendment offered by the gentlewoman from Texas.

8402 Ms. Jackson Lee. Excuse me, Chairman? I offered the  
8403 idea of studying the impact of these denials. No notice, no  
8404 answer. You are talking about motions for stay. As Mr.  
8405 Cicilline has said, as Mr. Johnson has said, in an emergency  
8406 circumstance, and a deportation occurs, and no response to  
8407 that legitimate petition that is a legal document?

8408 Chairman Goodlatte. I understand the gentlewoman's  
8409 concern, but there is not support for that amendment on this  
8410 side of the aisle. We have had conversations to find the  
8411 possibility of any common ground, and we have not found any,  
8412 so at this point in time, you know, the gentlewoman can

8413 withdraw the amendment; we can continue to work with her, or  
8414 we can vote on the amendment, but --

8415 Mr. Conyers. I think we can work on it.

8416 Ms. Jackson Lee. Well, my ranking member has always  
8417 been cooperative; I have been cooperative, and so at this  
8418 time, Mr. Chairman, if you are saying publically that we  
8419 will work on looking at some basic collaboration with  
8420 respect to a study --

8421 Chairman Goodlatte. We will be happy to work on it. I  
8422 just want to make sure that everybody understands ahead of  
8423 time that we had an initial discussion and could not find  
8424 that common ground, so I do not want to guarantee that we  
8425 will, but I will, in good faith, work with you on trying to  
8426 find a solution to what it is that you think this amendment  
8427 drives at.

8428 Ms. Jackson Lee. Well, at this time, I will withdraw  
8429 the amendment temporarily.

8430 Mr. Conyers. Will the gentlelady yield to me, please?

8431 Ms. Jackson Lee. I would be happy to yield, as the  
8432 gentleman from Virginia yielded to me.

8433 Chairman Goodlatte. Yeah, you may yield to the  
8434 gentleman from Michigan.

8435 Mr. Conyers. Okay. Thank you. I want to urge our  
8436 Chairman to, if she agrees to this withdrawal, that we seek  
8437 to come up with this in a little bit different form that

8438 might pass muster and bring us all together, and so I would  
8439 urge the gentlelady to consider withdrawal, and I urge the  
8440 chairman of the committee to continue his cooperative stance  
8441 wherever he can and wherever his belief that this might help  
8442 this bill.

8443 Chairman Goodlatte. I certainly will do that, and I  
8444 will be happy to work with the gentlewoman.

8445 Ms. Jackson Lee. I thank both the Chairman and ranking  
8446 member.

8447 With that, I will withdraw the Jackson Lee amendment.

8448 Chairman Goodlatte. Are there further amendments to  
8449 H.R. 2406?

8450 Ms. Jayapal. Mr. Chairman?

8451 Chairman Goodlatte. For what purpose does the  
8452 gentlewoman from Washington seek recognition?

8453 Ms. Jayapal. I have an amendment at the desk.

8454 Chairman Goodlatte. The clerk will report the  
8455 amendment.

8456 Ms. Adcock. Amendment to H.R. 2406 offered by Ms.  
8457 Jayapal. On page 16, line 14 --

8458 [The amendment of Ms. Jayapal follows:]

8459 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8460 Chairman Goodlatte. Out of objection, the amendment is  
8461 considered as read, and the gentlewoman is recognized for 5  
8462 minutes on her amendment.

8463 Ms. Jayapal. Thank you, Mr. Chairman. I will not take  
8464 the full 5 minutes. This is an attempt to address our  
8465 earlier discussion, and essentially, this amendment is  
8466 simple. It just says that we are not altering the existing  
8467 ability that any officer within the Office of Enforcement  
8468 and Removal Operations may have to access any database of  
8469 the U.S. Citizenship and Immigration Services, and I hope,  
8470 Mr. Chairman, that given our earlier discussion, that this  
8471 would be satisfactory to you.

8472 Chairman Goodlatte. Would the gentlewoman yield?

8473 Ms. Jayapal. I would.

8474 Chairman Goodlatte. I thank you for yielding. This  
8475 does not satisfy, because one of our purposes in offering  
8476 the language that is in the legislation is to end the stove  
8477 piping that has characterized this agency and many other  
8478 Federal government agencies, so I understand you have a  
8479 concern about protecting against access to certain databases  
8480 by people in the Office of Enforcement and Removal  
8481 Operations.

8482 It is my opinion that they already have access to the  
8483 databases that you are concerned about, but I will continue  
8484 my offer that I made earlier to work with you if there is

8485 something more specific, but I cannot simply say you cannot  
8486 have access to anything that you do not already have access  
8487 to, because that does not advance the ability of the  
8488 Department to modernize itself.

8489 Ms. Jayapal. Well, Mr. Chairman, if that is a public  
8490 commitment to work with me to address the concerns I have  
8491 around the databases, because I know for sure there are  
8492 several databases that, I believe, they do not have access  
8493 to.

8494 Chairman Goodlatte. We will be happy to work with you  
8495 on that. We need to figure out what exactly you are  
8496 referring to as the DACA database, because we do not -

8497 Ms. Jayapal. That is the database that was set up by  
8498 USCIS that has the names of all of the DACA recipients, and  
8499 it was set up specifically so that removal officers would  
8500 not have access to it, and it was done that way, Mr.  
8501 Chairman, because we did not think that people would come  
8502 forward and actually apply for that status if they knew that  
8503 that information was then accessible to removal officers.

8504 So that is, right now, protected. I do believe that  
8505 there are other categories, as I had mentioned earlier, that  
8506 are still protected, such as victims that are covered under  
8507 VOA, and I believe that the way that your bill is written,  
8508 Mr. Chairman, it actually provides that access to  
8509 classified, sensitive information that we should not allow.

8510 Chairman Goodlatte. We do not agree with that either,  
8511 but nonetheless, if you are willing to withdraw the  
8512 amendment, I certainly am willing to commit to working with  
8513 you to address the concerns that you have and see if we can  
8514 find language that would address it.

8515 Ms. Jayapal. I will withdraw the amendment, and I  
8516 thank you for that.

8517 Chairman Goodlatte. The amendment is withdrawn. Are  
8518 there further amendments to H.R. 2406? Your reporting  
8519 quorum being present, the question is on the motion report  
8520 that H.R. 2406, as amended favorably to the house.

8521 Those in favor, respond by saying aye.

8522 Those opposed, no.

8523 The ayes have it, and the bill is reported favorably.

8524 Mr. Conyers. Record vote.

8525 Chairman Goodlatte. Recorded vote is requested, and  
8526 the clerk will call the roll.

8527 Ms. Adcock. Mr. Goodlatte?

8528 Chairman Goodlatte. Aye.

8529 Ms. Adcock. Mr. Goodlatte votes aye.

8530 Mr. Sensenbrenner?

8531 [No response.]

8532 Mr. Smith?

8533 Mr. Smith. Aye.

8534 Ms. Adcock. Mr. Smith votes aye.

8535 Mr. Chabot?

8536 Mr. Chabot. Yes.

8537 Ms. Adcock. Mr. Chabot votes yes.

8538 Mr. Issa?

8539 Mr. Issa. Yes.

8540 Ms. Adcock. Mr. Issa votes yes.

8541 Mr. King?

8542 Mr. King. Aye.

8543 Ms. Adcock. Mr. King votes aye.

8544 Mr. Franks?

8545 [No response.]

8546 Mr. Gohmert?

8547 [No response.]

8548 Mr. Jordan?

8549 Mr. Jordan. Yes.

8550 Ms. Adcock. Mr. Jordan votes yes.

8551 Mr. Poe?

8552 [No response.]

8553 Mr. Chaffetz?

8554 [No response.]

8555 Mr. Marino?

8556 Mr. Marino. Yes.

8557 Ms. Adcock. Mr. Marino votes yes.

8558 Mr. Gowdy?

8559 [No response.]

8560 Mr. Labrador?  
8561 [No response.]  
8562 Mr. Farenthold?  
8563 Mr. Farenthold. Yes.  
8564 Ms. Adcock. Mr. Farenthold votes yes.  
8565 Mr. Collins?  
8566 Mr. Collins. Yes.  
8567 Ms. Adcock. Mr. Collins votes yes.  
8568 Mr. DeSantis?  
8569 [No response.]  
8570 Mr. Buck?  
8571 [No response.]  
8572 Mr. Ratcliffe?  
8573 Mr. Ratcliffe. Yes.  
8574 Ms. Adcock. Mr. Ratcliffe votes yes.  
8575 Ms. Roby?  
8576 Mrs. Roby. Aye.  
8577 Ms. Adcock. Mrs. Roby votes aye.  
8578 Mr. Gaetz?  
8579 Mr. Gaetz. Aye.  
8580 Ms. Adcock. Mr. Gaetz votes aye.  
8581 Mr. Johnson of Louisiana?  
8582 Mr. Johnson of Louisiana. Aye.  
8583 Ms. Adcock. Mr. Johnson votes aye.  
8584 Mr. Biggs?

8585 Mr. Biggs. Aye.

8586 Ms. Adcock. Mr. Biggs votes aye.

8587 Mr. Conyers?

8588 Mr. Conyers. No.

8589 Ms. Adcock. Mr. Conyers votes no.

8590 Mr. Nadler?

8591 Mr. Nadler. No.

8592 Ms. Adcock. Mr. Nadler votes no.

8593 Ms. Lofgren?

8594 Ms. Lofgren. No.

8595 Ms. Adcock. Ms. Lofgren votes no.

8596 Ms. Jackson Lee?

8597 Ms. Jackson Lee. No.

8598 Ms. Adcock. Ms. Jackson Lee votes no.

8599 Mr. Cohen?

8600 [No response.]

8601 Mr. Johnson of Georgia?

8602 Mr. Johnson of Georgia. No.

8603 Ms. Adcock. Mr. Johnson votes no.

8604 Mr. Deutch?

8605 Mr. Deutch. No.

8606 Ms. Adcock. Mr. Deutch votes no.

8607 Mr. Gutierrez?

8608 [No response.]

8609 Ms. Bass?

8610 [No response.]

8611 Mr. Richmond?

8612 [No response.]

8613 Mr. Jeffries?

8614 [No response.]

8615 Mr. Cicilline?

8616 [No response.]

8617 Mr. Swalwell?

8618 [No response.]

8619 Mr. Lieu?

8620 [No response.]

8621 Mr. Raskin?

8622 [No response.]

8623 Ms. Jayapal?

8624 Ms. Jayapal. No.

8625 Ms. Adcock. Ms. Jayapal votes no.

8626 Mr. Schneider?

8627 Mr. Schneider. No.

8628 Ms. Adcock. Mr. Schneider votes no.

8629 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

8630 Mr. Poe. Yes.

8631 Ms. Adcock. Mr. Poe votes yes.

8632 Chairman Goodlatte. Has every member voted who wishes

8633 to vote? The clerk will report.

8634 Ms. Adcock. Mr. Chairman, 15 members voted aye; 8

8635 members voted no.

8636 Chairman Goodlatte. The ayes have it, and the bill is  
8637 reported favorably to the House. Members will have 2 days  
8638 to submit views, and, without objection, the bill will be  
8639 reported as a single amendment in the nature of --

8640 Mr. Conyers. Mr. Chairman, I think we need more than 2  
8641 days.

8642 Chairman Goodlatte. Well, we will give you more than 2  
8643 days. I am sure you will have plenty of time to submit  
8644 views on this, but 2 days is what we ordinarily --

8645 Mr. Conyers. Yeah, but that is why I am raising this  
8646 though.

8647 Chairman Goodlatte. And, without objection, the bill  
8648 will be reported as a single amendment in the nature of  
8649 substituting incorporating all adopted amendments, and staff  
8650 is authorized to make technical, informing changes.

8651 Chairman Goodlatte. We have one more bill. We  
8652 understand that there are no amendments to this bill, so we  
8653 are hopeful. Oh, there is one more amendment. Okay. I  
8654 apologize. All right.

8655 Pursuant to notice, I now call up H.R. 2605 for  
8656 purposes of markup and move that the committee report the  
8657 bill favorably to the House. The clerk will report the  
8658 bill.

8659 Ms. Adcock. H.R. 2605 to provide for additional

8660 resources for Secret Service and to improve protections for  
8661 restricted areas.

8662 [The bill follows:]

8663 \*\*\*\*\* INSERT 3 \*\*\*\*\*

8664 Chairman Goodlatte. Without objection, the bill is  
8665 considered as read and open for amendment at any time, and I  
8666 will begin by recognizing myself for an opening statement.

8667 I am going to put my statement in the record and  
8668 challenge anybody else that is interested in doing the same.  
8669 This is a great bill. It is a bipartisan bill. It is  
8670 introduced by myself and Mr. Conyers, and at this time, it is  
8671 my privilege to recognize ranking member of the Judiciary  
8672 Committee, Mr. Conyers, Michigan, for his opening statement.

8673 [The prepared statement of Chairman Goodlatte follows:]

8674 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8675 Mr. Conyers. Thank you, Mr. Chairman. I think I will  
8676 follow your announcement of brevity. Ladies and gentleman,  
8677 2605 is important because it will assist the Secret Service  
8678 with its critical mission of protecting the President, the  
8679 Vice President, and other key figures in our Federal system.  
8680 I thank the Chairman for introducing this bill, which I am  
8681 pleased to have co-sponsored, and I yield back the balance  
8682 of my time.

8683 Chairman Goodlatte. The chair thanks the gentleman.

8684 Ms. Jayapal. Mr. Chairman?

8685 Chairman Goodlatte. For what purpose does the  
8686 gentlewoman from Texas seek recognition?

8687 Ms. Jackson Lee. To briefly strike the last word. I  
8688 think that I am a cosponsor of this bill, and so I want to  
8689 thank the chairman and the ranking member. I just want to  
8690 make two points.

8691 Chairman Goodlatte. The gentlewoman is recognized.

8692 Ms. Jackson Lee. Thank you. I think it is important  
8693 to have a confirmation and a presidential appointment to the  
8694 Director of the Secret Service. We have not had that. I  
8695 think it is crucial for the men and the women of the United  
8696 States Secret Service. I want them to know that I  
8697 appreciate the service that they have given over the years  
8698 to many of the principles that they protect and that their  
8699 willingness to lay their lives down for those that they

8700 protect, and that should be acknowledged.

8701           And I know that there has been a great deal of stress  
8702 and in public display of some of the errors, but we should  
8703 look at the story history of the Secret Service and the  
8704 efforts that they have made to professionally develop and  
8705 correct matters that have come to the public eye.

8706           The second is to make knowledge that a year's long  
8707 lawsuit dealing with discrimination has been settled as it  
8708 relates to African-Americans in the Secret Service. I think  
8709 it will be very important to have now the individual that I  
8710 understand has been appointed in the last 2 weeks to head  
8711 the Secret Service to come before this committee to discuss  
8712 their diversity efforts and numbers, because I have  
8713 knowledge of African-American women, in particular, who have  
8714 had decades of service and have yet to rise to a position of  
8715 management.

8716           And so, I want to inquire, and I want to make sure that  
8717 the Secret Service is the professional, diverse, strong  
8718 agency that it can be working on behalf of the American  
8719 people, but working on behalf of those they have  
8720 responsibility for. With that, I yield back.

8721           Chairman Goodlatte. The chair thanks the gentlewoman  
8722 and recognizes himself for the purpose of offering an  
8723 amendment. The clerk will report the amendment.

8724           Ms. Adcock. Amendment to H.R. 2605 offered by Mr.

8725 Goodlatte of Virginia. Strike section 7.

8726 Chairman Goodlatte. Without objection, the amendment  
8727 will be considered as read, and I will recognize myself to  
8728 briefly explain the amendment.

8729 [The amendment of Chairman Goodlatte follows:]

8730 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8731 Chairman Goodlatte. It strikes section 7 of the  
8732 introduce bill providing for hiring of additional officers  
8733 and agents. The recommendation of the United States Secret  
8734 Service Protective Mission Panel, or PMP -- I do not like  
8735 that abbreviation -- advised an increase in officers and  
8736 agents as quickly as can appropriately be managed to avoid  
8737 being stretched beyond their limits.

8738 Section 7 of H.R. 2605 was crafted in response to that  
8739 recommendation. Following issuance of the PMP  
8740 recommendations, however, the Secret Service worked  
8741 internally and within the administration to remedy this  
8742 shortage. They have succeeded.

8743 It is my understanding that in fiscal year 2018, Secret  
8744 Service's hiring plan includes over 300 special agents and  
8745 200 new uniformed, division officers. Consequently, this  
8746 section we intend to strike with this amendment has been  
8747 overtaken by events and could unintentionally inhibit future  
8748 hiring and staffing decisions, so I urge my colleagues to  
8749 support this amendment. For what purpose does the gentleman  
8750 from Michigan seek recognition?

8751 Mr. Conyers. Mr. Chairman, I join you in supporting  
8752 this provision. Our committee, the Committee of  
8753 Jurisdiction for the Secret Service, will continue to  
8754 monitor staffing levels to ensure that the agency is capable  
8755 of performing at the highest possible level, and I think

8756 this amendment is appropriate, and I urge its adoption and  
8757 yield back.

8758 Chairman Goodlatte. The chair thanks the gentleman,  
8759 and the question occurs on the amendment offered by the  
8760 chairman.

8761 All those in favor, respond by saying aye.

8762 Those opposed, no.

8763 The ayes have it, and the amendment is agreed to.

8764 Are there any other amendments? For what purpose does  
8765 the gentleman from New York seek recognition?

8766 Mr. Nadler. Mr. Chairman, there is an amendment by Mr.  
8767 Lieu and myself at the desk, and I will offer it on his  
8768 behalf and on mine.

8769 Chairman Goodlatte. The clerk will report the  
8770 amendment.

8771 Ms. Adcock. Amendment to H.R. 2605 offered by Mr.  
8772 Nadler of New York. Page 6, line 22 --

8773 [The amendment of Mr. Nadler and Mr. Lieu follows:]

8774 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

8775 Chairman Goodlatte. Without objection, the amendment  
8776 is considered read, and the gentleman from New York is  
8777 recognized for 5 minutes on his amendment.

8778 Mr. Nadler. Thank you, Mr. Chairman. The bill, which  
8779 is a good bill, requires that the Secret Service report  
8780 expenditures at nongovernmental properties to the House and  
8781 Senate Appropriations Committee. The amendment requires  
8782 that this data, which already has to be reported, be  
8783 disaggregated to specify the expenditures paid to  
8784 commercial, nongovernmental properties owned in whole or in  
8785 part by the protectee.

8786 Mr. Chairman, we all support the Secret Service and  
8787 appreciate the difficult job they have in protecting the  
8788 First Family. It is hard enough when the President and his  
8789 wife and children all live in the White House together and  
8790 take an occasional trip to Camp David. But what we have  
8791 seen from this administration is unprecedented.

8792 During the first 100 days or so of the Trump  
8793 administration, the President spent weekdays at the White  
8794 House while the First Lady remained in New York City. Most  
8795 weekends he travels to Florida and New Jersey to spend time  
8796 at Trump-owned properties. Now, that in and of itself is  
8797 not necessarily a problem; the problem arises when you begin  
8798 to realize that the Trump family is charging the Federal  
8799 Government, the Secret Service, to rent rooms for agents and

8800 other people necessary to protect the President at these  
8801 same locations. Expensive properties like Trump Tower and  
8802 Mar-a-Lago. Every time President Trump travels to Mar-a-  
8803 Lago, he reportedly bills the American taxpayers \$3.6  
8804 million. To date, he has done this 7 times for a total of  
8805 \$25 million.

8806         You can see how people would begin to question just how  
8807 much money is being transferred from the Federal Government  
8808 to the personal business enterprises of President Trump.  
8809 The American people have a right to know how their tax  
8810 dollars are being spent, and when they maybe, perhaps, being  
8811 used to enrich the President.

8812         This amendment is not an attack on the Secret Service;  
8813 it protects them. Congress has already had to allocate an  
8814 additional \$120 million for the President's family's  
8815 security costs. The Secret Service is stretched incredibly  
8816 thin. Paying President Trump from the Secret Service's  
8817 coffers is offensive and wastes crucial funds that could be  
8818 spent on equipment or salaries but instead flow into the  
8819 President's pockets.

8820         This amendment is not an unnecessary burden on the  
8821 Secret Service. The reporting requirements already include  
8822 this information in the bill as is. The amendment simply  
8823 disaggregates it so the public knows if the President is  
8824 profiting off of tax dollars that should be reserved for the

8825 Secret Service. This is not a partisan attack on the  
8826 President; this is a common sense oversight measure that  
8827 should apply to any President. This amendment should appeal  
8828 to my colleagues on the other side of the aisle who  
8829 appreciate the principles of limited government and taxpayer  
8830 protection.

8831 As the Washington Post reports, "For Trump, the  
8832 question of travel come with an additional perk. Some of  
8833 the money flows into his own pocket. While Trump has  
8834 removed himself from managing his company, he has refused to  
8835 divest his ownership, meaning that he benefits from  
8836 corporate successes, such as government contracts."

8837 The question we have here today is exactly how much  
8838 money is the taxpayer spending at Trump properties. This  
8839 amendment would disaggregate that data, so that we can  
8840 identify that amount of money.

8841 But this really points to a more larger and troubling  
8842 problem: we have a President who has refused to release his  
8843 tax returns; who has refused to divest himself from his  
8844 numerous, private companies; who has refused to set up a  
8845 blind trust; and who may be using his office for personal,  
8846 financial gain.

8847 And, frankly, even if that is not the intent, when the  
8848 President stays at a property that he owns, and the Secret  
8849 Service has to rent rooms and pays presumably the market-

8850 rate for those rooms, then that money flows directly into  
8851 the personal pocket of the President.

8852         So, Mr. Chairman, I wish we were going much further  
8853 today to exercise oversight over this administration, to  
8854 examine the huge conflict of interest created by the  
8855 President's actions, and to examine how his recent ravel  
8856 have led the government to spend, perhaps, millions of  
8857 dollars on properties owned by him and his family, but for  
8858 now, the least we can do is to ask for an honest accounting  
8859 by the Secret Service of all the taxpayer money they are  
8860 spending that goes into the personal pocket of the  
8861 President.

8862         The bill requires that all funds the Secret Service  
8863 spends for the use of private property be of non-  
8864 governmental properties be reported to the House and Senate  
8865 Appropriations Committee. This amendment requires that that  
8866 data specify how much of that is paid to a commercial, non-  
8867 government property owned in whole or in part by the  
8868 protectee the Secret Service is protecting.

8869         I think the relevance and the necessity of the  
8870 amendment should be obvious, and in the spirit of open  
8871 government, I hope everybody will support it, and I yield  
8872 back.

8873         Chairman Goodlatte. The chair recognizes himself in  
8874 opposition to the amendment. The fact of the matter is this

8875 is clearly aimed at the President as the gentleman has  
8876 acknowledged, and the amendment may also present a national  
8877 security risk, since it is aimed at the sitting President  
8878 and information regarding specific expenditures at this  
8879 locations that has not historically been made known.

8880 Other Presidents may not own the facilities that the  
8881 Secret Service stays at, but those presidential candidates  
8882 do have large, commercial allocations that is necessary to  
8883 expend money for, and that has historically not been  
8884 disclosed for these security reasons, exactly what they are  
8885 leasing and where. So, for those reasons, I think that this  
8886 is not a good idea to add this to this bill at this time.

8887 Mr. Conyers. Mr. Chairman?

8888 Chairman Goodlatte. For what purpose does the  
8889 gentleman from Michigan seek recognition?

8890 Mr. Conyers. I strongly support this amendment.

8891 Chairman Goodlatte. The gentleman is recognized for 5  
8892 minutes.

8893 Mr. Conyers. And I am disappointed that we are quickly  
8894 agreeing that we identify these costs that are made complex,  
8895 and it becomes more important that we examine and find out  
8896 what these expenditures are, and so I believe this is  
8897 consistent with the goals of this bill. And I would hope  
8898 that most of my colleagues on this committee would support  
8899 the Nadler amendment because I cannot imagine us leaving

8900 here saying that it is not important, under these  
8901 circumstances, when many of the costs are being incurred by  
8902 properties owned by the President or his family to begin  
8903 with. So I urge support of this amendment.

8904 Ms. Jackson Lee. Would the gentleman yield?

8905 Mr. Conyers. And I yield to the gentlelady from Texas,  
8906 Ms. Jackson Lee.

8907 Ms. Jackson Lee. I think, if I may speak for Mr. Lieu  
8908 and Mr. Nadler, I hear nothing in their amendment that does  
8909 not respect the vital role that Secret Service plays in  
8910 protecting the President and his family. I did not hear any  
8911 comment from Mr. Conyers as well, and I will say that I have  
8912 every desire for that to be the utmost security at the  
8913 highest level. But the predicament that we find ourselves  
8914 in with the President going to his own properties is  
8915 particularly unusual, and it does not comport with --

8916 Chairman Goodlatte. Will the gentlewoman yield?

8917 Ms. Jackson Lee. I will in just a moment. Mr.  
8918 Clinton's activities, Mr. Bush's activities, and Mr. Obama's  
8919 activities. Yes, they had certain locations that they went  
8920 to, but this President goes every single week almost, and we  
8921 have calculated that, to date, it has been in the amount of  
8922 \$20 to \$25 million.

8923 If it stays in this manner, it will be over \$200  
8924 million if we believe it will be a four-year term. \$200

8925 million because, rather than going to Camp David, which our  
8926 presidents have gone to, and I do not know whether this  
8927 President has been, I have not done the research. It is not  
8928 only the property in Mar-a-Lago. It is the New York  
8929 property, it is the New Jersey property, and who else knows  
8930 where it will be.

8931 I think it is vital constitutionally to determine what  
8932 monies are going for the self-benefit of the protectee, in  
8933 this instance the President of the United States, but the  
8934 legislation is generic. It says a protectee, and I do think  
8935 out of the basis of transparency, we should have that  
8936 information. Otherwise, the government is just adding extra  
8937 rooms and extra payments to this President, because I do not  
8938 think this occurs with any other protectee. If it is, we  
8939 need to get that information, and that is what Mr. Nadler's  
8940 amendment says. I rise to support the gentleman's  
8941 amendment.

8942 Chairman Goodlatte. I thank the gentlewoman for  
8943 yielding. The fact of the matter is, President Obama has  
8944 just purchased a nine-bedroom home, and the Secret Service  
8945 will expend significant amounts of money to secure that home  
8946 for the former President, and we are not asking for a line  
8947 item for those expenditures. That could benefit the  
8948 privately-owned home of the President.

8949 So, I understand where you are coming from, but I do

8950 not believe that it is a good idea to start this kind of  
8951 political process of trying to get disclosure of sums of  
8952 money that are for legitimate, protective purposes in a  
8953 disaggregated form that is going to, I think, part with a  
8954 long-standing tradition of not giving out that kind of  
8955 information regarding the expenditures by the Secret Service  
8956 for its protectees. And, therefore, I must oppose the  
8957 amendment.

8958 Mr. Johnson of Georgia. Mr. Chairman?

8959 Chairman Goodlatte. For what purpose does the  
8960 gentleman from Georgia seek recognition?

8961 Mr. Johnson of Georgia. Move to strike the last word.

8962 Chairman Goodlatte. The gentleman is recognized for 5  
8963 minutes.

8964 Mr. Johnson of Georgia. Mr. Chairman, I support that  
8965 the amendment. It is more important today than it was 1  
8966 year ago that taxpayers know how much money is being spent  
8967 on Secret Service activities protecting the President. We  
8968 have a President who has decided not to divest himself of  
8969 his holdings. He has extensive real estate holdings across  
8970 the country, and indeed, across the world.

8971 He frequents those facilities. Those facilities are,  
8972 then, used by the Secret Service to protect the President;  
8973 that is what they should do. That is what the Secret  
8974 Service does, but at what cost? Taxpayers deserve to know

8975 how much is being spent to enrich the private business of  
8976 the President.

8977         There are things that are happening that have never  
8978 happened before, which gives rise to the need for this  
8979 amendment. People should not have to watch a skinny budget  
8980 proposal being implemented, which is cutting services  
8981 provided to children, to the elderly, to the poor while at  
8982 the same time being unable to see how much is being spent in  
8983 taxpayer dollars to board Secret Service agents at  
8984 privately-owned, nongovernmental facilities, commercial  
8985 property, owned by the President that, whether or not they  
8986 are staying there at cost or whether or not there is any  
8987 profit involved in their stay, American taxpayers deserves  
8988 to know that.

8989         The advent of the Trump administration makes  
8990 transparency even more important, and for that reason, I  
8991 support the amendment. I think it is a good one. And I  
8992 yield back.

8993         Ms. Lofgren. Mr. Chairman?

8994         Chairman Goodlatte. For what purpose does the  
8995 gentlewoman from California seek recognition?

8996         Ms. Lofgren. Move to strike the last word.

8997         Chairman Goodlatte. The gentlewoman is recognized for 5  
8998 minutes.

8999         Ms. Lofgren. I support this amendment because I think

9000 it is important that we get this information. I understand  
9001 the concern expressed by the Chairman about security, but  
9002 this is information that is prepared subsequent to the  
9003 visits, number one; and number two, it is already in the  
9004 newspaper, so it is not a secret that President Trump goes  
9005 to Mar-a-Lago. It is on TV. It is in the newspapers, so I  
9006 think that if there is some security reason, that is just  
9007 not correct.

9008         You know, we saw the unveiling of the President's  
9009 budget proposal today. There is so much in it that I think  
9010 is wrong for the country, but I was just examining the  
9011 Medicaid budget in California. Sixty-six percent of the  
9012 nursing home residents in California have their nursing home  
9013 bill paid by the Medicaid program.

9014         Why is it? It is because people save up their whole  
9015 life for their old age, and after they have sold everything:  
9016 they have sold their house, they have run through their  
9017 savings, they have outlived their savings, and they are  
9018 frail, and they are elderly, and they end up in a nursing  
9019 home, and after somebody has worked hard all their life, I  
9020 think that safety net is something that is deserved.

9021         You know, to say that we cannot examine these  
9022 expenditures at the same time we are looking at cutting the  
9023 funds to pay the Nursing Home Bill, I just cannot accept  
9024 that.

9025           So, I think that this is a valid amendment. It may  
9026 actually impact the President's behavior if he knows it is  
9027 going to be reported. I mean, he has gone to recreational  
9028 properties every weekend. That is actually pretty unusual.

9029           President Obama did not do that; President Bush did not  
9030 do that; you know, President Clinton did not do it. The  
9031 first President Bush did not do that, and it is very costly.  
9032 President Trump does not have to do that, and I think if the  
9033 public knew the cost, it might cool his jets, so to speak.  
9034 So, at this point, I would also like to yield to the author  
9035 of the amendment, Mr. Nadler, for an additional comment.

9036           Mr. Nadler. I thank the gentlelady for yielding. I  
9037 wanted to comment. I mean, the necessity of doing this is  
9038 obvious, and why now? We have never before had a President  
9039 who made this necessary, a President who does not tell us  
9040 anything about his personal finances; a President who owns a  
9041 lot of things and did not divest; a President who does not  
9042 show us his tax returns; I should say not in the last 40  
9043 years, at least.

9044           A President who stays in his own properties and with a  
9045 Secret Service then pays those properties. This is  
9046 unprecedented. Now, I am not saying the President should  
9047 not stay in his own property if he wants to. Although it  
9048 would be cheaper for the taxpayers if he stayed at Camp  
9049 David, but that is okay.

9050 But we should know the figures. The bill requires that  
9051 the amounts spent by the Secret Service for nongovernment  
9052 facilities and buildings be reported to the Congress. The  
9053 amendment simply says that it shall disaggregate the amount  
9054 of such expenditures related to commercial, non-governmental  
9055 property owned or in part by the protectee.

9056 Now, the chairman raises a security concern. I cannot  
9057 see how this impinges on security at all. As the gentlelady  
9058 from California said, it is well publicized when the  
9059 President is at Mar-a-Lago, when he is at Bedminster, when  
9060 he is at wherever he is at, so that is not the question.

9061 How much is paid on an annual basis for these buildings  
9062 does not tell anybody who might wish to do any harm anything  
9063 of any use. No one is saying how many rooms are rented,  
9064 because no one is telling them the room rent, so saying that  
9065 \$10 million is spent does not say how many Secret Service  
9066 agents are there or when or how often. Nothing. There's no  
9067 useful information.

9068 The only useful information to someone who would wish  
9069 to harm the President is the information that he is going to  
9070 be at Mar-A-Lago or he is going to be at the White House.  
9071 This amendment does not say anything of use to any  
9072 malefactor and has no security implications.

9073 It is required, frankly, by open government. People  
9074 should know how much the Secret Service, the government,

9075 their taxes, are being paid to an enterprise owned by the  
9076 President, and therefore, going directly into his pocket.  
9077 If he does not want it known, he could let the Secret  
9078 Service have the rooms without cost.

9079 He says he is rich enough. But that is his choice. We  
9080 are not begrudging him the funds. We are not begrudging him  
9081 the protection, but it should be reported in the spirit of  
9082 open government, so we know what is going on. And that is  
9083 all the amendment, which I offered on behalf of Mr. Lieu and  
9084 myself. That is all this amendment does. I urge everyone  
9085 to support it, and I change the gentlelady for yielding.

9086 Mr. Deutch. Mr. Chairman?

9087 Chairman Goodlatte. For what purpose does the  
9088 gentleman from Florida seek recognition?

9089 Mr. Deutch. I move to strike the last word.

9090 Chairman Goodlatte. The gentleman is recognized for 5  
9091 minutes.

9092 Mr. Deutch. Thank you, Mr. Chairman. I just wanted to  
9093 both express my strong support for this very straightforward  
9094 amendment and non-controversial amendment, and I would also  
9095 like to just address the national security concerns for just  
9096 a moment.

9097 As someone who lives in Palm Beach County, I can assure  
9098 you, Mr. Chairman, that everyone in Palm Beach County is  
9099 well aware of the President's visits to Mar-a-Lago. They

9100 are aware of those visits because of the impact those visits  
9101 have on the community, and they are especially aware of the  
9102 visits because of the impact that it has on the sheriff's  
9103 department and others in the county who are forced to  
9104 provide, at the cost of millions of dollars, additional  
9105 overtime costs to help protect the President as is their  
9106 job, as they should.

9107         That is a cost that is currently, for the most part,  
9108 being passed on to the taxpayers of Palm Beach County except  
9109 for the money that was in the last spending bill, which was  
9110 approved on a bi-partisan basis, and I wanted to thank my  
9111 friends across the aisle for recognizing the importance of  
9112 that.

9113         Finally, I just wanted to touch on this national  
9114 security issue. Another reason that we know of the  
9115 President's visits to Mar-a-Lago, Mr. Chairman, is because  
9116 of the national security issues raised when he visits. For  
9117 example, Mr. Chairman, it is a national security issue when  
9118 the President of the United States chooses to use the dining  
9119 room of his country club as a country club situation room  
9120 discussing the North Korean threat at the dinner table  
9121 surrounded by guests of the country club.

9122         Further, Mr. Chairman, it is a national security  
9123 concern when there are members of the country club who, by  
9124 the way, are paying twice the fee to join the country club

9125 that they had before the President became the President,  
9126 when those members were able to walk around the country club  
9127 and snap a picture on their iPhone of the nuclear football  
9128 in the country club.

9129 So, the notion that somehow people do not know, are not  
9130 aware of, or in fact, maybe we may be raising some national  
9131 security concern by the President's trips there are not  
9132 borne out by the fact. On the contrary, there are very real  
9133 national security concerns that are raised by these visits,  
9134 very real concerns that I hope we will have an opportunity  
9135 in this Congress to take back at another time. And with  
9136 that I yield back.

9137 Mr. Schneider. Mr. Chairman?

9138 Chairman Goodlatte. The gentleman is recognized.

9139 Mr. Schneider. I would like to strike the last word.  
9140 Thank you. I would first like to say that I strongly  
9141 support this amendment. It has already been said its need  
9142 is obvious; its impact is important.

9143 Again, with due respect, I do not think that this a  
9144 security risk, as it has already been discussed, but I want  
9145 to ask my colleague from New York, in an effort to try to  
9146 bring the two parties together to address this issue, as the  
9147 Chairman has indicated a concern on the disaggregated  
9148 information, if I could propose an amendment to the  
9149 amendment that would, instead, ask for just an aggregated

9150 amount in total expenditures paid to commercial properties  
9151 owned by a protected individual. We would, at least, get on  
9152 a periodic basis a sense of how much money is going to  
9153 properties owned by the individual.

9154 Mr. Nadler. Would the gentlemen yield?

9155 Mr. Schneider. Yes.

9156 Mr. Nadler. While I do not think that is necessary as  
9157 an amendment because I do not think the security concern is  
9158 a valid concern, but if it will somehow ease the security  
9159 concerns of our colleagues --

9160 Chairman Goodlatte. Would the gentleman yield?

9161 Mr. Nadler. Let me say, I would accept the amendment.  
9162 Yes, I will yield.

9163 Chairman Goodlatte. It would not ease my concerns. I  
9164 would still oppose the amendment.

9165 Mr. Nadler. Reclaiming the time. I am sorry to hear  
9166 that, but it should at least give somewhat greater peace of  
9167 mind even if you end up voting yes to the amendment.

9168 Mr. Schneider. Okay. To reclaim the time, if I could  
9169 ask in the argument against this amendment, it was said that  
9170 it was the disaggregation detail. Is there anything that  
9171 would move this to a place where we could get bipartisan  
9172 support?

9173 Chairman Goodlatte. No.

9174 Mr. Schneider. I yield back my time.

9175 Mr. Nadler. You offered the amendment?

9176 Chairman Goodlatte. Question occurs on the amendment  
9177 offered by the gentleman from New York.

9178 All those in favor, respond by saying aye.

9179 Those opposed, no.

9180 In the opinion of the chair, the noes have it.

9181 The amendment is not agreed to. A recorded vote is  
9182 requested, and the clerk will call the roll.

9183 Ms. Adcock. Mr. Goodlatte?

9184 Chairman Goodlatte. No.

9185 Ms. Adcock. Mr. Goodlatte votes no.

9186 Mr. Sensenbrenner?

9187 [No response.]

9188 Mr. Smith?

9189 Mr. Smith. No.

9190 Ms. Adcock. Mr. Smith votes no.

9191 Mr. Chabot?

9192 Mr. Chabot. No.

9193 Ms. Adcock. Mr. Chabot votes no.

9194 Mr. Issa?

9195 [No response.]

9196 Mr. King?

9197 Mr. King. No.

9198 Ms. Adcock. Mr. King votes no.

9199 Mr. Franks?

9200 [No response.]

9201 Mr. Gohmert?

9202 [No response.]

9203 Mr. Jordan?

9204 Mr. Jordan. No.

9205 Ms. Adcock. Mr. Jordan votes no.

9206 Mr. Poe?

9207 [No response.]

9208 Mr. Chaffetz?

9209 [No response.]

9210 Mr. Marino?

9211 Mr. Marino. No.

9212 Ms. Adcock. Mr. Marino votes no.

9213 Mr. Gowdy?

9214 [No response.]

9215 Mr. Labrador?

9216 [No response.]

9217 Mr. Farenthold?

9218 Mr. Farenthold. No.

9219 Ms. Adcock. Mr. Farenthold votes no.

9220 Mr. Collins?

9221 Mr. Collins. No.

9222 Ms. Adcock. Mr. Collins votes no.

9223 Mr. DeSantis?

9224 [No response.]

9225 Mr. Buck?

9226 [No response.]

9227 Mr. Ratcliffe?

9228 Mr. Ratcliffe. No.

9229 Ms. Adcock. Mr. Ratcliffe votes no.

9230 Mrs. Roby?

9231 Mrs. Roby. No.

9232 Ms. Adcock. Mrs. Roby votes no.

9233 Mr. Gaetz?

9234 Mr. Gaetz. No.

9235 Ms. Adcock. Mr. Gaetz votes no.

9236 Mr. Johnson of Louisiana?

9237 Mr. Johnson of Louisiana. No.

9238 Ms. Adcock. Mr. Johnson votes no.

9239 Mr. Biggs?

9240 Mr. Biggs. No.

9241 Ms. Adcock. Mr. Biggs votes no.

9242 Mr. Conyers?

9243 Mr. Conyers. Aye.

9244 Ms. Adcock. Mr. Conyers votes aye.

9245 Mr. Nadler?

9246 Mr. Nadler. Aye.

9247 Ms. Adcock. Mr. Nadler votes aye.

9248 Ms. Lofgren?

9249 Ms. Lofgren. Yes.

9250 Ms. Adcock. Ms. Lofgren votes yes.

9251 Ms. Jackson Lee?

9252 Ms. Jackson Lee. Aye.

9253 Ms. Adcock. Ms. Jackson Lee votes aye.

9254 Mr. Cohen?

9255 [No response.]

9256 Mr. Johnson of Georgia?

9257 Mr. Johnson of Georgia. Aye.

9258 Ms. Adcock. Mr. Johnson votes aye.

9259 Mr. Deutch?

9260 Mr. Deutch. Aye.

9261 Ms. Adcock. Mr. Deutch votes aye.

9262 Mr. Gutierrez?

9263 [No response.]

9264 Ms. Bass?

9265 [No response.]

9266 Mr. Richmond?

9267 [No response.]

9268 Mr. Jeffries?

9269 [No response.]

9270 Mr. Cicilline?

9271 [No response.]

9272 Mr. Swalwell?

9273 [No response.]

9274 Mr. Lieu?

9275 [No response.]

9276 Mr. Raskin?

9277 [No response.]

9278 Ms. Jayapal?

9279 Ms. Jayapal. Aye.

9280 Ms. Adcock. Ms. Jayapal votes aye.

9281 Mr. Schneider?

9282 Mr. Schneider. Aye.

9283 Ms. Adcock. Mr. Schneider votes aye.

9284 Chairman Goodlatte. Has every member voted who wishes

9285 to vote? Clerk will report.

9286 Ms. Adcock. Mr. Chairman, 8 members voted aye; 13

9287 members voted no.

9288 Chairman Goodlatte. And the amendment is not agreed

9289 to. Are there further amendments to H.R. 2605?

9290 Reporting quorum being present, the question is on the

9291 motion to report the bill H.R. 2605, as amended, favorably

9292 to the House.

9293 Those in favor will say aye.

9294 Those opposed, no.

9295 The ayes have it.

9296 The bill is ordered reported favorably.

9297 The members will have 2 days to submit views. Without

9298 objection, the bill will be reported as a single amendment.

9299 The nature of this subsequent incorporating all adopted

9300 amendments and staff authorized made technical and informing  
9301 changes.

9302           The chair is deeply grateful to the members for staying  
9303 until 8:05 and completing these four contentious bills.

9304 This concludes our business for the day, and I thank all the  
9305 members for attending. Markup is adjourned.

9306           [Whereupon, at 8:05 p.m., the committee was adjourned.]

9307