

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
3 HJU138000

4 MARKUP OF H.R. 1973; H.R. 2473;
5 H.R. 2431; H.R. 2407; H.R. 2406
6 Wednesday, May 18, 2017
7 House of Representatives,
8 Committee on the Judiciary,
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:24 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 Marino, Gowdy, Labrador, Farenthold, Collins, DeSantis,
16 Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs,
17 Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of
18 Georgia, Deutch, Bass, Richmond, Jeffries, Cicilline, Lieu,
19 Raskin, Jayapal, and Schneider.

20 Staff Present: Shelley Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
22 and General Counsel; George Fishman, Chief Counsel,
23 Subcommittee on Immigration and Border Security; Andrea
24 Loving, Counsel, Subcommittee on Immigration and Border
25 Security; Joe Edlow, Counsel, Subcommittee on Immigration
26 and Border Security; Meg Barr, Counsel, Subcommittee on
27 Immigration and Border Security; Alley Adcock, Clerk; Perry
28 Apelbaum, Minority Chief Counsel and Staff Director;
29 Danielle Brown, Minority Chief Legislative Counsel and
30 Parliamentarian; Aaron Hiller, Minority Chief Oversight
31 Counsel; Joe Graupensperger, Minority Chief Counsel,
32 Subcommittee on Crime, Terrorism, Homeland Security, and
33 Investigations; Monalisa Dugue, Minority Deputy Chief
34 Counsel, Subcommittee on Crime, Terrorism, Homeland
35 Security, and Investigations; David Shanovlian, Minority
36 Chief Counsel, Subcommittee on Immigration and Border
37 Security; Maunica Sthonki, Minority Counsel; David
38 Greengrass, Minority Counsel; Arya Hariharan, Minority
39 Counsel; Rosalind Jackson, Minority Professional Staff;
40 Joseph Ehrenkrantz, Minority Professional Staff; Elizabeth
41 McElvein, Minority Professional Staff; and Matthew Morgan,
42 Minority Counsel.

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 I would like to take a moment, before we begin our
47 markup today, to honor a very special member of my staff.
48 Burak Guvensoylar, at the age of 30, lost his courageous
49 battle with cancer this past weekend. Burak was a valued
50 member of the Judiciary Committee team and worked on a
51 variety of issues, including digital privacy and
52 intellectual property. His vast knowledge and grasp of the
53 issues impacting the technology community was a tremendous
54 asset to the committee.

55 Most recently, Burak's work included the development of
56 the committee's Innovation Agenda, and his steadfast work
57 and tenacious attitude were not only essential to making
58 this initiative a success, but were also a testament to his
59 character. In fact, while he was undergoing intensive
60 cancer treatments, he was aggressively working and sending
61 follow-up emails from his hospital bed.

62 Burak was a true technology policy enthusiast. Prior
63 to joining the staff of the Judiciary Committee, he served
64 as the legislative adviser for Congressman Randy Forbes.
65 While working for Congressman Forbes, Burak handled the
66 diverse range of issues that fall under the jurisdiction of
67 the Judiciary Committee, but it was always evident that

68 technology policy was his true passion.

69 He co-founded the Congressional Tech Staff Association
70 and served as an executive officer responsible for the
71 professional development program. Prior to his career on
72 Capitol Hill, Burak worked at TechAmerica and CompTIA,
73 focusing on international trade policy. Burak has many
74 friends here in the halls of Congress on both sides of the
75 aisle, and I know all of you join me in extending our
76 deepest sympathies to his mother, Filiz Guvensoylar, and his
77 sister, Aylin Forbes, and all of his loved ones. Burak will
78 be deeply missed.

79 I would now like to recognize the ranking member, Mr.
80 Conyers.

81 Mr. Conyers. Thank you, Chairman Goodlatte. On behalf
82 of all of us on this side of the aisle, I would like to
83 begin this hearing by offering my condolences to the family,
84 friends, and coworkers of Burak Guvensoylar. During his
85 service in the House of Representatives, Mr. Burak worked
86 for Representative Randy Forbes of Virginia on technology
87 and other issues. I have heard of the profound impact that
88 he had on those who spent time with him, and he was a great
89 friend, possessed a brilliant mind, and I sincerely join
90 with my colleagues in offering my condolences to his friends
91 and family. Thank you.

92 Chairman Goodlatte. I think it would be appropriate if

93 we had a moment of silence for Burak.

94 Thank you.

95 Mr. Conyers. Thank you.

96 Chairman Goodlatte. Pursuant to notice, I now call up
97 H.R. 1973 for purposes of markup and move that the committee
98 report the bill favorably to the House.

99 The clerk will report the bill.

100 Ms. Adcock. H.R. 1973, to prevent the sexual abuse of
101 minors and amateur athletes by requiring the prompt
102 reporting of sexual abuse to law enforcement authorities,
103 and for other purposes.

104 [The bill follows:]

105 ***** INSERT 1 *****

106 Chairman Goodlatte. Without objection, the bill is
107 considered as read and open for amendment at any time, and I
108 will begin by recognizing myself for an opening statement.

109 Protecting the amateur athletes who represent the
110 United States in competitions throughout the world is
111 vitally important to the Judiciary Committee. These
112 athletes are overseen by national governing bodies, such as
113 USA Swimming and USA Gymnastics, which were chartered by the
114 U.S. Olympic Committee. One of the greatest challenges
115 facing these governing bodies is preventing the sexual abuse
116 of the athletes they support.

117 According to a recent study, over the past 20 years, up
118 to 368 amateur athletes were subjected to sexual abuse by
119 adults affiliated with one governing body: USA Gymnastics.
120 The Protecting Young Victims from Sexual Abuse Act addresses
121 the problem of abuse within amateur athletics. The act
122 implements changes to reporting requirements, strengthens
123 civil remedies for victims of abuse, and clarifies the
124 duties of national governing bodies in handling allegations
125 of abuse.

126 The bill first establishes a reporting requirement
127 which includes a penalty for failing to report sexual abuse
128 of the athletes. It also broadens the scope of individuals
129 covered under mandatory reporting to include coaches, team
130 doctors, or any adult authorized by a national governing

131 body to interact with children. These are the same
132 requirements imposed on other professionals and those who
133 are in a unique position to observe abuse or evidence of
134 abuse, such as nurses, teachers, and even film developers.

135 Additionally, the act bolsters civil remedy options for
136 amateur athletes who are victims of sexual abuse. The
137 provision clarifies that a victim of sexual abuse need not
138 prove personal monetary injury of \$150,000 when they sue
139 their abuser. The act also allows for a court to award
140 punitive damages to victims when warranted. Furthermore,
141 the bill specifies that national governing bodies are
142 authorized to develop and implement training, oversight
143 practices, and safety procedures with the goal of ending
144 sexual abuse within amateur athletics.

145 The bill is introduced by Congresswoman Susan Brooks in
146 the House with bipartisan support, and I urge my colleagues
147 to support H.R. 1973.

148 It is now my pleasure to recognize the ranking member
149 of the committee, Mr. Conyers, for his opening statement.

150 [The prepared statement of Chairman Goodlatte follows:]

151 ***** COMMITTEE INSERT *****

152 Mr. Conyers. Thank you, Chairman Goodlatte. I support
153 H.R. 1973, the Protecting Young Victims from Sexual Abuse,
154 for several reasons.

155 Most importantly, this is a reasonable and important
156 measure that is intended to help protect young athletes from
157 abuse and preserve the sanctity of sports associated with
158 the United States Olympic Committee, the organization
159 responsible for preparing and training young athletes who
160 might, one day, represent their country competitively all
161 over the world.

162 Children deserve to fully enjoy the innocence of their
163 youth by exploring the curiosities of the world, taking
164 pleasure in the arts, and participating in sports, free from
165 betrayal, harm, or danger. Involvement in sports and
166 instruction and guidance from adult coaches can positively
167 influence young people's growth and development and their
168 potential for future success through adulthood. The sexual
169 abuse of children and youth is intolerable in any context,
170 and we must take appropriate measures to eliminate it from
171 youth sports. Such exploitation betrays and harms young
172 people, sometimes severely and irreparably.

173 Young people look to adults to protect them and keep
174 them safe. We all have a responsibility to do so. With
175 H.R. 1973, we have the opportunity to ensure that
176 individuals abide by this duty. Existing Federal law

177 requires certain professionals, such as doctors, dentists,
178 social workers, psychologists, teachers, and daycare
179 workers, who regularly interact with children, to report
180 suspected abuse to law enforcement.

181 While our discussion of this legislation today may
182 focus primarily on sexual abuse, H.R. 1973 will require
183 adults, who interact with young athletes in connection to
184 national governing bodies of various sports, to report
185 suspected abuse of any kind.

186 The need for this legislation is best illustrated by an
187 ongoing scandal of widespread abuse and exploitation of
188 young gymnasts over the course of 20 years within the USA
189 Gymnastics, a prominent governing body of the United States
190 Olympic Committee. Many complaints of sexual and emotional
191 abuse went unreported, allowing coaches, instructors, and
192 doctors to repeatedly victimize gymnasts as young as 6 years
193 old.

194 The shocking failure of anyone to report accusations to
195 law enforcement, or even keep track of them internally, made
196 it possible for some of these predators to commit horrific
197 acts at several gyms in several States. For example, a
198 cloud of allegations of abuse surrounded one particular
199 physician as far back as 1997. He was on the faculty, I am
200 sorry to say, of Michigan State University, worked with the
201 Spartan gymnastic team, and provided volunteer services to

202 USA Gymnastics for many years. Regrettably, allegations
203 against him were not reported to law enforcement until
204 recently. Now, following the first public complaint in
205 2015, more than 100 women have filed complaints accusing him
206 of sexual abuse, and he faces more than 20 criminal charges
207 in Federal and State courts as well.

208 While the USA Gymnastics scandal is unfortunate, let it
209 be an example, an incentive to prevent such pervasive abuse
210 elsewhere. And so I thank Chairman Goodlatte for his
211 leadership on this important legislation, which I support
212 and encourage my colleagues to do the same. I thank you.

213 [The prepared statement of Mr. Conyers follows:]

214 ***** COMMITTEE INSERT *****

215 Chairman Goodlatte. I thank the gentleman, and I now
216 recognize myself for purposes of offering an amendment. The
217 clerk will report the amendment.

218 Ms. Adcock. Amendment to H.R. 1973, offered by Mr.
219 Goodlatte. Page 2, strike line 15 --

220 [The amendment of Chairman Goodlatte follows:]

221 ***** COMMITTEE INSERT *****

222 Chairman Goodlatte. Without objection, the amendment
223 will be considered as read, and I recognize myself to
224 explain the amendment.

225 This manager's amendment makes a series of small
226 changes in the bill, most of which are intended to merely
227 clarify certain provisions. Substantively, the amendment
228 adds one necessary word to the civil liability portion of
229 the bill.

230 Currently, the tolling provision in the civil liability
231 provision provides a subjective standard in which a civil
232 lawsuit can be brought within 10 years of a plaintiff's own
233 subjective statement of injury, which could occur decades
234 later, whether or not such injury should have been
235 reasonably discovered earlier and before witnesses died and
236 other relevant evidence was destroyed. And so, under my
237 amendment, at page 5, line 7, the term "reasonably" is
238 inserted before "discovers."

239 Applying a reasonableness standard to statutes of
240 limitations is fair and commonplace. The official notes
241 that 18 U.S.C. section 2255 itself, which the base bill
242 amends in the U.S. Code, specifically refer to the case of
243 Singleton v. Clash, in which the court made clear that the
244 discovery rule provides that the clock begins to run when
245 the plaintiff has inquiry notice of his injury, namely, when
246 he discovers or reasonably should have discovered the

247 injury. The court went on to say that, under the discovery
248 rule, the inquiry is when the plaintiff knew or reasonably
249 should have known of the injury.

250 As the court made clear, statutes of limitations are
251 intended to promote justice by preventing surprises through
252 the revival of claims that have been allowed to slumber
253 until evidence has been lost, memories have faded, and
254 witnesses have disappeared. And as the Supreme Court wrote
255 in *United States v. Kubrick*, relied on by the court in
256 *Singleton*, "a plaintiff armed with the facts about the harm
257 done to him can protect himself by seeking advice in the
258 medical and legal community.

259 To excuse him from promptly doing so by postponing the
260 accrual of his claim would undermine the purpose of the
261 limitation statute." As the court further stated in
262 *Singleton v. Clash*, the plaintiff's theory would allow
263 section 2255 claims decades beyond when the violation
264 occurred.

265 The base bill would codify that theory as a matter of
266 statutory law and allow lawsuits to be filed decades after
267 the violations accrued, which would undermine the very
268 purpose of statutes of limitations and deter injured victims
269 from acting promptly to alleviate their injuries, while also
270 subjecting the accused to the unfairness of having to defend
271 oneself perhaps decades after exonerating material evidence

272 has disappeared.

273 Additionally, the amendment acknowledges that the
274 duties of a national governing organization includes
275 cooperating with an entity designated by the U.S. Olympic
276 Committee. This provision refers to the U.S. Center for
277 SafeSport, a non-profit corporation launched in March,
278 specifically tasked with investigating and resolving abuse
279 allegations for national governing bodies.

280 The original bill required national governing bodies to
281 impose procedures to prevent one-on-one situations that are
282 not observable and interruptible by another adult. The
283 amendment changes this provision to instruct adults, who are
284 not the parent of the athlete, to avoid one-on-one
285 interactions. This change, while forcefully encouraging
286 national governing bodies to implement these procedures,
287 minimally eases the provision for sports and localities
288 where such a procedure may be overly burdensome.

289 The original bill called for regular and random audits
290 to make sure national governing bodies are strictly
291 following the rules imposed by the bill. The amendment
292 clarifies the audits should not exceed one per year. The
293 bill allowed national governing bodies to prevent someone
294 with a pending sexual misconduct allegation from continuing
295 to work with kids until there was no risk to the kids. The
296 amendment changes the "no risk" language to "until the

297 resolution of such sexual misconduct allegation.”

298 Additionally, if a national governing body, the U.S.
299 Olympic Committee or SafeSport, undertakes an interim
300 measure under this provision, the amendment provides those
301 entities with limited liability in those circumstances.

302 The U.S. Olympic Committee currently may review the
303 certification of national governing bodies under the Ted
304 Stevens Act. The amendment mandates such reviews. This
305 amendment reflects the practice of the U.S. Olympic
306 Committee in reviewing national governing body
307 certifications. These changes are small but important to
308 assuring that our young athletes are protected from abuse
309 and that the newly-established SafeSport is as effective as
310 possible.

311 I urge my colleagues to support this amendment.

312 Mr. Conyers. Mr. Chairman?

313 Chairman Goodlatte. For what purpose does the
314 gentleman from Michigan seek recognition?

315 Mr. Conyers. To support the amendment.

316 Chairman Goodlatte. The gentleman is recognized.

317 Mr. Conyers. I am pleased to support this amendment,
318 which updates the language of the bill to conform with the
319 structure of national governing bodies and their membership,
320 and allows some flexibility and policies required to prevent
321 abuse. And that is my brief support.

322 Chairman Goodlatte. The chair thanks the gentleman.

323 For what purpose does the gentleman from New York seek
324 recognition?

325 Mr. Nadler. Mr. Chairman, strike the last word. I
326 suppose I want clarification. Could you please explain,
327 briefly, the change in the statute of limitations? What is
328 the current statute? What would the original bill do? And
329 what would the amendment do? I was a little confused.

330 Chairman Goodlatte. I can read you, again, the lengthy
331 description. But currently, the tolling provision in the
332 civil liability provision provides a subjective standard in
333 which a civil lawsuit can be brought within 10 years of a
334 plaintiff's own subjective statement of injury, which could
335 occur decades later --

336 Mr. Nadler. That is the current law.

337 Chairman Goodlatte. -- whether or not such injury
338 should have been -- it is what is provided for in this bill.

339 Mr. Nadler. That is the bill. Okay.

340 Chairman Goodlatte. Right. And the amendment would
341 change that to add the word "reasonably" in front of
342 "discovers."

343 Mr. Nadler. So it would be 10 years after he
344 reasonably discovers?

345 Chairman Goodlatte. Correct.

346 Mr. Nadler. You mean 10 years after he reasonably

347 could be expected to discover? I do not know what
348 "reasonably discovers" means.

349 Chairman Goodlatte. I think "reasonably discovers" and
350 "reasonably could be expected to discover" would be
351 considered the same language.

352 Mr. Nadler. Okay. I thank the chairman.

353 Ms. Jackson Lee. Mr. Chairman?

354 Chairman Goodlatte. For what purpose does the
355 gentlewoman from Texas seek recognition?

356 Ms. Jackson Lee. I would like to strike the last word.

357 Chairman Goodlatte. Gentlewoman is recognized.

358 Ms. Jackson Lee. Mr. Chairman, I rise to support H.R.
359 1973, the Protecting Young Victims from Sexual Abuse Act,
360 and I do want to thank Congresswoman Lois Frankel and
361 Congresswoman Susan Brooks for their leadership and will ask
362 them to add me to this legislation as it makes its way to
363 the floor.

364 All of us have, with great expectation and excitement,
365 watched the Olympics, whether it is the winter or summer
366 Olympics, cheering on our national heroes. And so I believe
367 that this is a debt of gratitude in respecting the joy and
368 the pride that they give to the American people.

369 This legislation comes on the heels of the allegations
370 of sexual abuse at the hands of coaches and other Olympic
371 professionals over the past 20 years and reports of

372 negligence of USA Gymnastics to bring these allegations to
373 light.

374 H.R. 1973 will address this problem by requiring
375 amateur athletic governing bodies to immediately bring
376 reports of abuse to law enforcement, establishing policies
377 and procedures for preventing, reporting, and addressing
378 allegations of sexual abuse, developing mandatory training
379 and oversight practices, and extending the civil statute of
380 limitations for cases. It is substantially similar to
381 legislation introduced by Senator Feinstein.

382 So I take note of the fact, Mr. Chairman, and I know
383 that we, in the Judiciary Committee, have often made these
384 legislative initiatives fit more aptly to be able to serve
385 those that we are trying to protect. I just want to make
386 sure that, as was asked by my colleague, Mr. Nadler, that we
387 are not denying or shortening the opportunity for an
388 individual to be protected with the terminology "reasonably
389 discovered." So I would like to, in a moment, Mr. Chairman,
390 yield to you for your interpretation of that.

391 But before I do that, let me also indicate that all of
392 the members of this Congress and the American people have
393 gone through some very difficult days. I think, as I have
394 reflected, I have recognized that this is not Republicans
395 and Democrats; this is really the American people. We have
396 gone through the firing of an FBI director. We have gone

397 through the frightening revelation of classified information
398 being detailed to a known spy, the ambassador to the United
399 States from Russia. We have gone through the allegations
400 made during a Coast Guard graduation of being treated as the
401 worst treatment that any elected official has ever received.
402 And I know that we are in very difficult times. I note that
403 my colleagues in the Oversight Committee are still seeking
404 to have a number of officials appear before them.

405 Again, Mr. Chairman, because we must do this as
406 Americans, I am asking, as my ranking member has done,
407 several things. One, we asked for a memoranda and documents
408 at the early part of the year from the Department of
409 Justice, which have never, as I understand it, at least, I
410 have not been given notice to review them; those documents
411 have never, never come. Secondly, I believe it is
412 appropriate that we have before us former Director of the
413 FBI Comey and former Deputy Attorney General and Acting
414 Attorney General Sally Yates.

415 Yes, a very fine and capable and well-respected
416 individual has been appointed as a special counsel. Special
417 counsel is under the Department of Justice and can be
418 terminated at any time. And so I wish Director Mueller
419 well. I have worked with him. I have had the privilege,
420 sitting on this committee, of which I admire and respect,
421 for a number of years, and so I have known him during his

422 entire tenure as the FBI director.

423 That does not relieve us of our responsibilities on
424 behalf of the American people. As other committees in the
425 House have responded to their jurisdictional
426 responsibilities, I would like us to respond to our
427 constitutional and jurisdictional responsibilities. And Mr.
428 Chairman, I say this as an American, as a senior member on
429 this committee, as someone who has watched my ranking member
430 work very hard to be collaborative, who have asked for the
431 memos and memoranda, and who believes that the American
432 people need to see an orderly questioning of the facts that
433 have happened while the prosecutor continues his work.

434 Mr. Nadler. Would the gentlelady yield?

435 Ms. Jackson Lee. I would be happy to yield to the
436 gentleman.

437 Mr. Nadler. Thank you. I just wanted to rise in
438 support of what was just said. And I was pleased to see
439 that former FBI Director Mueller has been appointed special
440 counsel, but that does not relieve us of our obligation to
441 investigate these matters ourselves, particularly issues
442 that fall squarely within the jurisdiction of this
443 committee.

444 Democrats in this committee have sent numerous letters
445 to the chairman calling for hearings, to which we have
446 received no reply. We have filed resolutions of inquiry,

447 which were rejected by party-line votes. The House and
448 Senate Intelligence Committees and the Senate Judiciary
449 Committee have all found time to look into allegations
450 concerning Russian influence over the 2016 elections. But
451 we have not. And we have an even broader and a unique
452 position as stewards of the Constitution.

453 It is our duty to see that the President stays within
454 constitutional boundaries, but we have refused to examine a
455 wide range of activities that raise serious constitutional
456 concerns. Whether it is the President's ongoing conflicts
457 of interest and possible violations of the Emoluments
458 Clause, the troubling ties to Russia, or these new
459 allegations of obstruction of justice, this is the committee
460 charged with determining whether there is adherence to the
461 Constitution, and we should pursue an investigation, and
462 certainly hearings, into all of these issues, no matter
463 where they may ultimately lead. The near-daily revelations
464 coming out of this White House demand action now.

465 It is good to see that there is a special prosecutor,
466 but as we know, the jurisdiction and the providence of a
467 special prosecutor is to investigate possible crimes. And
468 maybe there were crimes committed, maybe not. That will be
469 for him to determine and process afterwards, perhaps. But
470 the American people need a generalized investigation as to
471 what is going on, as to whether there is improper influence

472 in the FBI, improper influence by a foreign power, as to
473 whether the FBI and the Department of Justice were
474 compromised. And in particular, those latter two are the
475 jurisdiction of this committee.

476 Now, we know that there are investigations going on
477 within the House and Senate Intelligence Committees, but
478 their jurisdiction is somewhat different. The Senate
479 Judiciary Committee is having investigations. The House
480 Judiciary Committee has a duty to do the same. And I urge
481 that the chairman consider this and that we exercise the
482 jurisdiction of this committee to look into what we should
483 look into.

484 It is not his job for the special prosecutor to give a
485 report on what was going on to the American people, although
486 he may. He must give a report to the Department of Justice,
487 but that report may very well be secret. We need a report,
488 such as was given in 1973 and again in 1997 and on several
489 other occasions. We need a report within the jurisdiction
490 of this committee, and we need this committee to hold
491 hearings, to call Director Comey and various other people,
492 and to do what we have to do.

493 We are examining bills here, some worthy, some not,
494 depending on one's opinions, but it seems like we are
495 fiddling while Rome burns because these bills, some of them
496 are very important, but there is an overarching issue before

497 us to which we must react and do our duty. I thank the
498 gentlelady for yielding, and I yield back.

499 Mr. Conyers. Would the gentlelady yield to me?

500 Ms. Jackson Lee. I will be happy to yield to the
501 gentleman.

502 Chairman Goodlatte. The time of the gentlewoman has
503 expired.

504 For what purpose does the gentleman from Georgia seek
505 recognition?

506 Mr. Conyers. Could I be recognized?

507 Mr. Johnson of Georgia. Mr. Chairman, I move to strike
508 the last word.

509 Chairman Goodlatte. The gentleman is recognized. He
510 can then yield to the gentleman from Michigan.

511 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
512 rise to speak in support of H.R. 1973. I want to yield to
513 the gentleman from Michigan.

514 Mr. Conyers. Thank you very much, my friend from
515 Georgia. I wanted to associate myself with the gentlelady
516 from Texas' previous remarks. And also, the gentleman from
517 New York, Mr. Nadler, have made a very reasonable
518 interpretation of what our responsibilities are. And I
519 think that they should be expanded, as they suggest, not
520 seeking publicity or raising emotions in any way, but in
521 doing a thorough and accurate and appropriate examination of

522 this issue before us. And I just wanted to thank both of
523 them for it, and I thank the gentleman for yielding.

524 Mr. Johnson of Georgia. All right. I thank the
525 gentleman. I would yield now to the gentlelady from Texas.

526 Ms. Jackson Lee. I thank the gentleman as well, and I
527 guess we are building on each other, ranking member John
528 Conyers and Mr. Nadler of New York. And I would really like
529 the chairman to respond whether or not we can have a
530 meeting, but we need to establish something, Mr. Chairman,
531 that you have been a champion of, and that is the
532 jurisdictional standing and credibility of the Judiciary
533 Committee.

534 As Mr. Nadler said, we are the holder and the protector
535 of the Constitution, and frankly, the American people,
536 without party identification, are seeking answers. The
537 special counsel that it is now called, different from the
538 independent counsel, is a fixture and a product of the
539 Department of Justice. We thank the Deputy Attorney General
540 for appointing Mr. Mueller. But their guidelines will be
541 completely different, and I think there is a singular point.

542 They can provide a report; they cannot provide a
543 report. This is not a time for cover-up or darkness. It is
544 a time for sunlight and transparency. No suggestion that
545 this committee is trying to cover up, but if we do not do
546 this together, if we do not stand up and acknowledge that

547 America is more important than we are, the integrity of the
548 government is more important than we are, then I can assure
549 you, this will not set a good standard when we have other
550 jurisdictional fights, when we have not taken our rightful
551 place in these hearings and begin to be able to address
552 them.

553 I will conclude my remarks, and thank the gentleman for
554 yielding. But I will conclude my remarks by simply saying,
555 at some point, Mr. Chairman, you will respond to the 1973
556 question that I had on this legislation that I support and
557 want to co-sponsor, and thank Lois Frankel and Susan Brooks.
558 But I do believe that we have a constitutional question and
559 a potential constitutional crisis, and we need to be part of
560 the uncovering and the discussion and the hearing for our
561 members on what the next steps are, how we can prevent --
562 that is our job -- what has happened over the last 5 months
563 in the United States through the Oval Office. With that, I
564 yield back to the gentleman.

565 Chairman Goodlatte. Would the gentleman from Georgia
566 yield, so that I can respond to the gentlewoman from Texas?

567 Mr. Johnson of Georgia. I would yield to the chairman.

568 Chairman Goodlatte. I thank the gentleman for
569 yielding.

570 First of all, tomorrow there will be a briefing of the
571 entire membership of the House by the Deputy Attorney

572 General of the United States on the matter related to the
573 firing of FBI Director Comey.

574 Secondly, as has been the custom of this committee in
575 the past, we should allow the Department of Justice and the
576 FBI to do their work. And that is why I join you in being
577 pleased that the department has appointed a special counsel
578 to look into the matters that you have described.

579 But it would be inappropriate, in my opinion, for this
580 committee to, at the same time, conduct a public
581 investigation or fishing expedition into what you think may
582 or may not have happened. We did not do that during the
583 last Congress when there were serious allegations of
584 criminal violations by the Democratic candidate for
585 President of the United States. We waited until after the
586 department had completed their investigation and held a
587 hearing at that time. That may or may not be appropriate
588 when the department completes its investigation into the
589 matter that you are concerned about.

590 I respect your concern, believe it should be
591 investigated, but I do not believe that it is the
592 appropriate role of this committee to do other than conduct
593 oversight of the Department of Justice to be assured that
594 they are doing their job. And we are doing that, both in
595 terms of the briefing tomorrow and in terms of both
596 Republicans and Democrats approving of the appointment of

597 the special counsel to make sure that that investigation
598 carries forward in a responsible way.

599 Ms. Jackson Lee. Would the gentleman yield?

600 Ms. Lofgren. Mr. Chairman?

601 Chairman Goodlatte. I think it is the gentleman from
602 Georgia's time, which has expired, so I will just go to the
603 gentlewoman from California.

604 For what purpose do you seek recognition?

605 Ms. Lofgren. Mr. Chairman, I wanted to talk just
606 briefly about the bill that we are marking up.

607 Chairman Goodlatte. The gentlewoman is recognized for
608 5 minutes.

609 Ms. Lofgren. Strike the last word. I want to say how
610 important I think it is to adopt this bill. I have had the
611 obligation and responsibility to meet with individuals in my
612 own district who have been abused as swimmers, and we do not
613 have adequate law to deal with their situation. So I think
614 this is an important step, but only a first step. We will
615 get more information because of the provisions in this bill,
616 and we may need to do more things.

617 Having said that, I want to address the other issue
618 that has been mentioned by the ranking member, my colleague,
619 Ms. Jackson, and others. I think all of us, and I have yet
620 to hear a member who is not actually relieved that the
621 Department of Justice has appointed Mr. Mueller, who we all

622 respect, to do an investigation. You are exactly right. It
623 is not our job to interfere in that investigation, and we
624 will see what the results are when the investigation is
625 complete.

626 However, that investigation is unrelated to our
627 obligation, in some ways. His obligation is to find out
628 whether there is reasonable cause to believe that a crime
629 has been committed. It could have been by staffers or other
630 people. Who knows? He may find out that there is nothing
631 that leads him to that belief. We will find out.

632 But it is possible to damage our Constitution without
633 committing a crime. And in fact, that has happened in the
634 past. I think back to the role this committee played in
635 1974 to uncover actions that posed a threat to the
636 constitutional system of government. I am not suggesting we
637 are at that point today. However, I do think aggressively
638 receiving information that Mr. Nadler referred to is an
639 important responsibility that we have.

640 I am mindful that our counterparts in the Senate are
641 stepping forward to accept their responsibility to gather
642 facts, and that is all we are saying at this point. We are
643 in a fact-gathering mode, and I am hopeful that we could
644 work together to make sure that that responsibility is
645 discharged.

646 So I did not want to stray too far from H.R. 1973,

647 which I think is an important first step, and by the way, it
648 is important to note, it does not preempt State law that
649 protects individuals from abuse. But I did want to agree
650 with my colleagues that we should work together to obtain
651 this information that we have asked for, on a bipartisan
652 basis in some cases, in others not, just so we can discharge
653 our obligation in fact-finding.

654 And I see that Mr. Nadler would like me to yield, so I
655 am happy to yield to my colleague from New York.

656 Mr. Nadler. I thank the gentlelady for yielding. I
657 think the gentlelady is exactly right on this point. A
658 special prosecutor's job is to investigate possible crimes,
659 but there can be damage done to the Republic or to the
660 Constitution by actions that are improper but are not
661 crimes, or are not crimes that can be proven. So that is
662 why, in addition to a special prosecutor, we need,
663 ultimately, an independent commission, but at least
664 examination by the relevant committees. And ours is one of
665 the relevant committees.

666 We have an Intelligence Committee investigation; fine.
667 Some of this impacts the intelligence function. But the
668 functioning of the FBI, the functioning of the Department of
669 Justice, many of the actions of the White House, arguably
670 involve the Constitution and the law, and certainly that is
671 our jurisdiction. And it is completely separate from a

672 criminal investigation; and not interfering with a criminal
673 investigation, we should look into these matters in terms of
674 damage to the Constitution, adherence to norms.

675 You know, you can damage the Constitution and
676 constitutional practices by violating norms which have
677 always been adhered to which were taken for granted. And
678 maybe we ought to make some of these norms laws. But these
679 are the areas that this committee ought to be investigating,
680 and the fact that there is a special prosecutor does not
681 absolve us of our responsibility, and to wait until the
682 special prosecutor finishes, which could be several years,
683 for all we know, would be a real abdication of our
684 responsibility and a disservice to the Republic. And I
685 thank the gentlelady for yielding, and I yield.

686 Ms. Lofgren. I thank you, and I see my time has
687 expired, Mr. Chairman, so I yield back.

688 Chairman Goodlatte. For what purpose does the
689 gentleman from Tennessee seek recognition?

690 Mr. Cohen. Strike the last word.

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

693 Mr. Cohen. I have listened to much of the discussion,
694 Mr. Chair, from members of this side of the aisle about the
695 controversies, and I do not know that anybody has brought up
696 a fact that I think is relevant, and that is the fact that

697 the FBI is under our jurisdiction for review, and that the
698 firing of an FBI Director, Mr. Comey, is something that this
699 committee should be the first committee to look into, and to
700 have Mr. Comey here to tell us what happened, and if we can
701 get to the bottom of why he was fired.

702 The FBI Director gets a 10-year term for specific
703 reasons, so that he is beyond partisan politics and goes
704 over and beyond even two-term Presidents, and there are
705 certain standards by which that person can be fired, and
706 they are not that you are firing a person because they were
707 not your lackey or did not pledge allegiance to you, or
708 fealty. And those are things that I think are relevant and
709 that we should look into, and I would like to ask the chair
710 if he would not consider asking Mr. Comey to come to this
711 committee and looking into the issues surrounding the firing
712 of the Director of the FBI.

713 Chairman Goodlatte. If the gentleman would yield.

714 Mr. Cohen. Yes, sir.

715 Chairman Goodlatte. The fact of the matter is, that is
716 the purpose of the special counsel that has been appointed,
717 and I think it would be inappropriate for this committee to
718 interfere with that investigation.

719 We are going to get a classified briefing tomorrow from
720 the Deputy Attorney General on that matter. That has
721 already been scheduled, prior to the time of the appointment

722 of the special counsel. We will proceed with that and see
723 what is revealed by that. I trust you will be in attendance
724 tomorrow.

725 Mr. Cohen. I will be in attendance, Mr. Chair. It is
726 my understanding that the charge given to Mr. Mueller was to
727 investigate leaks or work that the Russians or Russian
728 government or Russian individuals might have been in
729 collusion with Trump or the Trump campaign, and there is a
730 catch-all where they could go to associated activities.
731 Nothing in the charge directly goes to the firing of the FBI
732 Director. And while the President did, on his second
733 statement on why he fired him, he said he fired him because
734 of Russia, the first statement was that he fired him because
735 he was coming to the defense of Secretary Clinton and the
736 way she was treated by Mr. Comey.

737 But even if he fired him because of the second reason,
738 which is the one that seems to be the best rule, that he
739 fired him because of Russia and the Russia investigation,
740 that does not mean that the special prosecutor's charge is
741 to look into that firing. He is supposed to look into
742 collusion between the Russians and Trump.

743 And so I still think it is relevant that we have this,
744 and I do not know that Mr. Rosenstein will testify to that,
745 that while he did give the first explanation, which was then
746 put into the heap of garbage in the White House, saying it

747 was not relevant, that is not why they fired him, Mr.
748 Rosenstein would not know what Mr. Comey's interactions were
749 with the President, if the President pressured him, if the
750 President asked him to give him his total loyalty and
751 fealty, and if the President asked him to back off. So I
752 still think it is relevant that it come to this committee.

753 Chairman Goodlatte. Would the gentleman yield?

754 Mr. Cohen. Yes, sir.

755 Chairman Goodlatte. The widely-held view of those who
756 have read the appointment of Mr. Mueller is that he has very
757 broad jurisdiction to look into matters related to the
758 underlying investigation that was already proceeding in the
759 Department of Justice.

760 Mr. Cohen. Let me ask the chair another question; just
761 curious. I ventured over into your side of the committee
762 room, the anteroom, which I remember fondly, when Mr.
763 Conyers was chair, that we had large masses of food there,
764 and we had lots of room, and TV, and it is a nice spread.
765 We do not have that same spread now. We are kind of --
766 occasionally, you send us pizza, but we do not get much.
767 But I have noticed three pictures on the wall that you have
768 chosen, Mr. Chair, and I wish you would edify the members on
769 this side of the three pictures, the three Presidents you
770 chose, and why they are there.

771 Chairman Goodlatte. Getting very far afield from the

772 bill that is before this committee, which I think is very
773 popular on both sides of the aisle. But those three
774 Presidents are former members of the Judiciary Committee,
775 and that is why they are hanging on the wall there.

776 Mr. Cohen. Is there a room for Mr. Pence?

777 Mr. Marino. Mr. Chairman. Mr. Chairman.

778 Chairman Goodlatte. For what purpose does the
779 gentleman from Pennsylvania seek recognition?

780 Mr. Marino. Move to strike the last word.

781 Chairman Goodlatte. The gentleman is recognized for 5
782 minutes.

783 Mr. Marino. If my good friend is concerned about a
784 snack, my wife make a wonderful peanut butter chocolate
785 fudge topping, and I will bring that snack in for you, just
786 out of showing the camaraderie from one side to the other.

787 Mr. Jeffries. Would the gentleman yield?

788 Chairman Goodlatte. For what purpose does the
789 gentleman from New York seek recognition?

790 Mr. Jeffries. Move to strike the last word.

791 Chairman Goodlatte. The gentleman is recognized for 5
792 minutes.

793 Mr. Jeffries. I just want to associate myself with the
794 comments that have been made by the distinguished ranking
795 member and all of the other members on our side of the aisle
796 who have raised this question of jurisdictional integrity.

797 It was my understanding -- I have served on this great
798 committee during the entire time that I have been here in
799 the Congress -- that we are the custodians of the United
800 States Constitution; this committee. That we have
801 jurisdiction over the Department of Justice; this committee.
802 That we have jurisdiction over the FBI; this committee. We
803 have jurisdiction over the criminal code, obstruction of
804 justice, abuse of power; this committee. We have
805 jurisdiction over the extraordinary remedy that some
806 Americans are contemplating; this committee.

807 Now, from the very beginning of this Congress,
808 Democrats have raised the question of jurisdictional
809 integrity, urging the chairman to pursue the widest possible
810 degree of oversight, not as part of a witch hunt, but as
811 part of our own jurisdictional integrity, Democrats and
812 Republicans. And every time we have raised the question, 17
813 different intelligence agencies concluded that the Russians
814 interfered with the election to hurt Donald Trump, we were
815 mocked. Communication has taken place between Donald
816 Trump's campaign and the Russians at the same time they were
817 hacking into our election, people like Carter Page and
818 Manafort and Roger Stone and Jeff Sessions and Michael
819 Flynn, Jared Kushner; we were mocked.

820 Michael Flynn committed a crime in December of 2016, it
821 appears, when he had a conversation with the Russian

822 ambassador and then lied to the Vice-President about it. We
823 raised that; we were mocked. Taxes have not been disclosed
824 by the American people; we were mocked. This was just a
825 witch hunt, a fishing expedition; nothing there, Democrats.

826 And then Sally Yates is fired, the acting Attorney
827 General, shortly after revealing to the White House her
828 belief that Michael Flynn could be a Russian asset. We
829 raised that; we are mocked. The United States Attorney
830 General for the Southern District of New York, Preet
831 Bharara, is fired after Donald Trump promised this U.S.
832 Attorney that he would stay on, shortly after it was
833 publicly revealed that Bharara's office was investigating
834 one of Trump's cabinet secretaries and close allies at Fox
835 News.

836 We raised that question; we are mocked. James Comey,
837 the FBI Director, acknowledges publicly for the American
838 people that there is a criminal investigation -- I think we
839 have got jurisdiction over the criminal code here on the
840 Judiciary Committee -- criminal investigation of the Trump
841 campaign and possible collusions with the Russians; we are
842 mocked. We are just interested in a fishing expedition.
843 Donald Trump fires the FBI Director and acknowledges that he
844 was concerned, upset, about this so-called fake Russian
845 collusion issue. We raised that issue; we are mocked. It
846 is all, apparently, a fishing expedition.

847 It appears that Donald Trump may have attempted to
848 obstruct justice as it relates to his conversation with
849 James Comey on February 14th suggesting that the FBI not
850 vigorously pursue its investigation of Michael Flynn.
851 Again, we are mocked.

852 And now, everyone is singing Kumbaya because a special
853 prosecutor was appointed. That is actually fake news. That
854 is not the reality. There was no effort in a bipartisan
855 fashion for us to say, "Let's just get to the bottom of what
856 occurred."

857 And so all we are saying right now, whether you think
858 something happened or not, notwithstanding the litany, the
859 mountain of evidence that has emerged that something wrong
860 may have occurred, even if you cannot come to that
861 conclusion, even if some folks want to bury their head in
862 the sand for whatever the reason, at least respect the
863 jurisdictional integrity of the Judiciary Committee and not
864 let it be hijacked by other committees in the House or allow
865 the Senate Judiciary Committee to proceed as if there is
866 only one house in the United States Congress. I yield back.

867 Chairman Goodlatte. For what purpose does the
868 gentleman from California seek recognition?

869 Mr. Lieu. Move to strike the last word.

870 Chairman Goodlatte. The gentleman is recognized for 5
871 minutes.

872 Mr. Lieu. I would like to talk about two issues. The
873 first is the bill before us today, H.R. 1973, the Protecting
874 Young Victims from Sexual Abuse Act of 2017. This is a good
875 bill. It is an important bill. I fully support it, and I
876 want to thank attorney John Manly for his hard work on this
877 issue, as well as so many others for their work on this
878 legislation.

879 And then second, I would like to align myself with my
880 colleagues, discussing the need for an oversight hearing.
881 The mission of this committee is to conduct oversight into
882 the Department of Justice. And there has certainly been a
883 lot of chaos in that department, from the firing of FBI
884 Director to the firing of Sally Yates to the firing of Preet
885 Bharara. We need to have a hearing so the American public
886 can get the answers they need to know what happened.

887 I understand that the chairman disagrees, but it seems
888 to me that there is an issue where all of us, Republican,
889 Democrat, can agree on this, which is we need to make sure
890 the Department of Justice has the resources necessary to
891 conduct the investigations they need to do. There have been
892 reports that FBI Director Comey was unable to get the
893 resources he needed to go forward in a good way with FBI
894 investigation.

895 Now that we have a special counsel, I think we need to
896 have a hearing to make sure that the FBI, as well as the

897 special counsel, have the resources they need, the agents
898 and the prosecutors, to conduct a fair and impartial
899 investigation in a speedy way, which is what the White House
900 also wants to do -- an expedited way for the American people
901 to see what happened. And when I am done, I would love for
902 the chairman to address that issue, and I am going to yield
903 the balance of my time to Representative Nadler.

904 Mr. Nadler. I thank the gentleman for yielding. I
905 just want to point out that the chair has said, obviously,
906 that it would be inappropriate to hold hearings on these
907 matters while the special prosecutor is functioning. But
908 House committees have hosted a wide range of hearings on
909 sensitive matters that were then under criminal
910 investigations. For example, the 1993 hearings in the Waco
911 tragedy, the Whitewater hearings, the 1987 Iran-Contra joint
912 hearings, not to mention the Benghazi investigation.

913 Under your leadership, we have also held hearings that
914 touched upon the shootings in Orlando, Florida, and San
915 Bernardino, California, the attacks on the U.S. Consulate in
916 Benghazi, the surreptitious recording of conversations with
917 employees of Planned Parenthood, allegations of misconduct
918 in certain Federal law enforcement agencies, and the Boston
919 Marathon bombing. In each of these cases, the related
920 investigations by the relevant agency were still ongoing,
921 and we pressed ahead with oversight hearings anyway.

922 So there is certainly ample precedent, for this
923 committee and other committees, holding hearings on the
924 public aspects of these matters while criminal
925 investigations were going on. And again, a criminal
926 investigation looks only at that, whether crimes were
927 committed. Our purview is well beyond that. We are not --
928 well, we may be interested, but we are not primarily
929 interested in whether crimes were committed.

930 We are primarily interested in protecting the
931 Constitution and protecting the public welfare. And that is
932 our job, and it would be a dereliction of duty, in my
933 opinion, to say, no, we should wait years until the special
934 prosecutor issues his report, which may very well be years.
935 Other special prosecutors have taken great lengths of time.
936 We do not know.

937 And as I said, other committees, the Intelligence
938 Committees in both houses are investigating this, and the
939 Senate Judiciary Committee is investigating. They have more
940 or less the same jurisdiction that we do, and it would be a
941 public disservice to use the fact or the excuse that there
942 is a criminal investigation going on to avoid public
943 hearings and investigation of the public matters that are of
944 such great public concern.

945 I thank the gentleman, and I yield back to him; Mr.
946 Lieu. I thank him for yielding, and I yield back.

947 Mr. Lieu. I yield back.

948 Chairman Goodlatte. For what purpose does the
949 gentleman from California seek recognition?

950 Mr. Issa. I move to strike the last word.

951 Chairman Goodlatte. The gentleman is recognized for 5
952 minutes.

953 Mr. Issa. Mr. Chairman, I look forward to getting to
954 the markup shortly, but I would like to weigh in in an
955 appropriate, I hope, way to this dialogue. Mr. Jeffries
956 used the word evidence many, many times, and he is an
957 attorney of training and experience. I have got to tell
958 you, I think what we are making a mistake about, as we look
959 at the special prosecutor and his work, is he will be
960 seeking evidence.

961 We have been following news stories. We hear in a news
962 story that something has occurred. We later find out that
963 the verbatims or the specifics are different, and in some
964 cases there is revisions that go on for a period of time.
965 But at the end of it all, we are following news stories. We
966 are not yet following the evidence.

967 Director Mueller is going to have the obligation to
968 follow the evidence. I might suggest that this committee's
969 jurisdiction is appropriate to oversee his work, and I urge
970 the chairman and ranking member to assert that jurisdiction,
971 in this case as I would at all times.

972 But let me go through a few things that I heard some of
973 my Democratic colleagues say that I think is noteworthy and
974 that we should, in fact, include in a dialogue sooner, not
975 later. Does the special prosecutor -- does Director Mueller
976 -- does he, in fact, have the assets he needs, that he
977 believes he needs?

978 Does he, in fact, have the independence that is
979 required? Which we could get into assets and independence
980 like separate facilities, separate email, the ability to
981 have people that work only for him and are not reportable to
982 others; a whole litany of things that this committee knows
983 the rules and how they work.

984 What does the director believe the breadth of his
985 investigation is? We have had some dialogue here today
986 about what is or is not. My experience in looking at
987 special prosecutors and working with the Department of
988 Justice is they often expand when they see something, or
989 they come back to a committee or to the appointer and ask
990 for expansions when they think it is appropriate. And I
991 would suspect that the former FBI Director is quite good at
992 doing that, from my experience.

993 Lastly, I believe the timeline that he expects to at
994 least be prepared to report, in some meaningful way, to
995 committees what he believes is there in the way of evidence,
996 perhaps not evidence of criminal wrongdoing, but evidence

997 sufficient to know whether or not our election was
998 interfered with, and for several committees, the ability to
999 know what is the plan to prevent it from happening in the
1000 future, if in fact techniques were used that could be used
1001 again?

1002 So I am going to conclude, Mr. Chairman and ranking
1003 member, by saying I know that we will not end dialogue just
1004 because I spoke today, and I know there will be calls for
1005 commissions and other investigations. But I would urge the
1006 chairman and ranking member, as the senior and, if you will,
1007 the adults here in the room at all times -- and I commend
1008 you both for being that -- that you should look at an
1009 appropriate way of corresponding to ask these questions,
1010 whether it is in in-camera review, a meeting with the
1011 director, or anything that would be appropriate in your
1012 decision after consultation, to make sure that Mr. Mueller
1013 has the assets, the independence, and an understandable
1014 breadth of the initial investigation, and a timeline that he
1015 anticipates, based on his decades of experience.

1016 And I would hope all of us, at some point in the hours
1017 and days to come, would realize that that is the next step.
1018 It is not for us to talk about what we do. It is probably
1019 for us to make sure that the assets, the independence, and
1020 the breadth of mission is available. And I leave you with
1021 that, Mr. Chairman, and I thank you.

1022 Chairman Goodlatte. Would the gentleman yield?

1023 Mr. Issa. Of course I would yield.

1024 Chairman Goodlatte. The chair appreciates the
1025 gentleman's thoughts, and will take his recommendations
1026 under advisement.

1027 Mr. Issa. Thank you. I yield back.

1028 Chairman Goodlatte. For what purpose does the
1029 gentleman from Maryland seek recognition?

1030 Mr. Raskin. I move to strike the last word, Mr.
1031 Chairman.

1032 Chairman Goodlatte. The gentleman is recognized for 5
1033 minutes.

1034 Mr. Raskin. Thank you very much. I wanted to add a
1035 few thoughts to the situation, and I want to begin by
1036 associating myself with the remarks of Mr. Jeffries, because
1037 what we have been asking for from the very first meeting, I
1038 think, has been, precisely, evidence and facts. That has
1039 been our demand from the beginning. We have sought a
1040 comprehensive 9/11-style investigation into the Russian
1041 connection, into Page and Stone and Manafort and Flynn and
1042 Jared Kushner and the whole staph infection which seems to
1043 have overtaken the Trump White House with respect to Russia.
1044 We have been asking for that. We have been asking for a
1045 hearing on it. So now, we, indeed, have a special counsel
1046 that has been named by the Department of Justice, and this

1047 is progress, indeed.

1048 But I want to also associate myself with the remarks of
1049 Mr. Lieu, because our committee has specific jurisdictional
1050 responsibility to make sure that this investigation within
1051 the Department of Justice is undertaken with efficiency and
1052 with institutional respect for the special counsel's own
1053 discretionary authority. So I also think that we need to
1054 have a hearing to make sure that the newly-appointed special
1055 counsel, Mr. Mueller, a distinguished former FBI Director
1056 who is someone very well up to the task, is given sufficient
1057 resources, and is given sufficient independence within his
1058 office.

1059 As everybody knows, the independent counsel statute
1060 that was adopted after the Watergate investigation has
1061 lapsed, and it came under fire both from Democrats and
1062 Republicans. There were various investigations -- the Iran-
1063 Contra investigation on one side, the Kenneth Starr
1064 investigation into the Clintons on the other side -- which
1065 attracted a lot of fire, and the independent counsel statute
1066 went down.

1067 So we are depending on the provisions within the
1068 Department of Justice's own rules for the establishment of
1069 this special counsel. But we need to make sure that that
1070 special counsel really has the authority to do the job, and
1071 at least I think that the right person has been chosen,

1072 given these circumstances.

1073 But we want to make sure that the Attorney General's
1074 recusal is, in fact, implemented, and that his recusal is
1075 something that is respected within the Department of
1076 Justice, and the special counsel gets to pay attention to
1077 the very serious crimes and misdeeds which go to the very
1078 question of constitutional democracy in America.

1079 We know from our own intelligence agencies that
1080 American democracy came under attack in 2016. There was a
1081 concerted effort by Vladimir Putin and his paid agents to
1082 commit cyber-espionage and sabotage of America's democratic
1083 institutions, including the Democratic National Committee,
1084 the Democratic Congressional Campaign Committee, and lots of
1085 other political entities in the country.

1086 And we have seen a repetition of that, most recently in
1087 the Netherlands and in France, by the Russians. So we need
1088 to get to the bottom of this massive attack on American
1089 democratic sovereignty, and we need to determine whether or
1090 not there has been collusion by political forces within the
1091 United States, specifically within the Trump campaign and
1092 around the Trump campaign, to enable this attack on American
1093 political democracy.

1094 What we are looking for is precisely the facts and
1095 evidence, and that has been our sole object from the very
1096 beginning of our discussion of this in this committee. So

1097 we are delighted that now the special counsel, which was
1098 resisted by so many, is being hailed by everyone as the
1099 right move, but that should be just the beginning. And with
1100 that, I will yield the remainder of my time to Mr. Cohen.

1101 Mr. Cohen. Thank you, sir. I appreciate it. Mr. Issa
1102 made a point about the special prosecutor. But, you know,
1103 the special prosecutor is looking at criminal violations and
1104 bringing criminal charges, if they are merited. This
1105 committee's responsibility is policy, and we should not stop
1106 our purpose of seeing that we have the right laws based on
1107 the right policy for our country. That includes the term
1108 and the appointment of the FBI Director. Maybe the FBI
1109 Director should be like a judge and be given a 10-year term
1110 and not be subject to firing. Maybe it needs to be
1111 tightened up on the basis of which he or she could be fired.
1112 Maybe the term needs to be longer or lesser. But those
1113 policy decisions are still here, and I think we should have
1114 hearings on the appointment of and the firing of the FBI
1115 Director and any need for change and what occurred. And I
1116 yield back the balance.

1117 Ms. Jayapal. Mr. Chairman.

1118 Chairman Goodlatte. For what purpose does the
1119 gentlewoman from Washington seek recognition?

1120 Ms. Jayapal. Move to strike the last word.

1121 Chairman Goodlatte. The gentlewoman is recognized for

1122 5 minutes.

1123 Ms. Jayapal. Thank you, Mr. Chairman. I first want to
1124 rise in strong support of the bill under consideration, H.R.
1125 1973. This is an incredibly important bill for sexual abuse
1126 victims across the country, and I want to thank the
1127 advocates that are in the room and those who have worked to
1128 put this before us in a bipartisan way.

1129 Mr. Chairman, I also want to associate myself with the
1130 comments of many of my colleagues who have spoken before me,
1131 and I want to respectfully submit that I am not sure when
1132 this committee would find it appropriate to have hearings
1133 into any of the issues that have been mentioned today. We
1134 are almost 5 months into this administration, and as Mr.
1135 Nadler said, I believe that it really is a dereliction of
1136 duty that this committee is ceding authority over any of
1137 these extremely important issues to the American people that
1138 are before us. With all due respect, saying that we are
1139 pursuing things just based on news stories doesn't make any
1140 sense.

1141 We are talking about issues where 17 intelligence
1142 agencies weighed in on the question. We are talking about
1143 issues where an FBI director has a memo that says that he
1144 was asked to not pursue an investigation into Michael Flynn.
1145 And just now, Michael Flynn actually said that he will not
1146 honor the Senate Intelligence Committee subpoena.

1147 So what moment would it be appropriate, Mr. Chairman,
1148 for us in the Judiciary Committee to call before us those
1149 people who can provide us with facts? We would love to have
1150 facts. That is actually what all the members on our side of
1151 this committee have been calling for for many months now.
1152 If we could actually look at those facts and determine where
1153 those facts lead us, I think that would be within the
1154 purview of the Judiciary Committee of the House.

1155 I do not know why we are ceding that authority
1156 continuously in the name of these issues being spurious.
1157 The reality is the American people across the country called
1158 for and expressed outrage over and over again, which is why
1159 we finally have a special prosecutor. But that is just one
1160 piece of what we are looking at. That involves criminal
1161 acts. But there is much that is at stake within our
1162 democracy that does not have to do just with criminal acts
1163 and I think this committee, in particular, should be looking
1164 and trying to get to the bottom of where we are at this
1165 moment in history.

1166 And the reality is, Mr. Chairman, that history smiles
1167 brightly on those who speak out even at the cost, perhaps,
1168 of what others in the party might be saying. This is a
1169 moment for us to put country before party and I hope that we
1170 will be allowed on this committee to weigh in on these
1171 issues of critical national importance.

1172 I would like to yield now to my colleague from Texas,
1173 Representative Sheila Jackson Lee.

1174 Ms. Jackson Lee. I want to thank the gentlelady for
1175 her courtesies and I want to thank my colleagues for their
1176 very important dialogue, and I want to capture some of the
1177 comments that have been made. But as I do that, let me also
1178 say that I enthusiastically support the underlying bill,
1179 H.R. 1973, but let me remind my colleagues that there is a
1180 responsibility of this committee -- and Mr. Chairman, to be
1181 honest, this is not a burden that should be suffered only by
1182 yourself.

1183 There are distinguished lawyers in this room,
1184 Republicans and Democrats; there are non-lawyers in this
1185 room. And so, the members of the committee, Republicans and
1186 Democrats, have an equal responsibility, and I hope my
1187 colleagues who are Republicans who are scholars, former
1188 prosecutors as well, they really hear the truth of what we
1189 are saying.

1190 And the truth of what we are saying is that we cannot
1191 advocate and be derelict in the responsibilities of showing
1192 the American people that the Constitution is rules, that
1193 rules. And so, when you find that Flynn has spoken -- and
1194 other operatives have spoken -- to Russians 18 times in the
1195 last seven months of the campaign, that is soiling the
1196 election and soiling the presidency.

1197 When you find out that Flynn was sitting in a meeting,
1198 advising against an operation or a collaboration with others
1199 because he was being paid by Turkey and they did not want
1200 that operation, that is soiling the presidency.

1201 And it is crucial that not only do we deal with the
1202 questions of how we stop this from happening again, that is
1203 what the Judiciary Committee's responsibility is, and I ask
1204 my colleagues -- Republicans -- you cannot yield that
1205 responsibility, nor can you yield the responsibility that
1206 the American people look to this committee, rightly so, over
1207 the years to be the arbiter of truth and the arbiter of the
1208 Constitution.

1209 And we cannot reject that there has been an abuse of
1210 power and there has been a doubting or damaging of the
1211 public trust.

1212 Chairman Goodlatte. The time of the gentlewoman has
1213 expired.

1214 Ms. Jackson Lee. I would offer to say I thank the
1215 gentlelady that we, Mr. Chairman, in spite of all the
1216 arguments, we must do our job.

1217 Chairman Goodlatte. Time of the gentlewoman has
1218 expired.

1219 Ms. Jackson Lee. And it is not being done. I yield
1220 back.

1221 Chairman Goodlatte. For what purpose does the

1222 gentleman from Florida seek recognition?

1223 Mr. Gaetz. I move to strike the last word.

1224 Chairman Goodlatte. The gentleman is recognized for 5
1225 minutes.

1226 Mr. Gaetz. Thank you, Mr. Chairman. And I wanted to
1227 take just a moment to respond to the accusation that the
1228 Judiciary Committee is somehow ceding our authority. We are
1229 the Judiciary Committee. We are not the HR department at
1230 the Department of Justice. We are also not FBI
1231 investigators.

1232 Our job is to make sure that investigators have the
1233 resources and authority to accomplish their work. Democrats
1234 on this committee and throughout the Congress have called
1235 for a special and independent counsel. That has now
1236 occurred, and it would seem to me to be premature to call in
1237 Director Mueller, disrupt the beginning of his investigation
1238 as he plans out the days and weeks to come.

1239 There will be a time, surely, where this committee will
1240 accept reports, whether in open hearing or in camera, on the
1241 work that is going on at the Department of Justice, and we
1242 will make sure that that investigation is unhindered and
1243 well-resourced. But rather than living in the melodrama of
1244 news stories and rumors and anonymous reports, let's allow
1245 Director Muller to do his work. Let's ensure that we remain
1246 consistent with our oversight plan.

1247 I think it is noteworthy that when the Judiciary
1248 Committee first came together we had an oversight plan, we
1249 had a document that laid out our intent to ensure that if
1250 there was meddling in the election, if there were
1251 inappropriate acts, that we would follow up on those things.
1252 And so, as Director Mueller does his work, let's do our
1253 work.

1254 Before us now is legislation that would allow the
1255 Judiciary Committee and the Congress to speak with a unified
1256 voice against horrific acts of sexual violence, human
1257 trafficking, and the devastating consequences of illegal
1258 immigration.

1259 And so I am hopeful, Mr. Chairman, that we will
1260 exercise our oversight function appropriately consistent
1261 with the oversight plan and the work plan that the chairman
1262 laid out at our very first gathering, and that we will
1263 continue to work on the things that can actually improve
1264 quality of life for Americans by stopping sexual violence,
1265 by ensuring that we have got the systems in place for
1266 reporting and consequences for those who would take
1267 advantage of young people, and I look forward to that work
1268 commencing. I yield back.

1269 Mr. Jeffries. Will the gentleman yield?

1270 Mr. Gaetz. Sure.

1271 Mr. Jeffries. I had a question. The FBI was

1272 conducting a criminal investigation into the possibility of
1273 collusion between the Trump campaign and Russia. Is that
1274 right? Is that a fact or is that speculation?

1275 Mr. Gaetz. Mr. Jeffries, it has been well documented
1276 that there is an ongoing investigation of Russian activity
1277 relative to the election. The Judiciary Committee, in fact,
1278 acknowledged that in our oversight plan.

1279 Mr. Jeffries. And James Comey was leading that
1280 investigation, true?

1281 Mr. Gaetz. Yes.

1282 Mr. Jeffries. And Donald Trump made the decision to
1283 fire the person who was leading the investigation into
1284 possible illegal collusion between his campaign and Russia.
1285 Is that right?

1286 Mr. Gaetz. Well, Mr. Jeffries, you impute upon the
1287 President that motive which has not been established.

1288 Mr. Jeffries. No, no, no.

1289 Mr. Gaetz. That is the very reason, Mr. Jeffries --

1290 Mr. Jeffries. No, I did not say anything about motive.

1291 Mr. Gaetz. No, but the premise of your question to was
1292 that somehow this was driven by a desire to be disruptive to
1293 an investigation when there is in fact no evidence that that
1294 is true.

1295 Mr. Jeffries. Not at all.

1296 Mr. Gaetz. Now, my belief is that we should in fact

1297 allow that investigation to persist. We should allow
1298 Director Mueller to do his work. You have called, both in
1299 this committee and on the floor of the House, for a special
1300 and independent review. You have gotten your way in that
1301 respect and so why would we now want to go and, sort of,
1302 inject more politics, have less independence? My belief is
1303 that we ought to allow that investigation to persist.

1304 There will of course be a time where the Judiciary
1305 Committee has be obligation to ensure that that
1306 investigation is independent and well-resourced and
1307 consistent with our oversight plan that we have adopted in a
1308 bipartisan fashion. I am entirely confident that we will do
1309 that without ceding any jurisdiction of the committee.

1310 Mr. Jeffries. But did Trump make the decision to fire
1311 the FBI director, yes or no?

1312 Mr. Gaetz. Yes.

1313 Mr. Jeffries. And is that an HR issue, as you
1314 suggested, to fire the head of the FBI who was leading a
1315 criminal investigation into possible collusion of the Trump
1316 campaign, or was that possibly something more than falls
1317 within the jurisdiction of this committee, like obstruction
1318 of justice, abuse of power, or something worse?

1319 I am just getting clarification. Is your position that
1320 that is an HR issue that we should dismiss?

1321 Mr. Gaetz. Mr. Jeffries, my position is that we should

1322 allow that investigation to persist without injecting more
1323 partisan politics and without sort of feeding the fervor
1324 around that review. Why not just allow the activity to
1325 persist which you have called for, which is an
1326 uninterrupted, uninfluenced, independent investigation?
1327 That is what is ongoing.

1328 And what is a little bizarre for me is that now
1329 Democrats on the committee are calling for us to further
1330 inject ourselves as a Congress when, weeks ago, you were
1331 calling for more independence. So let's allow that
1332 independence to go forward.

1333 Mr. Jeffries. I do thank you for yielding. I would
1334 just suggest it is not an HR issue, it is a possible
1335 constitutional crisis, which is squarely within our
1336 jurisdiction. Thank you.

1337 Chairman Goodlatte. Are there any amendments to H.R.
1338 1973? For what purpose does the gentleman from Louisiana
1339 seek recognition?

1340 Mr. Richmond. Mr. Chairman, I move to strike the last
1341 word.

1342 Chairman Goodlatte. The gentleman is recognized for 5
1343 minutes.

1344 Mr. Richmond. Mr. Chairman, I would concur with all of
1345 what I have heard from my colleagues today raising grave
1346 concerns and just would -- again, I can engage in party

1347 politics probably with the best of them and I am sure that
1348 anyone on your side can.

1349 But at some point, we have to put patriotism over party
1350 and I would just say that this is one of those times where
1351 our democracy is so fragile and has been attacked by a
1352 foreign country, and we need to know how, when, where, and
1353 the entire extent.

1354 And with that, Mr. Chairman, I would yield time to my
1355 colleague from Georgia, Mr. Johnson.

1356 Mr. Johnson of Georgia. I thank the gentleman for
1357 yielding. Mr. Chairman, as I said, I rise in support of
1358 H.R. 1973. It is an important piece of legislation. I look
1359 forward to this committee passing it out of this committee
1360 onto the full House. And we have a lot of work such as
1361 these kinds of measures to do as a judiciary committee, but
1362 Mr. Chairman, we are facing a time of great challenge now.

1363 The Nation is challenged. The people are watching.
1364 The people smell and see and hear a cover-up unfolding.
1365 They see an abuse of executive power. They are troubled by
1366 the, perhaps, treasonous activity of Russians in the Oval
1367 Office the day after the firing of the FBI director. They
1368 are hearing that this Oval Office meeting with top Russian
1369 spies was requested by Putin himself.

1370 They are wondering what is the connection between Putin
1371 and our President, because the President has a pattern and

1372 practice of yielding to Putin and it is almost as if Putin
1373 has a special hold on our President.

1374 And so, the people are looking at this; they understand
1375 that the FBI Director is on top of a counterterrorism and
1376 criminal investigation about possible collusion between the
1377 Trump campaign and the Russians after 17 intelligence
1378 agencies have concluded that there was an attempt by Russia
1379 to influence the most recent presidential election.

1380 So, this is something that the American people know.
1381 They have been following this and they are getting more and
1382 more suspicious of a cover-up. And so, citizens of the
1383 Fourth Congressional District in Georgia have been
1384 bombarding my phone lines with requests that I, as a member
1385 of the Judiciary Committee of the House of Representatives,
1386 take action to help the public become more confident that
1387 Congress is exercising its responsibilities to provide
1388 oversight.

1389 And what they want, Mr. Chairman, are hearings, because
1390 they realize that the special counsel appointed yesterday as
1391 a criminal investigation and a counterterrorism
1392 investigation that may or may not yield a final report, and
1393 that may take years to get to the bottom of the
1394 investigation. The public is demanding that Congress take
1395 action now to assure them that we are doing our job,
1396 providing oversight, and it is this committee's

1397 responsibility to provide oversight over the Department of
1398 Justice.

1399 We have seen abuse of presidential power that is
1400 directed towards that very Department of Justice that is
1401 eroding justice, and so I would implore this committee to
1402 take this matter up and to hold hearings, to investigate how
1403 abuse of power erodes public confidence in our Department of
1404 Justice, how we can bolster the American people into knowing
1405 that our republic is still safe, treason will not trump
1406 patriotism. And with that, I will yield back.

1407 Chairman Goodlatte. Are there any amendments --

1408 Mr. Cicilline. Mr. Chairman?

1409 Chairman Goodlatte. -- to the manager's amendment to
1410 H.R. 1973? For what purpose does the gentleman from Rhode
1411 Island seek recognition?

1412 Mr. Cicilline. Mr. Chairman, I move to strike the last
1413 word.

1414 Chairman Goodlatte. The gentleman is recognized for 5
1415 minutes.

1416 Mr. Cicilline. Thank you, Mr. Chairman. I offer my
1417 strong support to H.R. 1973 and look forward to its passage,
1418 but I feel compelled to join my colleagues this morning to
1419 highlight the dereliction of duties of this committee to not
1420 begin in a serious way to conduct oversight hearings in
1421 light of recent events.

1422 The Judiciary Committee has a special responsibility to
1423 uphold the rule of law and to provide oversight to the
1424 administration of justice in this country. We have seen in
1425 the last week reports of disclosure of classified
1426 information by the President of the United States in a
1427 meeting in the Oval Office not covered by the American press
1428 because the American press was excluded from that. You
1429 heard that, right?

1430 The American press was excluded from a meeting in the
1431 Oval Office between the President of the United States, the
1432 Russian Foreign Minister, and the Russian Ambassador, in
1433 which he shared classified information, it has been
1434 reported, that will undermine the national security
1435 interests of the United States.

1436 And on the heels of that, we heard shortly after that
1437 that the President of the United States fired the Director
1438 of the FBI, admitted that he was thinking about his handling
1439 of the Russia investigation when he made that decision, and
1440 it would happen shortly after the person charged with
1441 conducting this investigation asked for additional resources
1442 to conduct this investigation.

1443 We also learned in the last week that there was a -- it
1444 has been reported -- that there was a conversation between
1445 Director Comey and the President of the United States in
1446 which, first, the President asked the Vice President of the

1447 United States and the Director -- I am sorry, the Director
1448 of the FBI to remain and asked the Vice President of the
1449 United States and the Attorney General to leave the meeting,
1450 to leave the Oval Office.

1451 One has to ask, why would you ask the Attorney General
1452 of the United States and the Vice President to leave the
1453 office? And then we learn, according to reports, that in
1454 that conversation the President of the United States asked
1455 or suggested to Director Comey that he should "just leave
1456 Michael Flynn alone, let this go." It has just been
1457 reported that Michael Flynn's lawyers have now acknowledged
1458 they will not honor a subpoena from the Senate Intelligence
1459 Committee and that Mr. Flynn will refuse to come before the
1460 United States Senate.

1461 So, there are a number of issues here that strike at
1462 the very heart of our democracy and we have a
1463 responsibility. This should not be a partisan issue.

1464 We have a responsibility as the Judiciary Committee to
1465 conduct proper oversight, to help to do our part. There is
1466 now a special prosecutor, a special counsel, their
1467 intelligence committees. We play a role as well. We should
1468 not look to other committees to do our work. This is in our
1469 oversight plan. Some of my colleagues have referenced that.
1470 The oversight plan is not an excuse not to do our job; it in
1471 fact compels us to do our job. It is an agreement that we

1472 will do it.

1473 And so, we have a responsibility to conduct serious
1474 hearings, to do our part to generate information so that we
1475 can really find the facts and see where they lead and hold
1476 the individuals accountable for their behavior. And what we
1477 have not had in this committee is a serious hearing to
1478 address these issues. It is our responsibility. The
1479 American people are watching this and they expect us to do
1480 our job. These raise very serious questions and we have to
1481 be certain that we are getting to the facts.

1482 I do not think anyone should celebrate or be overly
1483 anxious to get to a place where we think grounds may exist
1484 for the removal of the President from office. That is a
1485 serious, serious charge and it will have very serious
1486 consequences for our country. But we have a responsibility
1487 to confront this, this moment in our history, so that we can
1488 look back and know with confidence we have done our job,
1489 that we have done what is necessary to fulfill our
1490 responsibility as the members of the Judiciary Committee.

1491 And so, I urge my colleagues on both sides of the aisle
1492 to understand that this is a moment where we need to put our
1493 country before political party and I ask my colleagues,
1494 particularly on the other side of the aisle, to join us in
1495 our call for hearings to be done in a responsible and
1496 serious way that will help us get to the bottom of this, to

1497 see where these facts ultimately lead, and to be sure that
1498 we are demonstrating that as members of this Judiciary
1499 Committee, that we understand that no one in America is
1500 above the law and that we will honor our responsibilities as
1501 members of this committee to ensure that that principle is
1502 vindicated and that we bring before this committee
1503 individuals to testify, to help us find the truth and hold
1504 those accountable and protect the integrity of our
1505 democracy.

1506 Mr. Raskin. Will the gentleman yield?

1507 Mr. Cicilline. And with that, I yield to Mr. Raskin.

1508 Mr. Raskin. Thank you, Mr. Cicilline. I just wanted
1509 to state my very strong support for H.R. 1973, the
1510 Protecting Young Victims from Sexual Abuse Act of 2017 and I
1511 want to salute all of the advocates who have come to work on
1512 it. I yield back.

1513 Ms. Jackson Lee. Will the gentleman yield? I am right
1514 here.

1515 Chairman Goodlatte. The time of the gentleman has
1516 expired.

1517 Ms. Jackson Lee. I had an inquiry for the gentleman --
1518 Chairman Goodlatte. All time has expired.

1519 Ms. Jackson Lee. -- on 1973 about the modification
1520 that you had. Is that going to weaken the ability for the
1521 victims to be able to receive --

1522 Chairman Goodlatte. If the gentlewoman would suspend -
1523 -

1524 Ms. Jackson Lee. I will be happy to suspend.

1525 Chairman Goodlatte. I have already answered this
1526 question for the gentleman from New York and we are happy to
1527 consider further amendments or to consider further
1528 discussion before this bill goes to the floor.

1529 Ms. Jackson Lee. Thank you, Mr. Chairman.

1530 Chairman Goodlatte. But we think that the bill is good
1531 condition the way that it is written now and I would now ask
1532 the members to vote on the manager's amendment.

1533 All those in favor, respond by saying aye.

1534 Those opposed, no.

1535 In the opinion of the chair, the ayes have it and the
1536 manager's amendment is agreed to.

1537 A reporting quorum being present, the question is on
1538 the motion to report the bill H.R. 1973 as amended favorably
1539 to the House.

1540 Those in favor will say aye.

1541 Those opposed, no.

1542 The ayes have it and the bill is ordered reported
1543 favorably. Members will have 2 days to submit views and
1544 without objection the bill will be reported as a single
1545 amendment in the nature of a substitute incorporating all
1546 adopted amendments, and staff is authorized to make

1547 technical and conforming changes.

1548 Pursuant to notice, I now call up H.R. 2473 for
1549 purposes of markup and move that the committee report the
1550 bill favorably to the House. The clerk will report the
1551 bill.

1552 Ms. Adcock. H.R. 2473, to ensure compliance with the
1553 Justice for Victims of Trafficking Act of 2015 to make
1554 strides toward eradicating human trafficking and for other
1555 purposes.

1556 [The bill follows:]

1557 ***** INSERT 2 *****

1558 Chairman Goodlatte. Without objection, the bill is
1559 considered as read and open for amendment at any time, and I
1560 will begin by recognizing myself for an opening statement.

1561 Human trafficking has permeated communities and
1562 neighborhoods across America. It is currently one of the
1563 most profitable crimes in the world after the drug trade and
1564 its victims have endured horrific trauma, violence, and
1565 abuse. That is why it is particularly egregious that
1566 victims of trafficking across the United States continue to
1567 be overlooked and underserved.

1568 There is a tremendous need, domestically, for improved
1569 victim services, trauma-informed support, better data on the
1570 prevalence and trends of human trafficking, and effective
1571 mechanisms to identify and rescue trafficking victims.

1572 H.R. 2473, the Putting Trafficking Victims First Act of
1573 2017, introduced by Congresswoman Ann Wagner, is an
1574 important step toward addressing these critical needs. This
1575 legislation will help provide stakeholders from law
1576 enforcement to prosecutors to service providers to
1577 government officials with the guidance and information they
1578 need to better serve victims of trafficking.

1579 One important place to start is in the courtroom, where
1580 victims can benefit greatly from victim-centered approaches
1581 oriented toward victim recovery. The Trafficking Victims
1582 Protection Act provided mandatory restitution mechanisms for

1583 victims of trafficking, but there are still many obstacles
1584 in Federal courtrooms that prevent victims from accessing
1585 this restitution.

1586 H.R. 2473 will thus direct the Attorney General to
1587 report on efforts to increase mandatory restitution to
1588 improve victim-centered practices in criminal proceedings
1589 and to understand how access to appropriate victim services
1590 can encourage victims to participate in the criminal
1591 process.

1592 In addition, H.R. 2473 will advance U.S. responsiveness
1593 to trafficking victims by improving data collection. The
1594 bill instructs the National Institute of Justice to develop
1595 robust, comprehensive methodologies to determine the
1596 prevalence and trends of human trafficking in the United
1597 States, and evaluate the effectiveness of policies and
1598 procedures to identify victims and address their needs.

1599 Importantly, the Put Trafficking Victims First Act will
1600 direct the Attorney General to provide training and
1601 technical assistance to government agencies, prosecutors,
1602 and law enforcement on how to implement victim-centered
1603 approaches to investigating, prosecuting, and preventing
1604 human trafficking. The bill promotes evidence-based trauma-
1605 informed care and physical and mental health services for
1606 victims, and ensures that all victims have access to
1607 services.

1608 Moreover, the bill encourages law enforcement officers
1609 and prosecutors across the country to make every attempt to
1610 determine whether an individual's participation in
1611 trafficking is free from force, fraud, or coercion before
1612 arresting or prosecuting them.

1613 Lastly, the Put Trafficking Victims First Act of 2017
1614 expresses the sense of Congress that States across the
1615 nation should implement trauma-informed victim-centered care
1616 for trafficking victims. All victims of trafficking should
1617 be afforded the same justice, dignity, and respect that
1618 other victims of crime receive.

1619 The bill likewise encourages states to develop vacatur
1620 provisions -- vacatur provisions -- that would ensure
1621 victims of trafficking are not criminalized for offenses
1622 that were direct results of being trafficked.

1623 I would like to thank Congresswoman Wagner, the sponsor
1624 of this important legislation, for her commitment and
1625 tireless efforts on behalf of trafficking victims, as we
1626 look forward to a day when the United States is no longer
1627 plagued by the horrific crime of human trafficking.

1628 I urge my colleagues to support this important
1629 legislation and it is now my pleasure to recognize the
1630 ranking member of the committee, Mr. Conyers, for his
1631 opening statement.

1632 Mr. Conyers. Thank you, Mr. Chairman. Members of the

1633 committee, this measure, H.R. 2473, is intended to improve
1634 the implementation of the Justice for Victims of Trafficking
1635 Act of 2015. The 2015 act expanded the Federal response to
1636 trafficking concerning services and benefits for victims,
1637 criminal justice, domestic sex trafficking of children, and
1638 interagency coordination and training. So, I support this
1639 measure for several reasons.

1640 To begin with, this measure will strengthen the
1641 effectiveness of the 2015 act in various ways. For example,
1642 H.R. 2473 requires the training be provided for prosecutions
1643 of traffickers and support for State services for
1644 trafficking victims. When children have fallen prey to sex
1645 trade and are treated as criminals rather than victims,
1646 their injuries are merely compounded. As such, this
1647 training is critical to ensuring that human trafficking
1648 victims are treated as victims and afforded justice and
1649 dignity.

1650 Secondly, H.R. 2473 establishes a working group to
1651 develop best methods to assess the prevalence of human
1652 trafficking. We know that there is a growing epidemic of
1653 the abhorrent practice of sex trafficking and we must
1654 consider all methods to help law enforcement stop these
1655 crimes.

1656 The working group will identify methodological barriers
1657 and bring data collection on human trafficking, ascertain

1658 the information that should be collected, and identify
1659 current practices being used by different agencies and
1660 organizations that can be standardized into best practices.

1661 As a result, H.R. 2473 will help ensure the most
1662 effective prevention practices are standardized so that
1663 perpetrators of sex trafficking are ultimately brought to
1664 justice.

1665 And lastly, the legislation encourages States to adopt
1666 protections for victims of trafficking. Victims of sex
1667 trafficking are often very afraid to seek help, particularly
1668 from law enforcement, because of the risk that they will be
1669 treated as criminals rather than victims.

1670 H.R. 2473 recognizes the critical fact that children
1671 involved in sex trafficking are victims, not criminals.
1672 They absolutely should not be treated as criminals.
1673 Importantly, the bill identifies a broad range of
1674 initiatives that the States should undertake, including
1675 upholding basic rights and dignity of human trafficking
1676 survivors, facilitating ways to identify child trafficking
1677 victims and connect them with appropriate services, such as
1678 child welfare services, and providing emergency and long-
1679 term housing, as well as education, vocational, and job
1680 assistance and training assistance, among other services.
1681 For these various reasons, it is my pleasure to urge support
1682 for this bill. I thank the chairman and yield back the

1683 balance of my time.

1684 Chairman Goodlatte. The chair thanks the gentleman and now
1685 recognizes himself for purposes of offering an amendment.

1686 The clerk will report the amendment.

1687 Ms. Adcock. Amendment to H.R. 2473, offered by Mr.

1688 Goodlatte. Page 1, beginning --

1689 [The amendment of Chairman Goodlatte follows:]

1690 ***** COMMITTEE INSERT *****

1691 Chairman Goodlatte. Without objection, the amendment
1692 will be considered as read, and I will recognize myself to
1693 explain the amendment.

1694 This amendment to the Put Trafficking Victims First Act
1695 of 2017 includes technical and substantive changes to the
1696 base bill that will help advance a victim-centered approach
1697 to human trafficking at all levels of government.

1698 Protecting children from the human trafficking industry
1699 is a critical component of this legislation. The amendment
1700 adds a section to the bill directing the Department of
1701 Justice to study the impact of State safe harbor laws on the
1702 re-victimization of child trafficking victims, the recovery
1703 of these victims, and victim outcomes. This report must
1704 include best practices and recommendations on the
1705 development and implementation of effective State safe
1706 harbor laws that promote full recovery of child trafficking
1707 victims.

1708 Ensuring that child trafficking victims are treated the
1709 same as other child victims of rape, sexual assault, or
1710 incest is a major theme of this bill. No child should be
1711 criminalized for the evil committed against them, and our
1712 government has a duty to protect all children from abuse,
1713 especially including the vulnerable children who are in the
1714 child welfare system.

1715 The amendment, therefore, directs the Department of

1716 Justice to look at State safe harbor laws and determine how
1717 these laws are helping children avoid re-victimization. The
1718 amendment also ensures that survivors of human trafficking,
1719 experts on human trafficking, and representatives of
1720 organizations collecting data on human trafficking will be
1721 included in the expert working group on data collection that
1722 the bill establishes.

1723 In addition, the amendment provides clarification on
1724 the purposes of the nationwide survey to collect better data
1725 on the prevalence and trends of human trafficking in the
1726 U.S. The survey will also be used to assess how victims of
1727 trafficking are accessing services, how they are referred to
1728 services, how assessment tools work to identify victims of
1729 trafficking, and to help estimate the prevalence of human
1730 trafficking identification in the United States. The
1731 amendment also provides further instruction on the required
1732 report on mandatory restitution.

1733 The amendment asks the Attorney General to provide the
1734 annual number and percentage of Federal cases related to
1735 human trafficking in which restitution was ordered and the
1736 amount of restitution ordered in each case. The report must
1737 also include data on the participation and nonparticipation
1738 of victims of trafficking in criminal proceedings and
1739 recommendations for encouraging such participation.

1740 Importantly, the amendment instructs States to adopt a

1741 survivor-centered approach to addressing human trafficking
1742 that ensures the safety and well-being of victims, while
1743 recognizing the symptoms of trauma and coping mechanisms
1744 that may impact victims' interactions with law enforcement,
1745 the justice system, and service providers. Lastly, the
1746 amendment encourages States to make attempts to identify
1747 foreign nationals who may be victims of trafficking.

1748 Labor trafficking victims, especially those from
1749 outside the country, are very difficult to identify and are
1750 not always informed of their rights under U.S. law. State
1751 efforts to improve screening in this area would be hugely
1752 helpful. This amendment adds important provisions that will
1753 help advance better victim services in the United States,
1754 and I urge my colleagues to support this amendment.

1755 Mr. Conyers. Mr. Chairman?

1756 Chairman Goodlatte. For what purpose does the
1757 gentleman from Michigan seek recognition?

1758 Mr. Conyers. Mr. Chairman, I support the amendment and
1759 --

1760 Chairman Goodlatte. The gentleman is recognized.

1761 Mr. Conyers. -- would like to congratulate you on the
1762 clarifications that are included in your amendment, and I
1763 urge the support of the bill and yield back.

1764 Ms. Lofgren. Mr. Chairman?

1765 Chairman Goodlatte. For what purpose does the

1766 gentlewoman from California seek recognition?

1767 Ms. Lofgren. To strike the last word.

1768 Chairman Goodlatte. The gentlewoman is recognized for
1769 5 minutes.

1770 Ms. Lofgren. Mr. Chairman, I do support this bill, but
1771 I do have some regrets that we are not doing more in this
1772 area than this bill would provide.

1773 Before I get into that, I want to congratulate the
1774 chairman and thank him for the amendment, ensuring that all
1775 the victims of trafficking, whether they are legal
1776 residents, citizens, or undocumented foreigners, are going
1777 to receive services if they are victims of trafficking.
1778 That is very much in keeping with our past efforts, which
1779 were always bipartisan, to make sure that trafficking
1780 victims, no matter what their legal status, receive
1781 protection. And so, I am glad that the chairman has
1782 outlined that specifically. It is important, and I agree.

1783 However, and as I say, I will vote for this bill, but
1784 Mrs. Wagner's bill, introduced in January of this year,
1785 actually goes farther than this bill, meritorious as it may
1786 be. Mrs. Wagner's bill, which was a bipartisan bill,
1787 including cosponsors on this committee, actually would have
1788 allowed trafficking victims to have their convictions
1789 expunged, providing a structure that would guide a court
1790 review for that expungement.

1791 I do think that, ultimately, we need to do that, I am
1792 sure we have all, in our work in our districts, had occasion
1793 to meet individuals who were victims of trafficking. I know
1794 that I have in a forum that was held, sponsored by the
1795 County of Santa Clara, women who had been viciously abused
1796 and who, if you have got a conviction, a criminal
1797 conviction, because you were actually the victim, it
1798 prevents you from moving on with your life. It is a barrier
1799 to getting a job. And so, while, as I say, I agree that we
1800 should approve this bill, and I support the bill, I am
1801 hoping that, at some point, we can go one step further.

1802 Now, I realize our jurisdiction is Federal only, but we
1803 take our obligation to provide protections under the Federal
1804 law seriously, and there is a secondary benefit when we
1805 amend Federal law, and that is to provide models for the
1806 States. We did that when we did the Rape Victims Bill of
1807 Rights in the last Congress. Understanding that most rape
1808 convictions are not in the Federal court, we nevertheless
1809 stepped forward with that bill because it would provide
1810 protection for those few instances where the matters were in
1811 Federal court, but it also would serve as a model for States
1812 all over the United States. And in fact, as we know, State
1813 legislatures have looked to that bill, and they have taken
1814 it up, and they have changed their State laws, and I think
1815 this is the same kind of situation.

1816 So, as I say, you know, the damage done to people who
1817 have been trafficked and then convicted of an offense
1818 because they were the victim, it is a double victimization,
1819 first by the crime that was done to you, and second, the
1820 fact that you have got a criminal conviction that prevents
1821 you from actually moving on with your life.

1822 I wanted to mention H.R. 459, Mrs. Wagner's original
1823 bill, hoping that, at some point, we can move that forward
1824 for the reasons that I have outlined here today. And with
1825 that, Mr. Chairman, I would yield back.

1826 Chairman Goodlatte. The chair thanks the gentlewoman.
1827 Are there any amendments to the manager's amendment?

1828 Ms. Jackson Lee. Let me --

1829 Chairman Goodlatte. For what purpose does the
1830 gentlewoman from Texas seek recognition?

1831 Ms. Jackson Lee. I would like to strike the last word.

1832 Chairman Goodlatte. The gentlewoman is recognized for
1833 5 minutes.

1834 Ms. Jackson Lee. I want to thank the gentlelady from
1835 California for her comments. I want to make a general
1836 statement about 2473.

1837 As you well know, much work has been done on human
1838 trafficking and those of us from Houston and, in particular,
1839 Judge Poe, our colleague, have been working on this issue
1840 through the Judiciary Committee, and I have been working on

1841 it through the Homeland Security Committee. And we came
1842 together for a committee hearing about 2 years ago in
1843 Houston, the first congressional hearing on human
1844 trafficking.

1845 Houston has been called the epicenter of human
1846 trafficking, and Mr. Chairman, ranking member, when we went
1847 to the Harris County Jail during the police working group
1848 meeting, we heard from women who had actually been
1849 trafficked. It is real. It is visible. And I believe that
1850 the underpinnings or the premise of this legislation is
1851 important, which, in particular, requires the training for
1852 prosecutions of traffickers, develops methodology to assess
1853 prevalence of human trafficking, and a report on prosecutors
1854 seeking mandatory restitution. The bill appears to be a
1855 victim-centered proposal, and I am pleased that it includes
1856 foreign nationals, as well as legal permanent residents and
1857 citizens.

1858 Taking into account the comments of the gentlelady from
1859 California, I at least want to move this legislation forward
1860 because I have seen firsthand that victim assistance is
1861 paramount, as many of these victims have suffered sexual
1862 abuse and are forced into the black market to engage in
1863 unlawful acts that are detrimental to their mental and
1864 physical health, and it is done over and over again, and
1865 also damaging to their ability to regain a sense of

1866 normalcy. It is essential that we address the issue of
1867 trafficking in a broader scope if the goal is to help these
1868 victims reclaim their identity, dignity, and their ability
1869 to move forward with a productive and healthy life as new
1870 members of our society.

1871 With the spike in T visa issuance since its enactment
1872 in 2000 by Congress, it is clear that there is a great need
1873 to expand protections for victims of this modern-day
1874 slavery, and I hope that this will be one bright light
1875 today, including the previous bill that we are engaging in
1876 in the Judiciary Committee. These victims need as much help
1877 as they can get, and I certainly ask my colleagues to
1878 support the legislation. I yield back.

1879 Chairman Goodlatte. For what purpose does the
1880 gentleman from Georgia seek recognition?

1881 Mr. Johnson of Georgia. I move to strike the last
1882 word.

1883 Chairman Goodlatte. The gentleman is recognized for 5
1884 minutes.

1885 Mr. Johnson of Georgia. Mr. Chairman, I want to
1886 support H.R. 2473, and I hope my colleagues on this
1887 committee will give this bill our full support. This bill
1888 modifies the 2015 Justice for Victims of Trafficking Act and
1889 empowers victims of trafficking.

1890 Specifically, the bill amends the JVTA to provide

1891 training to prosecutors and investigators toward the
1892 processing of cases with trauma-informed and victim-centered
1893 approaches, and the bill offers encouragement to states to
1894 provide appropriate services to victims of trafficking.
1895 This is a thoughtful bill and one that considers how we
1896 implement the remedies we secure for victims of these
1897 crimes, so I applaud my colleague, Mrs. Wagner, for this
1898 bill, and I intend to support it. And with that, I yield
1899 back.

1900 Chairman Goodlatte. For what purpose does the
1901 gentleman from Texas seek recognition?

1902 Mr. Poe. Chairman, I move to strike the last word.

1903 Chairman Goodlatte. The gentleman is recognized for 5
1904 minutes.

1905 Mr. Poe. To speak on the legislation, as we all know,
1906 human trafficking, human sex trafficking, is a scourge on
1907 our society. Congress, 2 years ago, in a very bipartisan
1908 way, overwhelmingly approved legislation out of the House,
1909 went to the Senate, changed a little bit, and the Justice
1910 for Victims of Trafficking Act is now the law of the land,
1911 and this legislation by Congresswoman Wagner helps the
1912 country understand that this scourge of sex trafficking is
1913 going to be addressed.

1914 The training portion in here is very good. I met with
1915 some prosecutors in Texas last week and discussed the

1916 trafficking, human trafficking, and one of the issues that
1917 they mentioned was that there needs to be more training of
1918 those people in the business of prosecuting these
1919 traffickers and the buyers and rescuing and restoring
1920 victims. There needs to be training, training for law
1921 enforcement and training for those who prosecute these
1922 devils, if I can use that phrase, and also help understand
1923 more about victims because of their unique type of victim,
1924 because of the tremendous harm that has already been
1925 inflicted on them, not only physically, but emotionally.

1926 And those folks have to have someone, and that is us,
1927 rescue, restore, and treat them like the dignity that they
1928 need. So, I applaud the legislation, and I hope that we see
1929 that it pass and keep the awareness by Congress on the
1930 forefront that we are going to deal with this scourge of
1931 human trafficking. Thank you, Mr. Chairman. I yield back.

1932 Chairman Goodlatte. The chair thanks the gentleman.

1933 For what purpose does the gentlewoman from California
1934 seek recognition?

1935 Ms. Bass. Mr. Chairman, I have an amendment at the
1936 desk.

1937 Chairman Goodlatte. The clerk advises that we do not
1938 yet have the amendment, and it is also our understanding
1939 that you have two amendments.

1940 Ms. Bass. I do. I think you have the amendment now.

1941 Chairman Goodlatte. One is an amendment to the
1942 manager's amendment, and one is an amendment to the
1943 underlying bill. So, we would like to take up the amendment
1944 to the manager's amendment first, and we are on a search for
1945 finding it.

1946 Ms. Adcock. Amendment to the Goodlatte amendment to
1947 H.R. 2473, offered by Ms. Bass of California. On page 2,
1948 strike the amendment --

1949 [The amendment of Ms. Bass follows:]

1950 ***** COMMITTEE INSERT *****

1951 Chairman Goodlatte. Without objection, the amendment
1952 will be considered as read, and the gentlewoman is
1953 recognized for 5 minutes on her amendment.

1954 Ms. Bass. Thank you, Mr. Chair. The purpose of my
1955 amendment is to better identify and screen the
1956 characteristics of children and youth involved in the child
1957 welfare and justice system and to provide greater access to
1958 appropriate housing and services from trained, trauma-
1959 informed care service providers.

1960 Mr. Chairman, I want to thank my colleagues, especially
1961 my colleague Ann Wagner of Missouri, and efforts of all of
1962 those who have come together to put forth legislation and
1963 policy solutions that will eliminate barriers of relief and
1964 justice for victims of trafficking and strengthen systems of
1965 accountability for perpetrators. Traditional, bipartisan
1966 support on critical issues and efforts to combat human
1967 trafficking cannot be overstated or diminished. The
1968 progress we have made working together over the past few
1969 years has been vital, but the work is far from over and must
1970 continue.

1971 In particular, we must continue to draw awareness and
1972 find solutions to eradicate the devastating impact of young
1973 children, who are in the U.S. child welfare system, from
1974 becoming victims of sex trafficking. And I want to mention
1975 to my colleagues that the purpose of the child welfare

1976 system is to protect children who are abused or neglected.
1977 When we take custody of these children, then we, meaning the
1978 local county or State government, we, in effect, become the
1979 parents, so if our own child shows up missing and we do not
1980 do anything about it, then we are responsible, and this is
1981 exactly what is happening with child sex trafficking in the
1982 United States.

1983 A large percentage of the children, predominantly
1984 girls, but some boys, as well, are kids that fall through
1985 the cracks of our child welfare system. I support H.R. 2473
1986 because this bill calls for the necessary training and data
1987 collection assessments to help identify and implement
1988 effective and responsive models of justice and relief
1989 services.

1990 Specifically, my amendment would strengthen these
1991 efforts by including, in the agency report to Congress,
1992 detailed characteristics of victims of trafficking in the
1993 child welfare and justice systems, including factors such as
1994 the age, which we know anecdotally, the average age is 12
1995 years old, race, and gender of the victim; whether the
1996 victim has involvement in the child welfare or justice
1997 system; the number of foster care or congregate care
1998 placements; and whether the individual is a victim of sex or
1999 labor trafficking; and the effectiveness of current policies
2000 and procedures in meeting victims' needs for appropriate

2001 housing.

2002 We have been told repeatedly that one of the reasons
2003 why the girls will go back to their pimps is because they
2004 basically have no place to live. So, given that these are
2005 girls that we are responsible for, we need to look at the
2006 appropriate housing and services from trained trauma-
2007 informed care services providers. And in developing this
2008 report, we want additional input from sex and labor
2009 trafficking service providers.

2010 My amendment would further encourage States to
2011 implement screening mechanisms for all children entering
2012 child welfare services and the criminal and juvenile justice
2013 systems to better identify child trafficking victims and
2014 connect them with appropriate services, especially
2015 appropriate housing and services from trained, trauma-
2016 informed care service providers. And lastly, my amendment
2017 would include, as part of the training provided to
2018 prosecutors of traffickers, an emphasis on training for
2019 prosecutors to effectively prosecute traffickers and buyers
2020 of child sex trafficking.

2021 I urge my colleagues to support the adoption of the
2022 amendment. Thank you, and I yield back.

2023 Chairman Goodlatte. Would the gentlewoman yield?

2024 Ms. Bass. Yes.

2025 Chairman Goodlatte. I thank the gentlewoman for

2026 yielding. And I want to thank her for her work on this
2027 amendment and for working with the committee staff and for
2028 working with Ms. Wagner. And I support your amendment.

2029 Ms. Bass. Thank you.

2030 Chairman Goodlatte. And I urge my colleagues to do the
2031 same.

2032 Ms. Bass. Thank you, Mr. Chair.

2033 Mr. Marino. Mr. Chairman?

2034 Chairman Goodlatte. For what purpose does the
2035 gentleman from Pennsylvania seek recognition?

2036 Mr. Marino. I move to strike the last word.

2037 Chairman Goodlatte. The gentleman is recognized for 5
2038 minutes.

2039 Mr. Marino. Thank you. I wholeheartedly support this
2040 amendment from my colleague. We both do a great deal of
2041 work; we co-chair the Foster Youth/adoption Caucus, and
2042 there is no one in this country that knows more about foster
2043 care, what these children need, how they are abused; there
2044 is no one that knows what my good, dear friend from
2045 California, Karen Bass, realizes and has been a leader in
2046 not only legislation, but promoting foster care. So, I urge
2047 my colleagues to support this, and I want to thank my good
2048 friend for this amendment. I yield back.

2049 Mr. Conyers. Mr. Chairman?

2050 Chairman Goodlatte. For what purpose does the

2051 gentleman from Michigan seek recognition?

2052 Mr. Conyers. To support the amendment.

2053 Chairman Goodlatte. The gentleman is recognized for 5
2054 minutes.

2055 Mr. Conyers. And I join in with the accolades that are
2056 coming toward the gentlelady from California because I think
2057 it provides helpful additions to the chairman's own
2058 proposal. I thank her so much.

2059 Ms. Jackson Lee. Mr. Chairman?

2060 Chairman Goodlatte. For what purpose does the
2061 gentlewoman from Texas seek recognition?

2062 Ms. Jackson Lee. I rise to strike the last word.

2063 Chairman Goodlatte. The gentlewoman is recognized for
2064 5 minutes.

2065 Ms. Jackson Lee. Let me, as well, congratulate the
2066 gentlelady from California and add a congratulation for her
2067 persistent contributions to the care of foster care
2068 children, particularly when they are, in fact, as she said,
2069 we or the State or the government becomes their guardian,
2070 becomes their caretaker. Next week, she will allow many of
2071 us to have a foster care student or foster care young person
2072 follow us. I have done it for a number of years. And so, I
2073 want to thank she and both Mr. Marino for the Foster Care
2074 Caucus. I hope that we will have a time in Houston for them
2075 to be there.

2076 Again, Houston is a great city with great
2077 opportunities, but we also see a high number of runaways,
2078 who are either in the system or get into the system, and
2079 they are very vulnerable to human trafficking. They are,
2080 sadly, being hunted, if you will, because they have no place
2081 to go. They may have left the foster care setting, but they
2082 are still under the jurisdiction.

2083 I might add that Congresswoman Bass has been very
2084 effective in noting for those who age out, so her amendment
2085 will be very helpful to focus and pointedly respond to these
2086 youngsters who are particularly vulnerable, and I rise to
2087 support the gentlelady's amendment. With that, I yield
2088 back.

2089 Chairman Goodlatte. The questions occurs on the
2090 amendment to the amendment.

2091 All those in favor, respond by saying aye.

2092 Those opposed, no.

2093 The amendment is agreed to.

2094 The gentlewoman from California is recognized for her
2095 other amendment.

2096 Oh, correct. Are there further amendments to the
2097 manager's amendment?

2098 Being none, the question occurs on the manager's
2099 amendment.

2100 All those in favor, respond by saying aye.

2101 Those opposed, no.

2102 The ayes have it, and the manager's amendment is
2103 adopted.

2104 Now, I will turn back to the gentlewoman from
2105 California for her other amendment.

2106 Ms. Bass. Thank you, Mr. Chair. I have another
2107 amendment at the desk, and it makes several minor revisions
2108 to include the training of prosecutors --

2109 Chairman Goodlatte. If the gentlewoman would suspend,
2110 we first need to report the amendment, and I think there may
2111 be a delay here.

2112 The clerk will report the amendment.

2113 Ms. Adcock. Amendment to H.R. 2473, offered by Ms.
2114 Bass of California. Page 3, line 1 --

2115 [The amendment of Ms. Bass follows:]

2116 ***** COMMITTEE INSERT *****

2117 Chairman Goodlatte. Without objection, the amendment
2118 is considered as read, and the gentlewoman is recognized for
2119 5 minutes on her amendment.

2120 Ms. Bass. Mr. Chair, I understand that there are some
2121 technical revisions that need to be made, and I will agree
2122 to withdraw my amendment.

2123 Chairman Goodlatte. The chair thanks the gentlewoman
2124 and will be happy to work with you on fixing this on the way
2125 to the floor.

2126 Ms. Bass. Thank you.

2127 Chairman Goodlatte. Without objection, the amendment
2128 is withdrawn.

2129 And are there further amendments to H.R. 2473?

2130 A reporting quorum being present, the question is on
2131 the motion to report the bill, H.R. 2473, as amended,
2132 favorably to the House.

2133 Those in favor, respond by saying aye.

2134 Those opposed, no.

2135 The ayes have it. The bill is ordered reported
2136 favorably.

2137 Members will have 2 days to submit views. Without
2138 objection, the bill will be reported as a single amendment
2139 in the nature of a substitute, incorporating all adopted
2140 amendments, and staff is authorized to make technical and
2141 conforming changes.

2142 Pursuant to notice, I now call up H.R. 2431 for
2143 purposes of markup and move that the committee report the
2144 bill favorably to the House.

2145 The clerk will report the bill.

2146 Ms. Adcock. H.R. 2431, to amend the Immigration and
2147 Nationality Act to improve immigration law enforcement
2148 within the interior of the United States and for other
2149 purposes.

2150 [The bill follows:]

2151 ***** INSERT 3 *****

2152 Chairman Goodlatte. Without objection, the bill is
2153 considered read and open for amendment at any time. I will
2154 begin by recognizing myself for an opening statement.

2155 In the 100 days since President Trump signed executive
2156 orders making sense of our Nation's immigration enforcement
2157 priorities, U.S. Immigration and Customs Enforcement has
2158 increased immigration arrests 38 percent over the same
2159 period last year. Nearly 75 percent of the arrests were of
2160 convicted criminals. A combination of revised enforcement
2161 priorities and actual enforcement has had significant
2162 results.

2163 In February, the border patrol recorded a 40
2164 percent drop in unlawful entrance along our borders. After
2165 8 years of neglect by the Obama administration, the
2166 realization that the Department of Homeland Security will
2167 actually enforce our immigration laws has made aliens think
2168 twice about violating our borders and our immigration laws.
2169 And it was said that trying to control our borders was
2170 simply tilting at windmills. These promising signs must be
2171 accompanied by Congress giving immigration officers the
2172 additional tools they vitally need to do their jobs and keep
2173 themselves safe.

2174 If we act responsibly, we will conclusively demonstrate
2175 that this country will not tolerate the flagrant disregard
2176 of our laws and our hospitality, especially by those who

2177 threaten our safety and security. For too long, the
2178 administration has viewed immigration enforcement with
2179 disdain and its own immigration officers with contempt.
2180 Under the Obama administration, the number of removals from
2181 the interior of the United States declined precipitously, as
2182 did the number of removals of criminal aliens, despite ever-
2183 increasing resources and inexplicable reports to the
2184 contrary.

2185 Under the guise of prosecutorial discretion and so-
2186 called enforcement priorities, removable aliens were
2187 essentially free to roam our country, unless they had been
2188 convicted of an ever-narrowing list of offenses.

2189 Through the use of unconstitutional executive orders to
2190 create a Congress of one, President Obama substantially
2191 hobbled ICE's enforcement capabilities and prevented its
2192 dedicated public servants from carrying out their critical
2193 mission. We are still feeling the effects of years of non-
2194 enforcement.

2195 In March, in my own district, a Lynchburg teenager was
2196 murdered by gang members believed to be in this country
2197 illegally. Even more disturbing, one of the alleged killers
2198 had an outstanding warrant in connection with a previous
2199 murder in Maryland. As killers and other dangerous
2200 individuals walk free, sanctuary jurisdictions that were
2201 encouraged to obstruct immigration enforcement by the

2202 previous administration hold resolute in their conviction
2203 that immigration enforcement is wrong.

2204 This country is in desperate need of new statutory
2205 tools to enforce our immigration laws. H.R. 2431, the
2206 Michael Davis, Jr., and Danny Oliver in Support of State and
2207 Local Law Enforcement Act was introduced by Immigration and
2208 Border Security Subcommittee Vice Chairman Raul Labrador.

2209 The bill decisively delivers the immigration
2210 enforcement tools that ICE, its officers, and all of us need
2211 in order to show the obstructionists, the criminal aliens,
2212 and all those who benefit from a culture of lawlessness that
2213 breaking our immigration laws will no longer be tolerated.

2214 It is named after two law enforcement officers who
2215 were murdered by an illegal alien. I know we were all
2216 deeply honored to have their widows attend the state of the
2217 Union address as guests of President Trump. Mr. Labrador's
2218 bill provides the Department of Homeland Security and,
2219 specifically, ICE with the tools it needs to protect our
2220 communities and enforce our immigration laws in the way
2221 Congress always intended. In addition, it reverses
2222 disastrous policies by the previous administration and
2223 ensures they are never again instituted by another
2224 administration.

2225 Mr. Labrador's bill gives States and localities the
2226 explicit congressional authorization the Supreme Court

2227 requires for them to enact and enforce their own immigration
2228 laws, provided they are consistent with Federal law and
2229 robustly assist in the enforcement of Federal law. Real
2230 immigration reform needs to have a mechanism to prevent any
2231 President acting alone from simply turning off the switch on
2232 enforcement.

2233 This bill ensures that, when the Federal government
2234 fails to act, States can, if they so choose, pick up the
2235 slack. H.R. 2431 takes giant steps in protecting
2236 jurisdictions that comply with detainers so that ICE can
2237 take custody of removable aliens they have arrested, such as
2238 by protecting them from abusive lawsuits.

2239 And it makes clear that sanctuary jurisdictions will
2240 face the consequences of their irresponsible and unlawful
2241 actions such as by losing Federal law enforcement and
2242 Homeland Security grants and by becoming liable for damages
2243 to the victims of crimes committed by the aliens they have
2244 released.

2245 By expanding the types of serious criminal activity for
2246 which we can remove aliens, including drunk driving, failure
2247 to register as a sex offender, and criminal gang membership,
2248 the bill sends a strong message that criminal aliens will
2249 not get a free pass.

2250 H.R. 2431 is a comprehensive enforcement package that
2251 provides ICE and our States with the tools and the

2252 congressional blessing to bolster current immigration
2253 enforcement efforts and reverse the non-enforcement of the
2254 past. I thank Representative Labrador for championing this
2255 issue, and I urge my colleagues to support this bill.

2256 It is now my pleasure to recognize the ranking member
2257 of the Judiciary Committee, the gentleman from Michigan, Mr.
2258 Conyers, for his opening statement.

2259 [The prepared statement of Chairman Goodlatte follows:]

2260 ***** COMMITTEE INSERT *****

2261 Mr. Conyers. Thank you, Chairman Goodlatte. Members
2262 of the committee, this is a troubling matter that we have in
2263 the form of this amendment. And I have seen a lot of things
2264 that I have disagreed on. But this has been a proposal
2265 before us now that is, to put it very simply, an anti-
2266 immigrant bill. It expands an already massive Federal
2267 agency. It threatens local governments to do the Federal
2268 government's bidding, and it intrudes on the privacy rights
2269 of average Americans. It also violates our values as a
2270 Nation of immigrants and harms communities across the
2271 Nation.

2272 Now, among the shortcomings of this measure, it makes
2273 it a crime to be undocumented in this country, and this is
2274 not the kind of solution our Nation needs. I have also
2275 noticed that, by granting local officers unprecedented and
2276 unchecked authority to enforce Federal immigration laws, the
2277 bill will actually make our communities less safe.

2278 Studies show that, when police officers become
2279 immigration agents, crime victims and witnesses fear coming
2280 forward. Crime goes unreported, and public safety suffers.
2281 And if States and localities decide the best way to promote
2282 public safety and community policing is to adopt policies
2283 regarding the immigration enforcement action of police, this
2284 bill denies those jurisdictions Cops on the Beat grants. It
2285 denies them. Those are grants specifically designed to

2286 promote public safety and enhance community policing.

2287 And so, that is why the proposal that is now before us,
2288 my colleagues, has been opposed by the Major Cities Police
2289 Chiefs Association and the Law Enforcement Immigration Task
2290 Force. It has also been opposed by the National Conference
2291 of State Legislatures, the United States Conference of
2292 Mayors, the National Association of Counties, the National
2293 League of Cities.

2294 This legislation will result in widespread racial
2295 profiling and unconstitutional arrests of United States
2296 citizens and immigrants alike. How do we know this?
2297 Because this is what happened in jurisdictions across this
2298 country that entered into 287(g) agreements with the
2299 Department of Homeland Security.

2300 We saw it in Maricopa County where a Federal judge
2301 found that Sheriff Joe Arpaio engaged in a pattern of
2302 racially profiling Latinos. We also saw, in Alamance
2303 County, North Carolina, which had its 287(g) agreement
2304 terminated based on findings of abuse by the Department of
2305 Justice. According to the Department of Justice's
2306 complaint, the Alamance County sheriff explicitly ordered
2307 his staff to "go out there and catch me some Mexicans," and
2308 directed deputies to arrest Hispanics, but not others, for
2309 minor infractions.

2310 So, what does this bill do? Well, rather than improve

2311 on current practice and require more oversight over 287(g)
2312 agreements, it grants total enforcement authority with no
2313 checks at all. So this legislation represents a significant
2314 down payment on Donald Trump's mass deportation plan.

2315 It is singularly focused on the widespread location,
2316 detention, and deportation of millions of immigrants and
2317 would cause untold harm to American communities. And so,
2318 for those reasons my colleagues, I urge that we reject this
2319 mean-spirited and dangerous legislation. I thank the
2320 chairman.

2321 [The prepared statement of Mr. Conyers follows:]

2322 ***** COMMITTEE INSERT *****

2323 Chairman Goodlatte. Thank you, Mr. Conyers. I would
2324 now like to recognize the sponsor of the bill, Mr. Labrador
2325 of Idaho, for his opening statement.

2326 Mr. Labrador. Thank you, Mr. Chairman, and thank you
2327 for holding this important markup today.

2328 The United States of America is the greatest Nation in
2329 history. We are the greatest Nation because we are the
2330 Nation of laws. In America, it is a foundational principle
2331 that all individuals are treated equally under the law,
2332 whether you are rich or poor, famous or unknown.

2333 Unfortunately, for 8 years, President Obama's refusal
2334 to enforce our immigration laws undermine the rule of law.
2335 And by undermining the rule of law, he diminished the
2336 strength of the United States. Fortunately, President Trump
2337 has reversed those directions, and law enforcement is, once
2338 again, enforcing our immigration laws. In fact, President
2339 Trump owes his position to the promise he made to the
2340 American people to get serious about enforcing our laws.
2341 America is our home, and the American people expect us, as
2342 their elected representatives, to do all that we can to keep
2343 our community safe and secure.

2344 For too long, we have allowed individuals to enter our
2345 country illegally, and too many cases do us harm. In fact,
2346 maybe this is news to people on the other side, but it is
2347 already a crime to be in the United States illegally. It

2348 has already been set in law. This bill, the Davis-Oliver
2349 Act, will ensure that the law will be enforced no matter who
2350 is in the White House. The bill is named after two
2351 California officers: Placer County detective Michael Davis,
2352 Jr. and Sacramento County Deputy Sheriff Danny Oliver.

2353 Davis and Oliver were murdered by an illegal immigrant
2354 in October 2014. This bill is intended to ensure that other
2355 families do not suffer as victims of crimes committed by
2356 individuals who should not have been allowed to enter or
2357 remain in the country in the first place.

2358 Since being elected to Congress in 2010, I have made it
2359 a priority to work towards modernizing our immigration
2360 system, but the first and most crucial step in that process
2361 is ensuring enforcement of our current laws. The Davis-
2362 Oliver Act takes that first and necessary step. While other
2363 reforms are needed, this bill is vital to a long-term fix.
2364 That is why I am honored to introduce the Davis-Oliver Act.

2365 This bill authorizes State and local law enforcement to
2366 work together with our Federal immigration officers to
2367 provide meaningful enforcement of the law. This is not a
2368 new concept. In fact, we currently allow State and local
2369 law enforcement to assist Federal law enforcement in many
2370 areas. And the record shows that we can achieve remarkable
2371 results when State, local, and Federal law enforcement work
2372 together. This is a critical first step to ensuring the

2373 American people feel confident that our laws are being
2374 enforced.

2375 Allowing State and local law enforcement to assist in
2376 the enforcement of our immigration laws will ensure that, no
2377 matter who is in the White House, our immigration laws will
2378 be followed. To help State and local law enforcement assist
2379 Federal law enforcement, this bill provides grants to allow
2380 State and local police agencies in procuring equipment,
2381 technology, facilities, and other products that facilitate
2382 and are directly related to investigating, apprehending,
2383 arresting, detaining, or transporting aliens who have
2384 violated our immigration laws.

2385 Additionally, the legislation requires DHS to create
2386 training manuals and guides for the training of State and
2387 local officials to ensure that the laws are being enforced
2388 uniformly across jurisdictions.

2389 The Davis-Oliver Act also takes steps to end the
2390 harmful practice of States and localities refusing to comply
2391 with Federal detainers and encourages States and localities
2392 not to adopt dangerous sanctuary policies by predicating
2393 receipt of funding cooperation with immigration officials.
2394 The Davis-Oliver Act improves Visa security by expanding the
2395 Visa Security Program to all U.S. embassies and consular
2396 posts. This will ensure that all Visa applications receive
2397 the screening that they deserve.

2398 Finally, the bill provides ICE officers with the
2399 equipment and training they need to safely and effectively
2400 enforce our immigration laws in this dangerous world.

2401 I am proud of this legislation and pleased that this
2402 committee has started the process of reforming and
2403 modernizing our immigration system. Once we have taken the
2404 necessary steps to ensure that our immigration laws are
2405 enforced, I look forward to completing the next steps in the
2406 immigration reform process. And with that, I yield back.

2407 [The prepared statement of Mr. Labrador follows:]

2408 ***** COMMITTEE INSERT *****

2409 Ms. Lofgren. Mr. Chairman?

2410 Chairman Goodlatte. Thank you, Mr. Labrador. At this
2411 time, I would like to recognize the ranking member of the
2412 Immigration and Border Security Subcommittee, the
2413 gentlewoman from California, Ms. Lofgren, for her opening
2414 statement.

2415 Ms. Lofgren. Thank you, Mr. Chairman. Proponents of
2416 this bill say that it is necessary to keep us safe. But
2417 what the bill really does is pander to the noxious notion
2418 that immigrants are criminals and should be dealt with
2419 harshly.

2420 As we know, the truth is that immigrants commit crime
2421 at a far lower rate than native born. They add greatly to
2422 the country's wealth, both by working in agriculture,
2423 technology, medical care, housing, and other critical
2424 sectors of the Nation's economy, and by operating small
2425 businesses in every corner of this country. But in Trump's
2426 America, we are told not to trust the news, that climate
2427 change is a hoax, less healthcare coverage is better health
2428 coverage, and that immigrants are dangerous.

2429 The real danger, of course, is making policy based on
2430 alternative facts. Based on alternative facts, this bill
2431 would turn all undocumented immigrants, including DREAMers,
2432 parents, and children, into criminals overnight, and it
2433 would empower local law enforcement, with little training in

2434 the area, to engage in overreaching witch hunts replete with
2435 racial profiling and violations of civil rights.

2436 It is no surprise that this bill was on Steve Bannon's
2437 whiteboard as a priority for the Trump administration. This
2438 bill gives Trump and Bannon the legislative authority to
2439 establish their massive deportation force and would turn our
2440 communities into police states overnight. This bill should
2441 really be called the Trump Mass Deportation Act, because
2442 that is what it is.

2443 This bill will make us neither safer, nor more
2444 prosperous. Since Trump's inauguration and the issuance of
2445 his executive orders, we have seen a sharp decline in
2446 international visitors, fewer foreign students seeking to
2447 study here, and ripple effects in our technology sector.

2448 Whether intended or not, Trump has sent the
2449 international message: the United States is closed for
2450 business, and our economy is paying the price. After the
2451 executive orders, we have also seen decreasing levels of
2452 crime reporting within Latino communities. This is not a
2453 good thing. Law enforcement officers and prosecutors all
2454 over the country know that, if residents are too afraid to
2455 come forward to report crime or testify against criminal
2456 activity, their communities, our communities, will be less
2457 safe.

2458 If this bill is enacted into law, criminal activity in

2459 our communities will only escalate, as criminals will be
2460 allowed to commit crime with impunity.

2461 The bill simply casts aside these inconvenient truths
2462 in the rush to target and expel immigrants. The
2463 Constitution fares no better. Despite my colleague's
2464 professed adoration for the Constitution and limited
2465 government, this bill raises severe constitutional concerns.

2466 There are provisions that turn immigration law on its
2467 head by allowing States and localities to enact their own
2468 immigration laws and penalties and to independently enforce
2469 them. These include the authority for local officials to
2470 investigate, arrest, and even detain individuals they
2471 suspect have violated civil immigration laws, all without
2472 any coordination with Federal authorities.

2473 Perhaps more pointedly, the bill puts States and
2474 localities in de facto control of Federal enforcement by
2475 giving them the power to order Federal officials, without
2476 exception, to arrest and detain individuals suspected of
2477 local officers of violating immigration laws. Giving local
2478 officers the authority to commandeer Federal enforcement
2479 resources intrudes on core executive powers and raises
2480 significant separation of powers and federalism concerns.

2481 There are also provisions authorizing the indefinite,
2482 and possibly permanent, detention of persons who cannot be
2483 removed, despite their cooperation with removal efforts.

2484 This provision would overturn the Supreme Court's decision
2485 in *Zadvydas v. Davis*, where the court strongly suggested the
2486 such detention would violate bedrock constitutional
2487 protections.

2488 Again, I ask why we feel compelled to violate the
2489 Constitution despite a professed loyalty to our
2490 Constitution. I am left wondering whether anti-immigrant
2491 rhetoric has so invaded some of us that we are no longer to
2492 embrace fundamental ideals embodied in our Constitution. It
2493 was not too long ago that my colleagues on the other side of
2494 the aisle and I were able to have reasonable conversations
2495 about immigration policy. While we disagreed on many
2496 things, we shared certain core beliefs that allowed us to
2497 work on common-sense, bipartisan solutions.

2498 This bill is not a solution. It is the wrong direction
2499 for our country, and I hope that we can at least make some
2500 of it better through a series of amendments that we will
2501 offer, Mr. Chairman. I would also, if I may now, ask
2502 unanimous consent to enter into the record several
2503 statements: a statement by the Hebrew Immigrant Aid Society,
2504 a letter signed by 85 law professors and scholars of
2505 constitutional immigration law; a letter from the Leadership
2506 Council on Civil and Human Rights; a statement by America's
2507 Voice; a statement from the American Immigration Lawyers
2508 Association; a letter from the National Center for

2509 Transgender Equality; a statement from the ACLU; a statement
2510 from Church World Services; a statement from the Friends
2511 Committee on National Legislation; a statement signed by 27
2512 members of the Law Enforcement Immigration Task Force; a
2513 statement on behalf of 22 child advocate organizations; a
2514 statement on behalf of 25 refugee advocate organizations; a
2515 letter signed by 192 national, State, and local religious,
2516 civil rights, ethnic, and immigration organizations; a
2517 statement from the U.S. Conference of Catholic Bishops; a
2518 statement from the Cato Institute; a letter from the
2519 Coalition for Humane Immigration Rights; a letter of
2520 opposition from the National Task Force to End Sexual and
2521 Domestic Violence; a letter of opposition from the NETWORK
2522 Lobby for Catholic Social Justice; a Letter of opposition
2523 from the Franciscan Action Network; a letter of opposition
2524 from Disciples Home Missions; a statement of opposition from
2525 Jim Wallace, the president and founder of Sojourners; a
2526 statement of opposition from the National Justice for our
2527 Neighbors; a statement from Global Jewish Advocacy; and
2528 finally, a report setting the record straight on local
2529 involvement in Federal civil immigration enforcement, May
2530 2007, from the New York State Office of the AG, the AG of
2531 California, the District of Columbia, Oregon, Rhode Island,
2532 and the State of Washington.

2533 Chairman Goodlatte. Without objection, these documents

2534 will be made part of the record.

2535 [The information follows:]

2536 ***** COMMITTEE INSERT *****

2537 Chairman Goodlatte. Are there any amendments to H.R.

2538 2431?

2539 For what purpose does the gentlewoman seek recognition?

2540 Ms. Jackson Lee. Strike the last word.

2541 Chairman Goodlatte. The gentlewoman is recognized for

2542 5 minutes.

2543 Ms. Jackson Lee. Mr. Chairman, I rise in opposition to

2544 this legislation, and I make a particular point of

2545 acknowledging the tragedy surrounding the naming of the

2546 legislation and believe that we can collectively honor

2547 individuals in a way that will address, as Mr. Conyers has

2548 said, the immigration reform process that enhances

2549 eliminating criminal activity or criminal acts that would

2550 generate in tragic incidences. But this is not this

2551 legislation, and I think it is very honest to say this is a

2552 campaign pledge, and it is the one of Mr. Trump for a

2553 deportation task force.

2554 More importantly, it is a reinstatement of mass

2555 incarceration. It is a promoting of where the Federal

2556 prison system has been so effective in safely diminishing or

2557 increasing the number of incarcerated persons. This one,

2558 this legislation, steps in to cure those empty beds and to

2559 increase the amount of money the American people will pay

2560 and to divide families and to endanger children.

2561 And so, just for an example, if I take section 314 and

2562 I look at a number of sections in 314, you will see one
2563 section adds 10 years; another section adds 15 years;
2564 another section adds 20 years. And this may be on top of,
2565 Mr. Conyers, the sentencing that has already occurred.

2566 And so, this will be the new fodder and raw material
2567 for the Nation's private prisons and the Federal prison
2568 system. It also violates the known principle and division
2569 of work, if you will, of now giving over, to the States and
2570 local governments, immigration duties of enforcement. There
2571 is nothing that will create more hostility in a community
2572 than to engage local law enforcement unwillingly into
2573 immigration enforcement. And my chief and others have
2574 indicated that is not their job. And the way to keep the
2575 city and counties safe is that everyone is free to point out
2576 the criminal and the crime.

2577 In addition, let me add another great concern. And I
2578 want to put the Houston detention center on notice of my
2579 concern. And that is a number of deaths that have occurred,
2580 and we have discussed this in this committee, in the
2581 detention centers around the Nation, deaths that were
2582 unwarranted and occurred because of negligence. Some of
2583 these are private detention centers. Far be it from me to
2584 challenge someone's economic opportunity or the employees.
2585 Many of them are ex-Federal of Prison Bureau employees. I
2586 know their intentions may be good. But intentions cannot

2587 bring back the dead or good intentions.

2588 And so, it is very clear. Medical experts evaluated 18
2589 deaths from May 2012 to June 2015. During those 3 years, at
2590 least 21 people died in ICE custody. But ICE released
2591 investigations only on half of those cases after a Freedom
2592 of Information court battle.

2593 And so, it is clear that this bill is wracked with
2594 large, gaping holes of responsibility and the right way to
2595 look. Now, let me just say, there is some who have
2596 advocated for this bill who have joined us on comprehensive
2597 immigration reform in times past. I am sorry that it has
2598 come to this, that this is now the offering. No one can
2599 accept this bill. This will not be acceptable. And
2600 frankly, the numbers of those coming across the border are
2601 down, and the only people that we will be attacking in this
2602 bill are the 11 million-plus that have been sitting and
2603 waiting, working, and praying that we would have
2604 comprehensive immigration reform, so they could continue to
2605 own homes, pay taxes, and, yes, follow the law.

2606 Chairman Goodlatte. The gentlewoman's time has
2607 expired.

2608 Ms. Jackson Lee. All this bill does is increase mass
2609 incarceration. I yield back.

2610 Chairman Goodlatte. The gentlelady yields back. Time
2611 has expired.

2612 Does any other member seek recognition?

2613 The gentleman from Georgia is recognized for 5 minutes.

2614 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
2615 must strenuously object to this Steve Bannon/Donald trump
2616 deportation bill. This bill is the culmination of every
2617 hyperbolic and despicable thing that Steve Bannon and
2618 President Trump have said about immigrants, both during and
2619 after the recent campaign.

2620 This piece of legislation does absolutely nothing to
2621 address the problem of individuals and families living in
2622 the shadows. It criminalizes undocumented status. It goes
2623 after so-called sanctuary cities. It expands detention
2624 policies. And it ramps up the militarization of local
2625 police departments.

2626 Mr. Gaetz. Will the gentleman yield?

2627 Mr. Johnson of Georgia. I will when I finish.

2628 Additionally, this bill and the mean-spiritedness about
2629 it perpetuates what we know are alternative facts. The fact
2630 is, immigrants commit crimes at lower rates than their
2631 natural-born counterparts.

2632 Lastly, this bill hurts all Americans. The fact is
2633 that since this President took office, travel to America has
2634 declined, educational visas have declined, and Americans are
2635 being caught up and ensnared in immigration dragnets, which
2636 are terrorizing communities across this Nation. Whether it

2637 is federalism or morality, this is a bad bill. This bill
2638 should be known as something that is a panacea to the
2639 private prison industrial complex, the for-profit private
2640 prison industrial complex where detainees are held for
2641 months awaiting proceedings because of the bottleneck
2642 created by the lack of immigration judges.

2643 So you create a bottleneck down at the bottom and then
2644 you create a wide funnel at the top, and you drag people
2645 into these detention centers, hold them for months under
2646 conditions that have been described as being brutal and
2647 inhumane. In fact, there have been two deaths in ICE
2648 custody just over the last few days and just in Georgia; two
2649 inmates have died in ICE custody.

2650 And what this bill does is tries to open up more
2651 floodgates to bring more detainees into the system because,
2652 what did Congress do? Upped the number of beds that it pays
2653 for, that it pays these private prison companies for.
2654 Thirty-nine thousand beds are now being paid for by the U.S.
2655 taxpayers. And those beds are paid for regardless of
2656 whether or not anyone is in them or not.

2657 So the move is to put more bodies in those beds, if you
2658 could call them beds. And so this bill, like I said, is a
2659 panacea for the private prison industrial complex. And I
2660 urge my colleagues to reject this bill not just on fiscal
2661 grounds, but on morality and humanity grounds. With that, I

2662 will --

2663 Mr. Gaetz. Will the gentleman yield?

2664 Mr. Johnson of Georgia. I will.

2665 Mr. Gaetz. I am trying to better understand the

2666 gentleman's comments when he says the legislation

2667 criminalizes undocumented status. Is there anyone with

2668 undocumented status that is not an illegal immigrant?

2669 Mr. Johnson of Georgia. Well, you can characterize

2670 them how you like, but people who are attracted to this

2671 country have been exploited for labor.

2672 Mr. Nadler. Will the gentleman yield? Will the

2673 gentleman yield?

2674 Mr. Johnson of Georgia. Yes, I will.

2675 Mr. Nadler. Thank you. I just want to say

2676 undocumented aliens, unless they have committed criminal

2677 offenses of various natures, their undocumented status is a

2678 civil, not a criminal defense. This bill would change that

2679 and that is the answer to your question. I yield back.

2680 Mr. Chabot. [Presiding.] Will the gentleman yield?

2681 Mr. Johnson of Georgia. And with that, my time is

2682 about to run. Someone else can yield. I yield back.

2683 Mr. Chabot. The gentleman's time has expired. Does

2684 anyone seek recognition?

2685 Ms. Jayapal. Mr. Chairman?

2686 Mr. Chabot. the gentlelady from Washington is

2687 recognized.

2688 Ms. Jayapal. Thank you, Mr. Chairman. This bill, we
2689 have to call it Trump's mass deportation act. That is what
2690 it is. It is a harsh, anti-immigrant enforcement only
2691 proposal that would criminalize all undocumented immigrants,
2692 undermine public safety, and harm the American people and
2693 waste millions of dollars.

2694 Here is the true statement in regards to some of the
2695 discussion before. It is not a true statement that being in
2696 the country illegally is a crime. Here is what is true.
2697 Illegal entry is a misdemeanor offense, but it is not a
2698 continuing offense. What that means is that if you are not
2699 charged within 5 years, the government cannot prosecute you
2700 for this offense. And this has been the law for decades.
2701 The majority of undocumented people in this country would
2702 not be able to be prosecuted and could not be convicted of
2703 any immigration related crime because most of them have been
2704 here for a very long time.

2705 So let us be very clear on what the facts are. Mr.
2706 Chairman, this bill is a play to prejudice. It is a welcome
2707 mat to racism, and it is a repudiation of the very values
2708 that have defined our great Nation since inception; values
2709 that are inscribed on the statue of liberty, values that
2710 brought the ancestors of every person in this chamber to
2711 this country unless you are Native American. And I am not

2712 sure what we have forgotten in this country when we put a
2713 bill like this forward that would literally be a mass
2714 deportation force and a criminalization of undocumented
2715 immigrants that would ensnare dreamers, some DACA
2716 recipients, and permanent residents even into this drag net.

2717 ICE's first 100 days under the Trump administration
2718 have been a disaster for families and communities all across
2719 the country without any attempt to prioritize those who are
2720 a true threat to communities. ICE has significantly
2721 increased the numbers of people swept up by Trump's
2722 deportation force including dreamers, parents of U.S.
2723 citizens, and survivors of domestic abuse. Even while they
2724 claim to be targeting "bad hombres," ICE's own statistics
2725 show a significant worrying jump in people with no criminal
2726 records being put into the enforcement machinery. And what
2727 is worse, Trump and some of my Republican colleagues want to
2728 supercharge this deportation force with more money, more
2729 funding, and more weaponry.

2730 Mr. Chairman, I really believe that this country is
2731 desperately in need of something, but it is not statutory
2732 tools for mass deportations. That is not what we are in
2733 great need of. What this country is in great need of is
2734 true, comprehensive, human immigration reform. That is what
2735 many of us have been working on for a very long time. And
2736 the idea that we would put forward a bill like this when we

2737 have so much to do on this committee and the Immigration
2738 Subcommittee on real responses to what is happening across
2739 this country that is creating crises in our schools, in our
2740 homes, for our families, across the country, to me is a
2741 travesty.

2742 Now, even if you did not believe in the morality of
2743 this issue, let me just say what the economics would show.
2744 Deporting just 7 million undocumented workers out of the 12
2745 million total would result in a 2.6 percent reduction in
2746 GDP, taking \$4.7 trillion out of the economy. If all
2747 undocumented workers were deported, we would lose nearly \$5
2748 trillion in economic growth over 10 years. And increased
2749 enforcement of the nature proposed in this bill would
2750 increase the price for a gallon of milk up to \$8. It would
2751 increase food prices by 5 to 6 percent. It would decrease
2752 domestic food production by 30 to 61 percent. Agricultural
2753 output would fall by \$30 billion to \$6 billion. And lost
2754 production and livestock sector would drop by 13 to 27
2755 percent.

2756 Why is that? It is because undocumented immigrants and
2757 immigrants across this country serve our country every
2758 single day. They put food on the table, they allow us to do
2759 the work we need to do, and it is a travesty that we would
2760 put forward a bill that would somehow make it seem like
2761 undocumented immigrants and immigrants in general to this

2762 country are doing us harm. That is not what the statistics
2763 show, and Mr. Chairman, I would like the opportunity to
2764 submit for the record two letters: one from the King County
2765 Prosecuting Attorney's Office that specifically talks about
2766 the harm that would be done to domestic violence victims,
2767 sexual assault victims, those who we proposed bills to
2768 support earlier in this session; and also, a letter from the
2769 U.S. Catholic Conference of Bishops, the Committee on
2770 Migration, and specifically it says, "We believe that
2771 together these bills would constitute an unacceptable
2772 expansion in immigration enforcement that would contravene
2773 the principle of treating all individuals with human dignity
2774 regardless of their immigration status. Mr. Chairman, I
2775 yield back.

2776 Chairman Goodlatte. Without objection, so ordered, and
2777 the gentlelady's time has expired.

2778 [The information follows:]

2779 ***** COMMITTEE INSERT *****

2780 Mr. Chabot. The gentleman from Florida, Mr. Gaetz is
2781 recognized for 5 minutes.

2782 Mr. Gaetz. Thank you, Mr. Chairman. I object to the
2783 categorization of illegal aliens as undocumented.

2784 Undocumented just sort of makes it sound like some people
2785 lost some paperwork or did not cross some T's or dot I's.

2786 This is illegal immigration and it is preposterous on this
2787 committee that Democrats take the position that illegal

2788 immigration is not illegal; it is something else. Or that a
2789 misdemeanor is not a crime; it, in fact, is. And the only

2790 reason that we are unable to prosecute people 5 years after
2791 they break the law to get in the country is because the

2792 statute of limitations is run. That does not mean that they
2793 are here legally. That does not mean that they have not

2794 committed a crime.

2795 It just means that during the Obama presidency there
2796 was such abandonment of a focus on enforcement that we
2797 allowed these opportunities to enforce the law to lapse.

2798 And so I associate myself with the comments of the bill

2799 sponsor, Mr. Labrador, when he says that this is about the
2800 rule of law. And if the very first thing people do to get

2801 into this country is break the law, we have substantially
2802 eroded that which is special about the United States of

2803 America. And so I strongly support the legislation on those
2804 grounds.

2805 There are also strong economic bases to reject illegal
2806 immigration as an economic development tool. The comment
2807 was made that well, we have got all these undocumented
2808 people who are working and if we lose them as workers that
2809 has an impact on the economy. Well, if they are
2810 undocumented, how did they get the documents to work?

2811 In most circumstances, they have stolen them, they are
2812 fabricated them, they have acquired them through improper
2813 means. And so it seems to be quite the double bind for
2814 democrats who simply want to invite illegal immigration in
2815 this country to say that, "Well, it is this great economic
2816 additive," while at the same time referring to illegal
2817 immigrants as undocumented. There is substantial evidence
2818 that indicates that the economic cost of illegal immigration
2819 is significant. Conservative estimates indicate that it
2820 could be well over \$100 billion a year. Illegal immigrants
2821 show up in our schools, our hospitals, they utilize social
2822 services.

2823 This is not to say that immigration is not a great
2824 source of good for the country. It is. And I think that
2825 Mr. Labrador's legislation acknowledges the fact that if
2826 people come to the country legally, make a contribution, the
2827 United States will always be the most welcoming country on
2828 earth towards those objectives and goals and values.

2829 But what we will not value is breaking the law. And

2830 what we should not do is create euphemisms for lawbreakers
2831 and that is why I support this legislature. I yield back.

2832 Mr. Deutch. Will the gentleman yield for a question?

2833 Mr. Gaetz. Certainly.

2834 Mr. Deutch. I would just ask my friend from Florida a
2835 simple question. And I listened to the speech and I will
2836 refrain from commenting until I move to strike the last
2837 word. But, I am trying to understand. I would like to
2838 distill this all down to where I think you are going, but I
2839 cannot imagine you are really going, which is there are 11
2840 million people, human beings in this country, who are
2841 undocumented. You do not like the phrase. You can call
2842 them whatever you want. They are human beings. Is the goal
2843 of my friend from Florida to round up 11 million people who
2844 are living in our communities, so many of them contributing
2845 for years in our communities -- including kids who have
2846 grown up in this country, who have known no other country
2847 other than America -- is the goal to round up those people
2848 who you describe as illegal and to deport those 11 million
2849 people? And if that is the goal, is the goal to accomplish
2850 it all at once?

2851 Or will you be satisfied doing it in tranches of,
2852 perhaps, 50,000 at a time.

2853 Mr. Gaetz. I do not call these people illegal. They
2854 are illegal. They are here illegally, which was the point

2855 of my remarks.

2856 Mr. Deutch. Then should they be deported all 11
2857 million all at one time?

2858 MR. Gaetz. Well, I think the focus of Mr. Labrador's
2859 legislation is to ensure that the resources are available
2860 for our local law enforcement, State law enforcement, to
2861 ensure that those who are the most dangerous draw our focus.
2862 So no, this legislation is not intended to deport 11 million
2863 people, but it certainly draws in to sharp relief the need
2864 to enforce the rule of law in this country.

2865 Mr. Deutch. If we had the resources to do it, would
2866 you support deporting 11 million people?

2867 Mr. Gaetz. Well, I tell you what, I always enjoy
2868 bipartisan work with my dear colleague from Florida. And so
2869 if you would like to work together on a mechanism to better
2870 enforce the rule of law and direct resources to get people
2871 who are not here legally back to their home countries I
2872 would be eager to work with you on that.

2873 Mr. Chabot. Does the gentleman yield back?

2874 Mr. Gaetz. I yield back.

2875 Mr. Chabot. the gentleman yields back his time. The
2876 other gentleman from Florida, Mr. Deutch, is recognized for
2877 5 minutes.

2878 Mr. Deutch. Thank you. I move to strike the last
2879 word. Thank you, Mr. Chairman. I would just say to my

2880 friend from Florida, I will never -- as much as I enjoy
2881 working with him -- I will never spend a moment's time
2882 trying to figure out how to put in place a policy that is
2883 inhumane and un-American that calls for rounding up 11
2884 million people and shipping them out of our country. No, on
2885 that one, I will not work with my friend.

2886 Mr. Chairman, this bill that we have before us is an
2887 enforcement-only immigration bill. The bill would make it a
2888 crime to be in the United States as an undocumented
2889 immigrant. It would expand the ability to revoke non-
2890 immigrant visas without judicial review. It would make
2891 detention facilities less safe for families and small
2892 children. It would significantly increase the number of ICE
2893 officers and militarize them with assault weapons. It would
2894 have local law enforcement officers enforce our Nation's
2895 immigrations laws. It would impose strict limitations on
2896 temporary protected status, a humanitarian program by which
2897 the U.S. helps other countries devastated by war or natural
2898 disasters. And the list goes on.

2899 This is Trump's mass deportation act. It is designed
2900 to cleanse the United States of undocumented immigrants.
2901 This bill will do nothing to address the existing backlogs
2902 for green cards. The bill does nothing to resolve the
2903 status of people who were undocumented in our country. The
2904 bill does nothing to resolve the daily limbo of DACA

2905 recipients who do not know when they too might be rounded
2906 up.

2907 This bill is a massive buildup and militarization of
2908 deportation forces and detention facilities. This bill will
2909 split families apart. It will undermine community safety.
2910 It will make our communities less safe. It will undermine
2911 our humanitarian leadership in the world, and it will force
2912 Congress to spend billions and billions of dollars on
2913 immigration enforcement and detention. I hope that this
2914 committee will scrap this bill and get to work on a
2915 bipartisan solution to resolve the problems in our Nation's
2916 immigration system. But I hope that when we do it, we move
2917 forward on one that respects immigrants, not a deportation
2918 bill that demonizes them. Thank you, Mr. Chairman. I yield
2919 back the remainder of my time.

2920 Mr. Chabot. Thank you, the gentleman yields back. Do
2921 any other members seek recognition? If not, are there any
2922 amendments? Anyone seeking an amendment? The ranking
2923 member is recognized for purpose of offering an amendment.

2924 Mr. Conyers. I have an amendment at the desk.

2925 Mr. Chabot. Excuse me just one moment. They do not
2926 have any amendments at the desk. The gentleman will
2927 withhold for a moment. Here come the amendments.

2928 Mr. Labrador. Mr. Chair? Mr. Chair?

2929 Mr. Chabot. I am not sure where that is coming from.

2930 Yeah, the gentleman.

2931 Mr. Labrador. I reserve a point of order. We have not
2932 seen these amendments.

2933 Mr. Chabot. All right. The gentleman reserves a point
2934 of order. The clerk will report the amendment.

2935 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.
2936 Conyers. Strike Title I and re-designate provisions and
2937 amend the table of contents accordingly.

2938 [The amendment of Mr. Conyers follows:]

2939 ***** COMMITTEE INSERT *****

2940 Mr. Chabot. the gentleman is recognized for 5 minutes.

2941 Mr. Conyers. Thank you, Mr. Chairman. It is strike

2942 Title I.

2943 Mr. Labrador. Mr. Chairman, I --

2944 Mr. Chabot. the gentleman already reserved a point of
2945 order.

2946 Mr. Labrador. And I withdraw my point or order at this
2947 time.

2948 Mr. Chabot. Point of order withdrawn. The gentleman
2949 can proceed.

2950 Mr. Conyers. Mr. Chairman and my colleagues, this
2951 amendment would simply strike Title I of the legislation.
2952 Because H.R. 2431 represents a step backwards in our
2953 Nation's effort to reform our immigration system. And title
2954 1 is one of the most troubling parts of the bill. First
2955 of all, Title I repeats a history of failed policy
2956 proposals. Past history has taught us that an enforcement-
2957 only approach will not fix our Nation's broken immigration
2958 system. It never has. Despite this, Title I ignores common
2959 sense immigration reforms and simply seeks to expand the
2960 unnecessary arrest, detention, and deportation of millions
2961 of immigrants at an enormous cost to our Nation.

2962 This same title also imposes an anti-immigrant agenda
2963 on States and localities across the country. The hallmark
2964 of our great Nation is the belief that States have the right

2965 to make decisions for their own communities particularly as
2966 it relates to decisions of public safety. Title I, however,
2967 overrides the good judgment of local officials and penalizes
2968 those communities that have decided to implement community
2969 trust policies.

2970 By imposing an anti-immigrant agenda on States and
2971 localities, this legislation completely ignores the judgment
2972 of chiefs and associations around the country who have long
2973 opposed turning police into immigration agents. As
2974 Riverside Police Chief Diaz said about a former version of
2975 this bill, "You might have noticed that these kinds of laws
2976 like 2278 and Arizona's 1070 do not originate with police
2977 chiefs. We are not asking for this kind of direction from
2978 legislators. We know that these laws will make crime worse
2979 and not better."

2980 So finally, Title I requires the Federal government to
2981 expend billions of dollars unnecessarily detaining
2982 individuals such as DREAMers and veterans who pose no threat
2983 to public safety. Under these provisions, the Federal
2984 Government would be forced upon request to assume custody of
2985 every person who a State or locality identifies as
2986 inadmissible or deportable. As a result, the government
2987 would be forced to expend billions more constructing more
2988 detention facilities to imprison individuals who post no
2989 public safety threat.

2990 While I oppose this bill in its entirety, it is Title I
2991 that is particularly egregious. It threatens public safety,
2992 runs contrary to the basic principles of community policing,
2993 and would encourage racial profiling and unconstitutional
2994 arrests and detentions around the country. And so for these
2995 reasons, I urge my fellow members of this committee to
2996 support my amendment. I thank the chair and yield back the
2997 balance of my time if any.

2998 Mr. Chabot. Thank you. The gentleman yields back.
2999 The gentleman from Idaho is recognized.

3000 Mr. Labrador. Mr. Chairman, I strongly oppose this
3001 amendment as it seeks to strike the most crucial provision
3002 of the bill, Title I, which ensures that State and local law
3003 enforcement can participate. I want to make this clear,
3004 because we are going to hear this again and again and again.
3005 Nothing in this bill requires localities to do anything. It
3006 just gives them the authority to do something about
3007 immigration enforcement. It ensures that the State and
3008 local law enforcement can participate in the enforcement of
3009 our immigration laws. It is designed to ensure that our
3010 immigration laws not go largely unenforced at the whim of
3011 any President.

3012 The bill adheres to the Supreme Court's requirements in
3013 Arizona v. U.S. and grants States and localities specific
3014 congressional authorization to enact and enforce their own

3015 immigration laws.

3016 They may enact criminal and civil penalties that
3017 penalize conduct prohibited by criminal and civil provisions
3018 of Federal immigration laws as long as the penalties do not
3019 exceed the relevant Federal penalties. The bill also
3020 provides that law enforcement personnel of States and
3021 localities may investigate, identify, apprehend, detain, or
3022 transfer to Federal custody aliens in the United States for
3023 the purpose of assisting in the enforcement of the
3024 immigration laws of the United States.

3025 Without the assistance of State and local law
3026 enforcement we have no mechanism to ensure that the
3027 immigration laws will be enforced despite another unwilling
3028 administration.

3029 This amendment also strikes other important provisions
3030 in this bill. It was strike the provision that DHS may not
3031 refuse absent a compelling reason to enter into 287(g)
3032 cooperative agreements at the requests of States and
3033 localities who want to assist in the enforcement of Federal
3034 immigration laws. It would strike the provision providing
3035 grants to local law enforcement agencies that assist in
3036 immigration law enforcement. It would also strike the
3037 provision aimed at ensuring that sanctuary cities may not
3038 take into custody and subsequently release removable aliens
3039 already in DHS custody. And it would also strike provisions

3040 creating a Federal cause of action for the victims of crimes
3041 committed by aliens who were only on the streets because
3042 State or a locality refused to honor a detainer.

3043 I want you to listen closely to the opposition of this
3044 bill. They believe that enforcing the law threatens public
3045 safety. That is the most preposterous and outrageous
3046 argument that I have ever heard and I think it is time that
3047 we start enforcing immigration laws. If we want a
3048 comprehensive approach to immigration, the number one step
3049 has to be that every American -- that 300 million-plus
3050 Americans feel safe and secure. So we should put them first
3051 ahead of the 11 million that are here illegally. And I
3052 think that is the only way that we are going to have a true
3053 modern immigration system. And I urge my colleagues to
3054 oppose this amendment. And I yield back.

3055 Chairman Goodlatte. For what purpose does the
3056 gentleman from New York seek recognition?

3057 Mr. Nadler. Strike the last word on the amendment.

3058 Chairman Goodlatte. The gentleman is recognized for 5
3059 minutes.

3060 Mr. Nadler. Mr. Chairman, I strongly support the
3061 amendment. There are many, many problems with Title I of
3062 the bill, some of which the distinguished ranking member has
3063 listed. But let me mention a couple of clear constitutional
3064 problems. Section 108 of the bill turns the immigration

3065 system on its head by requiring the Federal government to
3066 assume custody upon request upon a State or locality over
3067 persons suspected by State or local officers to be a
3068 removable alien. So the Federal government must imprison
3069 people suspected of being removable aliens. What ever
3070 happened to due process? How can you detain people
3071 suspected of being undocumented people? The government,
3072 upon request, would be forced to assume custody of every
3073 person whom a State or locality identifies as inadmissible
3074 or reportable.

3075 With what due process? With what process at all? That
3076 is problem number one. That is clearly unconstitutional.
3077 And just to take another unconstitutional provision of the
3078 title, section 114 attempts to commandeer State and local
3079 governments to comply with immigration detainer requests and
3080 threatens to withhold critical law enforcement funding to
3081 any locality that fails to comply with such requests. So in
3082 other words, the Federal government could request through
3083 immigration detainers that State and local governments
3084 detain people. That seems a violation of any number of
3085 Supreme Court decisions that have said the Federal
3086 government may not commandeer the resources of a local
3087 government. If the Federal government wants to detain
3088 someone, it can, providing it has the proper evidence and
3089 goes through due process.

3090 But it cannot tell the State to do so. It cannot tell
3091 the State you must devote your resources. You may think it
3092 is more important to spend your money on fire protection or
3093 on police protection against domestic violence or against
3094 armed robbery or whatever. But we are telling you no. You
3095 have to spend this money not on your priorities, but on
3096 enforcing Federal detainers because we do not want to spend
3097 Federal money -- or not Federal money on enforcing a Federal
3098 detainer.

3099 Now, in the Affordable Care Act case, Justice Roberts,
3100 for instance threw out -- not Justice Roberts, the majority
3101 of the court -- said that the mandatory expansion of
3102 Medicaid in all 50 States to people not covered by it --
3103 even though the Federal Government was going to pay the cost
3104 of it, 90 percent of the cost of it -- was unconstitutional
3105 because the Federal government could not commandeer, among
3106 other reasons -- that was one of the reasons -- could not
3107 commandeer the resources of the State. And therefore it
3108 became voluntary upon the States agreeing.

3109 Here you are commandeering the resources of the State
3110 for a purpose the Federal government determines to be more
3111 important than every other purpose of the State. So just in
3112 these two provisions, in addition to most of the bill and
3113 certainly most of this title being obnoxious on the merits,
3114 it is clearly unconstitutional. So I support the

3115 gentleman's amendment to strike the title. And if, in fact,
3116 this title is the heart of the bill, be sure to strike the
3117 bill, too. I yield back.

3118 Chairman Goodlatte. For what purpose does the
3119 gentlewoman from California seek recognition?

3120 Ms. Lofgren. To strike the last word.

3121 Chairman Goodlatte. the gentlewoman is recognized for
3122 5 minutes.

3123 Ms. Lofgren. I very much support Mr. Conyers'
3124 amendment. There are defects in other parts of the bill.
3125 But Title I has many, many defects. And I will just direct
3126 your attention to Page 5, line 5. Actually, line 1 through
3127 6, which basically authorizes the enactment of immigration
3128 laws by States and localities provided that they are
3129 consistent with section 101(a)17 of the Immigration and
3130 Nationality Act. What does that section say? It basically
3131 says immigration laws includes this chapter, which is the
3132 whole thing, plus all conventions and treaties of the United
3133 States. So, we are actually inviting cities to enact their
3134 own immigration laws so long as they think they are
3135 consistent with an enormous body of law. This is directly
3136 contrary, really, to what the Supreme Court found was
3137 reasonable in Arizona v. The United States.

3138 Where in that case, the court explained that Federal
3139 control over immigration law is crucial because it is

3140 fundamental that foreign countries concerned about the
3141 status, safety, and security of their nationals in the
3142 United States must be able to confer and communicate on this
3143 subject with one national sovereign, not 50 separate States.
3144 By allowing every State or locality to enact their own
3145 immigration laws, foreign countries would be forced to
3146 confer and communicate not just with 50 States, but with
3147 thousands of cities and counties. It is a problematic
3148 provision and probably unconstitutional.

3149 I would like to note also -- and I put into the record
3150 a really very thoughtful analysis of this bill by the Cato
3151 Institute. In fact, it was written by Mr. Labrador's former
3152 assistant who we worked with when we had our working group
3153 doing immigration reform.

3154 The Cato Institute points out that although the bill
3155 purports to make us safer and to be consistent with
3156 Federal/State relations to empower State and localities, the
3157 main thrust of the bill is actually the opposite. Section
3158 114 says unequivocally that the States and municipalities
3159 cannot create policies that decline to cooperate fully with
3160 the Federal enforcement. But it goes on to ban policies
3161 that restrict State and local authorities from reporting
3162 unauthorized immigrants. And the weird thing is, it would
3163 essentially allow individual officers to make determinations
3164 as pointed out in some very arcane areas of the law

3165 including obscure areas of labor law, and then act upon
3166 them. And State legislatures would have no capacity to
3167 actually control the officer within their own States to make
3168 sure that State policies were being adhered to.

3169 The immunization of a local officer who chooses to make
3170 arrests if they state they are acting under Federal
3171 authority really does a very weird thing. We have a whole
3172 line of cases essentially stating -- and Mr. Nadler referred
3173 to it most recently -- the threat to force commandeering
3174 through the threat of withholding funds. You cannot
3175 commandeer State and local government to enforce Federal law
3176 or to do the Federal Government's job. Nor can you threaten
3177 to withhold funds to force States and localities to do what
3178 you could not otherwise force them to do directly.

3179 What this bill does, is actually force the Federal
3180 Government to do what States want to do or what localities
3181 want to do. So if a law enforcement officer has a belief
3182 that an individual has violated an obscure area of
3183 immigration law or labor law related to immigration law and
3184 make an arrest, they got to require the Federal Government
3185 to come and take that person. It is a very weird mix up of
3186 the relationships between Federal and State law. And I
3187 believe that there are many provisions in this act that are
3188 obviously unconstitutional. So, in addition to my objection
3189 to this bill based on the impact it would have on people who

3190 have been here for many years who have contributed to our
3191 economy, children brought here as infants who have done
3192 nothing but go to school and become as good of people as
3193 they possibly can. It also has serious legal deficits and
3194 Mr. Conyers' amendment should be approved. And with that I
3195 see my time is expired. Mr. Chairman, I yield back.

3196 Chairman Goodlatte. The time of the gentlewoman has
3197 expired. For what purposes does the gentleman from Arizona
3198 seek recognition?

3199 Mr. Biggs. Strike the last word.

3200 Chairman Goodlatte. Gentleman is recognized for 5
3201 minutes.

3202 Mr. Biggs. Thank you. I rise in opposition to the
3203 proposed amendment and I want to just make a comment on some
3204 of the things I have heard, because I am in support of the
3205 bill as it is without this particular amendment. The first
3206 thing that comes to my mind that in that period of a year
3207 and a half before I was elected to this position, in
3208 Maricopa County where I am from, Maricopa County, Arizona,
3209 more than 10,000 criminal aliens were released onto the
3210 streets of that county. Four and a half million people, but
3211 releasing known criminals onto the streets who are in this
3212 country illegally. Of those, more than 3,000 of them were
3213 known to be criminally violent it was reported. That is to
3214 say they had been charged with rape, with murder, with

3215 felonious assault or aggravated assault in Arizona.

3216 That does not mean everybody that crosses the border
3217 illegally is a violent criminal, but in this instance those
3218 violent criminals were released onto the streets of Phoenix
3219 and the Valley of the Sun.

3220 One of those who was released, who had been deported
3221 twice and made his way back into the country wandered into
3222 the QT Market in Mesa; my district. And on that particular
3223 early morning decided he wanted a pack of cigarettes and did
3224 not want to pay for it. And he, who otherwise should not
3225 have been in this country, pulled his gun out and shot this
3226 young man, Grant Ronnebeck, at point blank range between the
3227 eyes and killed him. That is devastating. This bill would
3228 have required him to be held in custody.

3229 Brandon Mendoza, a little over a year ago, a Mesa City
3230 police officer driving on the freeway was hit by someone
3231 else who was in this country illegally who was drunk and hit
3232 him head on going wrong way on the freeway.

3233 So, these are just a couple of these incidents that
3234 have happened in my district over the last couple of years.
3235 And so I bring the support of millions of Arizonans who have
3236 watched for decades the impact of illegal aliens' presence
3237 who are here committing crimes. I bring the support of the
3238 family of Rob Krentz, and Arizona border rancher who was
3239 killed by illegal aliens. And I point out that in section

3240 105D, section 108C, and section 109C of this bill there is
3241 reimbursement provisions for local jurisdictions. I oppose
3242 this amendment and I support the underlying bill without
3243 amendment. And I yield back.

3244 Chairman Goodlatte. Would the gentleman yield?

3245 Mr. Biggs. Yes, I yield.

3246 Chairman Goodlatte. I thank the gentleman for
3247 yielding. I appreciate very much his remarks. And I know
3248 as a representative from Arizona, you are familiar with
3249 Arizona v. the U.S. In that case, the Supreme Court ruled
3250 very clearly that States could enact immigration enforcement
3251 provisions provided that they were in compliance with the
3252 immigration laws of the United States and also made it clear
3253 that they could participate in the 287(g) program, which the
3254 Obama administration then -- I think the very next day --
3255 kicked Arizona out of.

3256 If we are trying to get better cooperation between
3257 State and local law enforcement and Federal law enforcement
3258 to properly have respect for the rule of law and enforce our
3259 immigration laws it would seem to me that that would be a
3260 good thing to require that the Federal government have to
3261 show good cause for eliminating an entire State from an
3262 important program that adds considerable resources and
3263 manpower to supporting the law.

3264 Mr. Biggs. Yes, I will reclaim my time. Yes, Mr.

3265 Chairman. And in fact, the law enforcement agencies -- not
3266 necessarily the chiefs of police, but the law enforcement
3267 agencies wanted to continue participation in the 287(g)
3268 programs but without cause, had that opportunity taken away
3269 and stripped away from them by the Obama administration;
3270 that is correct.

3271 Chairman Goodlatte. I thank the gentleman for
3272 yielding. For what purpose does he gentleman from Rhode
3273 Island seek recognition?

3274 Mr. Cicilline. I move to strike the last word.

3275 Chairman Goodlatte. The gentleman is recognized for 5
3276 minutes.

3277 Mr. Cicilline. Thank you, Mr. Chairman. I would first
3278 say I strongly support the gentleman's amendment. But I
3279 have to say, Mr. Chairman, I asked to be on the Immigration
3280 Subcommittee because I hoped that we would have an
3281 opportunity to actually address our broken immigration
3282 system and to have hearings on a proposal to do that. We
3283 are now taking up for markup a 184-page bill that we have
3284 never had a hearing on before the Immigration Subcommittee
3285 or this full committee. That is really not a good way to do
3286 business and not a way to tackle such a complicated issue.
3287 The sponsor of this bill said that at the opening of this
3288 hearing that we are the greatest Nation in the world. There
3289 is no question about that.

3290 But this legislation, I would suggest to you,
3291 undermines that claim. It reverses long settled law. It
3292 threatens civil liberties. It undermines our Nation's
3293 history as a land of immigrants. It violates our
3294 constitution, and it criminalizes human beings. Let's call
3295 it what it is. This is President Trump's mass deportation
3296 act. And it is based on a notion that immigrants endanger
3297 our lives. And I can tell you, Mr. Chairman, members of the
3298 committee, I know from my own experience in my great State
3299 that immigrants have added so much to Rhode Island.
3300 Entrepreneurs, educators, elected officials, police
3301 officers, and on and on and on. Made enormous contributions
3302 to our State. And I understand, as all members of this
3303 committee do, that we have no more sacred responsibility
3304 than to keep the American people safe.

3305 And this legislation undermines that responsibility
3306 because it is based on a faulty premise, that immigrants are
3307 more dangerous and, in fact, the presence of immigrants
3308 endangers our lives. And I would like to submit for the
3309 record a compilation of 11 studies that directly contradict
3310 that assertion that, in fact, show there is either no link
3311 between immigration status and criminality, or in fact, less
3312 likelihood that those who are, in fact, non-citizens are
3313 less likely to commit crimes and the accompanying reports
3314 that support those.

3315 Chairman Goodlatte. Without objection. Would the
3316 gentleman yield?

3317 [The information follows:]

3318 ***** COMMITTEE INSERT *****

3319 Mr. Cicilline. I will not, Mr. Chairman, because I do
3320 not have very much time.

3321 Chairman Goodlatte. All right.

3322 Mr. Cicilline. This is based on a faulty premise. You
3323 cannot make stuff up to support a bill. And the notion that
3324 people who are undocumented are more dangerous is simply not
3325 true. This bill criminalizes all undocumented immigrants
3326 including the DREAMers. It undermines public safety and it
3327 will waste millions of dollars of taxpayer money. It allows
3328 States and local communities to enact their own immigration
3329 laws and the chaos that will ensue from that. And it also
3330 will turn everyday police officers into the immigration
3331 police. It overturns Supreme Court precedent by allowing
3332 the Department of Homeland Security to detain immigrants
3333 permanently if they are unable to be removed to their home
3334 country.

3335 Think about what that does to the founding values and the
3336 important principles of our country. And of course it
3337 triples the number of ICE deportation officers and arms all
3338 of those officers with military grade equipment.

3339 It is not hard to see how this was on Steve Bannon's
3340 white board. But it is hard to see how it came before this
3341 committee without a hearing and with such a faulty premise.
3342 It is the reason, in fact, that so many law enforcement
3343 officers have come out against this bill, because those

3344 individuals charged with keeping communities safe recognize
3345 it undermines their ability to do that. This bill not only
3346 makes our communities less safe, but it really does change
3347 and will change the very character of our country. We are
3348 better than this.

3349 We ought to be enacting comprehensive immigration
3350 reform that will honor our responsibility to the
3351 constitution, that will, in fact, keep our communities safe,
3352 and that will respect the great tradition of our country to
3353 welcome immigrants from all over the world and to recognize
3354 that immigrants have made us more prosperous and stronger
3355 and a better country. Frankly, Mr. Chairman, the presence
3356 of this bill before this committee makes me very sad. We
3357 are better than this. I urge all my colleagues to support
3358 Mr. Conyers' amendment to defeat the underlying bill. And I
3359 yield the balance of my time to the Chairman. Mr. Chairman,
3360 I am yielding to you.

3361 Chairman Goodlatte. I am actually going to recognize
3362 the gentlewoman from Alabama. For what purpose do you seek
3363 recognition?

3364 Mrs. Roby. I move to strike the last word.

3365 Chairman Goodlatte. Gentlewoman is recognized for 5
3366 minutes.

3367 Mrs. Roby. I would like to yield my time to the
3368 Chairman.

3369 Chairman Goodlatte. I thank the gentlewoman for
3370 yielding. I just want to say in the response to the
3371 gentleman from Rhode Island, we are a Nation of immigrants.
3372 There is not a person here sitting on this committee who
3373 cannot go back a few generations or several generations and
3374 find someone in their family who immigrated to the United
3375 States. But we are also a Nation of laws. And when we go
3376 for years and years and years without enforcing those laws,
3377 the lack of respect for the rule of law only grows. This is
3378 simply a bill that gives any administration -- the current
3379 one and future ones -- the authority to enforce our laws
3380 properly and gives to State and local governments that are
3381 heavily impacted by illegal immigration the ability to
3382 participate in that enforcement.

3383 There is nothing other than a dignified approach to
3384 making sure that law enforcement has the tools to enforce
3385 these laws. And the underlying purpose of this bill is not
3386 to disrespect immigrants, most of whom have entered the
3387 United States legally, because the United States has the
3388 most generous legal immigration programs in the world, but
3389 it is to make sure that we respect the rule of law.

3390 Yes, many people who are here illegally do not commit
3391 additional crimes, but the very act of entering the country
3392 illegally is a crime. And when you enter the country
3393 legally and overstay, well, guess what? You cannot be

3394 detained under current law because you have not committed a
3395 crime. So we add a misdemeanor provision to make sure that
3396 those individuals can be properly detained until they are
3397 safely removed to their home country where they belong.

3398 I thank the gentlewoman for yielding, and who seeks
3399 recognition?

3400 Mrs. Roby. Well, I would like to yield the remainder
3401 of my time to Mr. Labrador.

3402 Mr. Labrador. I was really actually pleased to hear
3403 Ms. Lofgren mention my talented former staffer David Bier.
3404 He was one of my favorite staffers and one of the smartest
3405 people that I have worked with in the past. But he and I
3406 often disagreed on immigration policy and we had some really
3407 fun debates about that.

3408 I should also mention that Ms. Jackson Lee's former
3409 staffer Nolan Rappaport has published a number of pieces
3410 recently defending the constitutionality of President
3411 Trump's actions to protect our Nation and enforce our
3412 immigration laws. Nolan is also a very talented attorney
3413 and I would like to ask unanimous consent that his articles
3414 be placed in the markup for the record.

3415 Chairman Goodlatte. Without objection, they will be
3416 made a part of the record.

3417 [The information follows:]

3418

***** COMMITTEE INSERT *****

3419 Mr. Labrador. Okay. And I just want to take this
3420 opportunity to address our broken immigration system. It is
3421 ironic to hear the people from the other side continue to
3422 say that they wish we could do something on our broken
3423 immigration system. I have been here for seven years. We
3424 pass legislation out of the House, some of it with support
3425 from our friends on the other side, that the Senate would
3426 never take up because it was not the comprehensive approach
3427 that they wanted. These were good pieces of legislation
3428 that address specific parts of the immigration system,
3429 specific parts that we all know are broken. And I commend
3430 my friends on the other side who joined us in passing that
3431 legislation.

3432 But because the previous President and the Senate
3433 Democrats did not want to have a step-by-step approach they
3434 refused to even fix those small parts of the immigration
3435 system. And that is why we continue to have a broken
3436 immigration system. Because some people choose to use
3437 immigration as a political tool instead of fixing the
3438 problems that we have. One of the main problems that we
3439 have is the enforcement of immigration laws. I think it is
3440 the first step in making sure that we fix that entire
3441 immigration system.

3442 I remember sitting down with countless people who were
3443 here without documentation when I was an immigration lawyer.

3444 And I would ask them a simple question. "Why did you want
3445 to come to the United States? What forced you? What
3446 compelled you to make the move to come to the United
3447 States?" And they all said, universally the same thing.
3448 "I lived in a country where the laws were not enforced
3449 adequately, fairly, or honorably. And I want to live in the
3450 United States because I want to live in a country where the
3451 laws are enforced." And yet, we want -- the people on the
3452 other side do not want that tradition that we have in the
3453 United States to continue. They want some laws to be
3454 enforced and other laws not to be enforced. That is why I
3455 am a strong proponent of this bill and that is why I believe
3456 that if we pass legislation like this where the 300 million-
3457 plus Americans feel safe and secure in their land, in their
3458 homes, in their communities, then we will have the guts to
3459 actually do what is necessary to fix the immigration system
3460 that we have and to modernize it. And for that reason I
3461 think we should all actually be voting for this and not have
3462 the debate that we are having right now, whether we should
3463 or should not enforce the immigration laws or our land.

3464 Chairman Goodlatte. The chair thanks the gentleman.
3465 The question occurs on the amendment offered by the
3466 gentleman from Michigan.

3467 All those in favor respond by saying aye.

3468 Those opposed, no.

3469 In the opinion of the chair, the noes have it. The
3470 amendment is not agreed to.

3471 Mr. Conyers. Record vote, please.

3472 Chairman Goodlatte. Recorded vote is requested and the
3473 clerk will call the roll.

3474 Ms. Adcock. Mr. Goodlatte?

3475 Chairman Goodlatte. No.

3476 Ms. Adcock. Mr. Goodlatte votes no.

3477 Mr. Sensenbrenner?

3478 [No response.]

3479 Mr. Smith?

3480 [No response.]

3481 Mr. Chabot?

3482 Mr. Chabot. No.

3483 Ms. Adcock. Mr. Chabot votes no.

3484 Mr. Issa?

3485 [No response.]

3486 Mr. King?

3487 [No response.]

3488 Mr. Franks?

3489 [No response.]

3490 Mr. Gohmert?

3491 [No response.]

3492 Mr. Jordan?

3493 [No response.]

3494 Mr. Poe?
3495 [No response.]
3496 Mr. Chaffetz?
3497 [No response.]
3498 Mr. Marino?
3499 [No response.]
3500 Mr. Gowdy?
3501 Mr. Gowdy. No.
3502 Ms. Adcock. Mr. Gowdy votes no.
3503 Mr. Labrador?
3504 Mr. Labrador. No.
3505 Ms. Adcock. Mr. Labrador votes no.
3506 Mr. Farenthold?
3507 [No response.]
3508 Mr. Collins?
3509 [No response.]
3510 Mr. DeSantis?
3511 Mr. DeSantis. No.
3512 Ms. Adcock. Mr. DeSantis votes no.
3513 Mr. Buck?
3514 [No response.]
3515 Mr. Ratcliffe?
3516 Mr. Ratcliffe. No.
3517 Ms. Adcock. Mr. Ratcliffe votes no.
3518 Mrs. Roby?

3519 Mrs. Roby. No.

3520 Ms. Adcock. Mrs. Roby votes no.

3521 Mr. Gaetz?

3522 Mr. Gaetz. No.

3523 Ms. Adcock. Mr. Gaetz votes no.

3524 Mr. Johnson of Louisiana?

3525 Mr. Johnson of Louisiana. No.

3526 Ms. Adcock. Mr. Johnson votes no.

3527 Mr. Biggs?

3528 Mr. Biggs. No.

3529 Ms. Adcock. Mr. Biggs votes no.

3530 Mr. Conyers?

3531 Mr. Conyers. Aye.

3532 Ms. Adcock. Mr. Conyers votes aye.

3533 Mr. Nadler?

3534 Mr. Nadler. Aye.

3535 Ms. Adcock. Mr. Nadler votes aye.

3536 Ms. Lofgren?

3537 Ms. Lofgren. Aye.

3538 Ms. Adcock. Ms. Lofgren votes aye.

3539 Ms. Jackson Lee?

3540 Ms. Jackson Lee. Aye.

3541 Ms. Adcock. Ms. Jackson Lee votes aye.

3542 Mr. Cohen?

3543 [No response.]

3544 Mr. Johnson of Georgia?
3545 [No response.]
3546 Mr. Deutch?
3547 [No response.]
3548 Mr. Gutierrez?
3549 [No response.]
3550 Ms. Bass?
3551 [No response.]
3552 Mr. Richmond?
3553 [No response.]
3554 Mr. Jeffries?
3555 [No response.]
3556 Mr. Cicilline?
3557 Mr. Cicilline. Aye.
3558 Ms. Adcock. Mr. Cicilline votes aye.
3559 Mr. Swalwell?
3560 [No response.]
3561 Mr. Lieu?
3562 [No response.]
3563 Mr. Raskin?
3564 Mr. Raskin. Aye.
3565 Ms. Adcock. Mr. Raskin votes aye.
3566 Ms. Jayapal?
3567 Ms. Jayapal. Aye.
3568 Ms. Adcock. Ms. Jayapal votes aye.

3569 Mr. Schneider?

3570 Mr. Schneider. Aye.

3571 Ms. Adcock. Mr. Schneider votes aye.

3572 Chairman Goodlatte. The gentleman from Arizona, Mr.

3573 Franks?

3574 Mr. Franks. No.

3575 Ms. Adcock. Mr. Franks votes no.

3576 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3577 Mr. Poe. No.

3578 Ms. Adcock. Mr. Poe votes no.

3579 Chairman Goodlatte. The gentleman from Texas, Mr.

3580 Gohmert?

3581 Mr. Gohmert. No.

3582 Ms. Adcock. Mr. Gohmert votes no.

3583 Chairman Goodlatte. The gentleman from Pennsylvania,

3584 Mr. Marino?

3585 Mr. Marino. No.

3586 Ms. Adcock. Mr. Marino votes no.

3587 Chairman Goodlatte. The gentleman from Iowa, Mr. King?

3588 Mr. King. No.

3589 Ms. Adcock. Mr. King votes no.

3590 Chairman Goodlatte. The gentleman from Colorado, Mr.

3591 Buck?

3592 Mr. Buck. No.

3593 Ms. Adcock. Mr. Buck votes no.

3594 Chairman Goodlatte. The gentleman from California, Mr.

3595 Issa?

3596 Mr. Issa. No.

3597 Ms. Adcock. Mr. Issa votes no.

3598 Chairman Goodlatte. The gentleman from Texas, Mr.

3599 Smith?

3600 Mr. Smith. No.

3601 Ms. Adcock. Mr. Smith votes no.

3602 Chairman Goodlatte. The gentleman from Georgia, Mr.

3603 Johnson?

3604 Mr. Johnson of Georgia. Yes.

3605 Ms. Adcock. Mr. Johnson votes yes.

3606 Chairman Goodlatte. Has every member voted who wishes
3607 to vote? The clerk will report.

3608 Ms. Adcock. Mr. Chairman, 9 members voted aye, 18
3609 members voted no.

3610 Chairman Goodlatte. And the amendment is not agreed
3611 to. For what purpose does the gentleman from New York seek
3612 recognition?

3613 Mr. Nadler. I have an amendment at the desk.

3614 Chairman Goodlatte. The clerk will report the
3615 amendment.

3616 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

3617 Nadler. Strike section 314 and re-designate provisions --

3618 Chairman Goodlatte. Without objection the amendment is

3619 considered as read and the gentleman is recognized for 5
3620 minutes on his amendment.

3621 [The amendment of Mr. Nadler follows:]

3622 ***** COMMITTEE INSERT *****

3623 Mr. Nadler. Mr. Chairman, this amendment would strike
3624 section 314 of the bill, which makes it a crime to be
3625 unlawfully present in this country. Under current law, the
3626 act of being unlawfully present is a civil violation, not a
3627 criminal one, and it is not punishable by imprisonment.
3628 This bill, however, would turn millions of Americans into
3629 criminals overnight.

3630 Under this bill, if you overstay your visa for one day
3631 you could go to prison for six months. For a second
3632 violation you could face a 2-year sentence. A lot of
3633 tourists, a lot of people whose airplane flights got
3634 canceled would suddenly be criminals. And if you have a
3635 prior felony conviction on your record, even a non-violent
3636 drug offense, you could serve as many as 20 years in prison.

3637 This provision even applies to DREAMers who were
3638 brought to this country as children through no fault of
3639 their own, and who once they turn 18 would now be considered
3640 criminals facing imprisonment if they know they are here
3641 unlawfully. This is both inhumane and counterproductive.

3642 Unfortunately, it follows directly from the underlying
3643 assumptions that purvey this entire legislation: that
3644 immigrants are dangerous, that they are to be feared, that
3645 their lives must be made as miserable as possible, and that
3646 they must be removed from this country no matter who they
3647 are or how long they have been here.

3648 This bill is straight out of the Donald Trump mass
3649 deportation playbook. First, you demonize immigrants. You
3650 blame them for crimes even though they commit crimes at a
3651 lower rate than native-born Americans. Then you demonize
3652 them. Then you label them all as criminals, all of which
3653 helps you build public support for removing them all from
3654 the country.

3655 Americans are rightly resistant to deporting their
3656 neighbor, their co-worker, a member of their church, or
3657 someone who has been a member of their community for years.
3658 Most people recognize the cruelty involved in ripping
3659 families apart and they see no reason to remove people who
3660 have been here for years and who are pillars of society.
3661 But if you label undocumented immigrants as dangerous
3662 criminals, if you throw them into prison, and if you turn
3663 them into felons merely because of their presence in this
3664 country you can then argue with somewhat more apparent
3665 plausibility that they are a danger to society and they must
3666 be removed regardless of the facts.

3667 When you combine this provision with the mass
3668 deportation force of this bill and the Trump administration
3669 and vision creating, we would force millions of immigrants
3670 further into the shadows. And in doing so, we would become
3671 less safe since no undocumented immigrant would ever
3672 consider cooperating with law enforcement if they risked

3673 significant prison time should their status be discovered.
3674 Even victims of domestic violence who need protection from
3675 their abusers, or witnesses to serious crimes or even murder
3676 would stay silent out of fear that they could be deported if
3677 they came forward with their testimony. Study after study
3678 shows that immigrants are less likely to commit serious
3679 crimes than native-born Americans.

3680 In fact, the 2017 study by the Sentencing Project found
3681 that higher levels of immigration in recent decades may have
3682 contributed to the historic drop in crime rates. But this
3683 bill ignores those facts in favor of its own alternative
3684 facts. And I want to say, I think one of the most shameful
3685 things that this President has done was to take victims of
3686 crimes and have them in the gallery during the State of the
3687 Union Address to pretend -- victims of crimes committed by
3688 undocumented immigrants -- to pretend that undocumented
3689 immigrants were a particular menace to Americans to commit
3690 violent crimes when all the information we have says just
3691 the opposite. But this bill ignores those facts in favor of
3692 its alternative facts. If you cannot argue that immigrants
3693 commit more crimes you can just turn all undocumented
3694 immigrants into criminals.

3695 That is what this bill does. I urge my colleagues to
3696 oppose the politics of fear and to support my amendment. I
3697 yield back the balance of my time.

3698 Chairman Goodlatte. For what purpose does the
3699 gentleman from Idaho seek recognition?

3700 Mr. Labrador. Mr. Chairman, to strongly oppose this
3701 amendment.

3702 Chairman Goodlatte. The gentleman is recognized for 5
3703 minutes.

3704 Mr. Labrador. This provision address the civil
3705 penalties -- addresses the issue that we need to have a
3706 deterrent on what is happening with immigration. Forty
3707 percent of the unlawful aliens in the United States are
3708 overstay. And we have heard that figure again and again and
3709 again. This is a crucial provision to ensure that ICE can
3710 arrest, prosecute, and actually deter illegal immigration.

3711 Illegal entry to the United States has long been a
3712 Federal misdemeanor offense. This act simply provides that
3713 illegal presence in the U.S. is also a misdemeanor. The
3714 majority of unlawfully present aliens in the U.S. enter the
3715 U.S. illegally and therefore have already violated Federal
3716 criminal law. The minority of unlawful aliens who have
3717 abused our hospitality and overstayed their visas are just
3718 as culpable as aliens who have entered the U.S. illegally.

3719 Why are we treating people differently? If you entered
3720 illegally or just overstayed your visa, you should be
3721 treated the same. If we want to over empower State and
3722 local law enforcement, this provision is a necessity. A

3723 Federal court has ruled that State and local law enforcement
3724 officers cannot detain persons on the basis of being
3725 unlawfully present in the U.S. and we are just giving them
3726 the tools that are necessary for them to enforce our
3727 immigration laws. And with that, I yield back.

3728 Chairman Goodlatte. For what purpose does the gentlewoman
3729 from California seek recognition?

3730 Ms. Lofgren. Mr. Chairman, I very strongly --

3731 Chairman Goodlatte. The gentlewoman is recognized for
3732 5 minutes.

3733 Ms. Lofgren. Strike the last word. I very strongly
3734 support Mr. Nadler's amendment. As Ms. Jayapal explained, I
3735 thought very cogently, it is not a violation of criminal law
3736 to just simply be alive in the United States without your
3737 visa papers being in order. This would change that and make
3738 that status a crime.

3739 The author suggests that the rationale is to also deal
3740 with overstays who the entry of which is not a criminal
3741 offense. But the truth is that this would have far reaching
3742 implications. I remember years ago when the House took up a
3743 bill to make it a felony to be alive without your papers,
3744 and there was tremendous disagreement all over the United
3745 States. It was later a discussion of making it a
3746 misdemeanor. There is no time limit. As mentioned, I
3747 think, by Mr. Nadler, if you are here on a temporary visa

3748 and you have a minor overstay, really even your plane is
3749 late, theoretically you would be in commission of a
3750 misdemeanor.

3751 Now, the argument could be that that would not be
3752 prosecuted. In fact, we have seen a recent instance where
3753 an individual who missed their plane was arrested for visa
3754 overstay. So I do not want to be comforted by the idea that
3755 law enforcement people would not go crazy.

3756 But committing an offense also precludes certain other
3757 immigration benefits. So that if you marry an American
3758 citizen, but you have committed an offense, you are
3759 excludable and may not be able to gain the status that your
3760 marriage to an American citizen would otherwise grant. I do
3761 not know that that is the intent of the author, but I think
3762 that would be the result.

3763 It is worth pointing out we just took up a bill earlier
3764 in the day about trafficking victims. And we have always
3765 had a very strong effort to work on a bipartisan basis with
3766 trafficking victims. But if you look at the way this is
3767 crafted, people who are victims of trafficking but who have
3768 not yet obtained a visa, that we provided for earlier in the
3769 trafficking victim's laws, would also be in a criminal law
3770 status. That cannot be what we have in mind here. I think
3771 it is important to know that asylum applicants and American
3772 law provides for asylum. International law provides for

3773 asylum. If you were unlawfully present even for one day and
3774 then applied for asylum, you would have a misdemeanor bar.
3775 Possibly you could be prosecuted. I do not think that is
3776 what we want to do.

3777 And finally, as has been mentioned, this bill would
3778 criminalize current DACA recipients over the age of 18 who
3779 has a lapse in DACA benefits. I think that is a terrible
3780 mistake. I know that not everyone agrees that people who
3781 were brought here as babies who did not intend to enter
3782 unlawfully or to stay beyond the visa should be protected,
3783 but certainly those individuals as young adults are in a
3784 different situation than other people who in many cases do
3785 not even find out that they are not American citizens until
3786 they go to apply for a loan or some other thing as their
3787 friends in high school are doing.

3788 I am sorry that Mr. Gaetz is not here, because I
3789 remember years ago we had a hearing about how did people end
3790 up in an undocumented status in the United States. We have
3791 had a system that does not work for a long, long time. And
3792 I always remember the president of the Southern Baptist
3793 Convention testifying that for many years we had two signs
3794 at the Southern border and one sign said, "no trespassing"
3795 and the other side said, "help wanted." And a lot of people
3796 responded to that "help wanted" sign. In fact, most of the
3797 farm workers in the United States responded to that "help

3798 wanted" sign. We have 5,000 visas allocated a year to
3799 people who are supposedly in the unskilled labor category.
3800 We have 2 million farm workers. Clearly, we set this
3801 situation up, and to tell those farm workers that they are
3802 now also criminals, I think is well beneath our dignity as a
3803 Congress and this amendment would fix that. And I yield
3804 back.

3805 Chairman Goodlatte. For what purpose does he gentleman
3806 from California seek recognition?

3807 Mr. Raskin. Maryland.

3808 Chairman Goodlatte. I was looking at California. He
3809 was seeking recognition, too. Oh, I am sorry. You are
3810 right. Well, since I was wrong on both of you I will go to
3811 the gentleman with seniority, that is the gentleman from
3812 Maryland. The gentleman is recognized for 5 minutes.

3813 Mr. Raskin. Move to strike the last word. I should
3814 start just by saying that I am influenced by my own personal
3815 experience in discussing this, because very briefly I was an
3816 illegal immigrant or an undocumented immigrant in France. I
3817 went over on a sabbatical to teach there and I was
3818 instructed to go immediately to pick up my academic visa on
3819 a Friday. And when I got there, it turned out that the
3820 people at the immigration office were on strike. So I could
3821 not get my credentials, my academic visa over the course of
3822 the weekend. And then when I showed up the next week there

3823 was such a huge crowd I could not even get a ticket, much
3824 less get my ticket called. This went on for about 2 or 3
3825 weeks, during the period of which I was growing increasingly
3826 anxious about my status because I was there with my whole
3827 family and I did not have the proper academic visa
3828 credentials. And that was without knowing or learning or
3829 suspecting that I was a criminal at the same time as opposed
3830 to just running afoul of the civil immigration provisions.

3831 So, I think we have got to think very seriously before
3832 we do this what it means to tell people -- and we are
3833 talking about millions of people whose immigration status
3834 could change on a diplomatic visa, an academic visa, a
3835 tourist visa, or what have you, that suddenly they are a
3836 criminal in the United States. Remember, America was
3837 created as the country for the whole world. Tom Paine
3838 called it a haven of refuge for people seeking political or
3839 religious refuge from tyrants and from oppressors all over
3840 the world.

3841 And this is who we are as a country. This is why our
3842 symbol is the Statue of Liberty. It is not a wall surround
3843 by barbed wire and a moat and alligators. This amendment
3844 would alter a proposal to turn every person who is
3845 unwillingly and ever so briefly outside of the regulatory
3846 demands of the immigration system into a criminal. And this
3847 creates what the Supreme Court has called a status offense.

3848 The supreme court has rejected numerous status offenses as a
3849 violation of due process, like statutes that say someone is
3850 guilty of a crime by being a habitual drunkard or someone is
3851 a criminal because they are a drug addict or a vagrant or a
3852 loiterer; under our system of laws, people are guilty of
3853 committing crimes, having an actus reus, a real criminal
3854 act, and a mens rea, a criminal intent, evil intent.

3855 And the proposal in the bill would turn someone into a
3856 criminal without either a criminal act or a criminal
3857 consciousness; a mens rea to do something criminal. It
3858 creates a pure status offense that is based in many cases,
3859 not all of them concededly, but in many cases, simply on
3860 inaction, or someone else's action completely out of the
3861 control of the person who becomes the criminal defendant.

3862 So, I would think that this goes way too far in terms
3863 of the basic principles of due process and legality and
3864 criminal notice in our system of laws. And people should
3865 think about it. This could happen to anyone. And I am sure
3866 that every person in this room -- and I am following our
3867 distinguished chairman here in saying that all of us come
3868 from families that originally were immigrants, I also
3869 believe that we could find in all of our genealogy, in all
3870 of our family, somebody whose immigration status was not
3871 documented at some point.

3872 It would be almost difficult to find that. Let's at

3873 least not brand those people criminals and let's not brand
3874 people in America as criminals who do not meet in any
3875 commonsense interpretation our definition of what a criminal
3876 is.

3877 Mr. Nadler. Will the gentleman yield?

3878 Mr. Raskin. Yes, by all means.

3879 Mr. Nadler. You made the point, and I think the valid
3880 point that this establishes a crime of status because you
3881 are here illegally. In effect, the crime occurred 10 years
3882 ago when you came here illegally, or if you were a DREAMer,
3883 when you hit your 18th birthday. Would this implicate the
3884 ex post facto provision of the constitution, because it is
3885 saying you are a criminal now for an act that you did years
3886 ago when you overstayed your visa?

3887 Mr. Raskin. Well, let's distinguish a couple different
3888 cases. One case would be where someone originally had legal
3889 status, someone had a visa and it lapsed and the office was
3890 closed. There was a blizzard or something and they were not
3891 able to get it renewed on that day. That would clearly be a
3892 status offense. In the case you are talking about, where
3893 something is turned into a crime retroactively, that also
3894 arguably runs afoul of the ex post facto clause.

3895 Mr. Nadler. Thank you.

3896 Chairman Goodlatte. The time of the gentleman has
3897 expired. For what does the gentleman from Pennsylvania seek

3898 recognition?

3899 Mr. Marino. Strike the last word, but I am going to
3900 yield to my colleague, Mr. Labrador.

3901 Mr. Labrador. Thank you, Mr. Marino. Thank you for
3902 yielding your time. I want everybody to read section 314
3903 because that was a compelling argument unless you read the
3904 actual statute. And the actual statute says that "knowingly
3905 enters, knowingly eludes, knowingly enters or crosses the
3906 border, knowingly violates the terms or conditions of the
3907 alien." So what you did in France, was not a crime under
3908 this bill. Because what you did in France is you actually
3909 had the intention of being legal. You went again and again
3910 and again to try to become legal. So you would have never
3911 violated this statute. That is number one.

3912 Now, that was also a great disposition of ex post facto
3913 law, but that would only be true if it is applied
3914 retroactively. What we are trying to do is prevent future
3915 illegal immigration and future exposure of our immigration
3916 laws.

3917 Mr. Nadler. Would the gentleman yield?

3918 Mr. Raskin. Could I get one question first?

3919 Mr. Labrador. It is not my time, so if he will yield
3920 to you?

3921 Mr. Raskin. Yeah, would the gentleman yield just for a
3922 quick question? Is that okay?

3923 Mr. Nadler. He said it is not his time.

3924 Mr. Raskin. Thank you. As I am reading it, "knowingly
3925 violate" would describe the situation of somebody in the
3926 same situation I was in in France. Because I was aware that
3927 I did not have my documents. I desperately wanted to get my
3928 documents I was not there to be committing crimes obviously,
3929 except for my students because they had to hear my broken
3930 French. But other than that, I was there for lawful
3931 purposes. But I knew I was on the outside of the law. If
3932 what you are saying is that one should have to knowingly try
3933 to subvert the laws, that is great. But this is knowingly
3934 violate the laws and I assume that I knew I was in violation
3935 of the laws and I was desperately trying to get out of that
3936 situation.

3937 Mr. Labrador. And I think if we have any other person
3938 who is desperately trying to become legal, and trying to
3939 keep the law they are not going to be prosecuted under the
3940 statute.

3941 Mr. Raskin. I think most of them are.

3942 Mr. Labrador. Yes, most of them are trying to become
3943 legal, but they do not have a right to be in the United
3944 States.

3945 But I do want to address something that the gentlelady
3946 from California said. I think she made some good points.
3947 We do not want anybody to be found to violate the law

3948 because just all of a sudden, they had an oversight, or they
3949 just had a couple of days of overstay. So I am going to be
3950 looking, as we continue with this bill, to fix this section
3951 of the bill to make sure that we do not have just somebody
3952 that had a couple of days overstay violate the law. So I
3953 will be working on that.

3954 Mr. Nadler. Will the gentleman yield?

3955 Mr. Labrador. Well, it is not my time.

3956 Mr. Nadler. Thank you. I thank the gentleman for his
3957 second derivative yielding. What you said a moment ago,
3958 which is that you have to knowingly elude, et cetera, et
3959 cetera, that is subparagraph B. But if you read
3960 subparagraph E, it says, one, an alien should be subject to
3961 the penalties set forth in paragraph 2 if the alien, E,
3962 knowingly is unlawfully present in the United States subject
3963 to the exceptions set forth, et cetera. Knowingly is
3964 unlawfully present. Now, he is present in the United States
3965 because 10 years ago he overstayed his visa. And he
3966 suddenly becomes a criminal by ex post facto application of
3967 this bill.

3968 Mr. Labrador. I think the ex post facto aspect of this
3969 will be determined by the court. We all know what ex post
3970 facto law is.

3971 Mr. Nadler. And this seems to be a clear case of it.

3972 Mr. Labrador. I just completely disagree with you on

3973 this matter. But we will continue to try to enforce our
3974 immigration laws and I yield back my time.

3975 Ms. Jayapal. Mr. Chairman?

3976 Chairman Goodlatte. For what purpose does the
3977 gentlewoman from Washington seek recognition?

3978 Ms. Jayapal. Move to strike the last word.

3979 Chairman Goodlatte. The gentlewoman is recognized for
3980 5 minutes.

3981 Ms. Jayapal. Thank you, Mr. Chairman. I rise in
3982 strong support of this amendment and I thank Mr. Nadler for
3983 putting forward, I think, and extremely important amendment
3984 that would strike one of the most disturbing parts of this
3985 bill. What is proposed in this bill is really no minor
3986 adjustment. It represents a radical transformation of
3987 United States immigration law. For over a century, unlawful
3988 presence in the United States has been, as Mr. Nadler said,
3989 a civil infraction of immigration law meriting at most
3990 removal. And if enacted, this act would turn that civil
3991 infraction into a crime punishable by as much as 20 years of
3992 imprisonment. It is impossible to know how many of the 11
3993 million or so people who are currently in the United States
3994 without the Federal Government's permission could be
3995 prosecuted, but it is safe to assume it would be an enormous
3996 number of people.

3997 And I think that we have to also think about why law

3998 enforcement has come out consistently against these kinds of
3999 proposals. Because it would actually draw resources away
4000 from really focusing on the most needed criminals who -- and
4001 the work that local law enforcement should do.

4002 But I wanted to back up a little bit because there have
4003 been a lot of things said on this committee about this
4004 Nation as a Nation of laws and certainly that is true. We
4005 all want to make sure that we continue to be a Nation of
4006 laws. But I must also say, in the words of Dr. King, from
4007 the Birmingham jail, that an unjust law is no law at all.
4008 Slavery was also the law of the land, but there were many
4009 people who sought to change what were, at that time,
4010 extremely unjust laws. And that, in my opinion, is the case
4011 in terms of immigration law.

4012 The reality is that the number of immigrants that are
4013 allowed into the United States is set by Congress. But the
4014 last time that Congress asked to adjust that system was in
4015 1990. So we have a legal immigration system that is broken.
4016 And I am one of the people that knows exactly what that
4017 means because it actually took me 18 years to become a
4018 citizen of this country. I went through a whole alphabet
4019 soup of immigrant visas and I believe there are about a
4020 dozen, or maybe a little bit more, members of Congress who
4021 were actually born outside of the United States. We
4022 understand what the immigration system is about. I believe

4023 that almost every single immigrant that is in this country
4024 has really tried to follow a system that allows them to be
4025 here because nobody wants to be here without papers. Nobody
4026 wants to be in the shadows. Nobody wants to be doing the
4027 work or providing for their family knowing that every day
4028 poses a threat to their children or to their families.

4029 So, the legal system is broken, and that is why we have
4030 sought consistently, for decades, to have a comprehensive
4031 reform of the immigration system. It is not enough just to
4032 pass one small piece of reform, because in fact, everything
4033 is tied in together within the immigration system. And what
4034 we need is a comprehensive reform, because when the legal
4035 system is broken, we have to think about what choices we
4036 give to a mother who must wait sometimes for 20 years to get
4037 her child into the country. What choices do we give to a
4038 worker who is being sought after by companies and industries
4039 in this country because they are performing essential work
4040 that often others will not perform? What choices do we give
4041 to them to actually be able to do that work with dignity?

4042 And so, that is why the U.S. Senate, in 2013, did pass
4043 a comprehensive immigration reform bill with 67 bipartisan
4044 votes. And that bill, unfortunately, was never allowed to
4045 the floor by Speaker John Boehner at the time. And had we
4046 had that bill, then we could have focused resources on just
4047 those immigrants who have committed the most serious, most

4048 heinous of crimes. We could have encouraged and recognized
4049 the dignity and the work of immigrants across this country
4050 who are doing the work that we need to do, and we could have
4051 made sure that families were reunified with a legal
4052 immigration system that actually encouraged people to be
4053 together with their children, with their parents, with their
4054 spouses.

4055 And that, Mr. Chairman, I think is the basis of what we
4056 need to be doing instead of putting forward bills that seek
4057 to simply otherize, vilify certain immigrants without
4058 recognizing that the underlying system is broken. So,
4059 criminalizing 11 million undocumented immigrants across this
4060 country is not just inhumane, it does not solve any problem.
4061 And we need to find a real solution for our broken
4062 immigration system in this country. And I hope that our
4063 committee will actually take that on with the seriousness
4064 that it deserves. Thank you, Mr. Chairman, I yield back.

4065 Mr. Schneider. Mr. Chairman?

4066 Chairman Goodlatte. The time of the gentlewoman has
4067 expired. For what does the gentleman from Illinois seek
4068 recognition?

4069 Mr. Schneider. Thank you. I move to strike the last
4070 word.

4071 Chairman Goodlatte. The gentleman is recognized for 5
4072 minutes.

4073 Mr. Schneider. Thank you. And I want to join with my
4074 colleagues in emphasizing, I think, the need to address this
4075 issue as was noted earlier. That knowingly in this country
4076 in violation would consume essentially every DREAMer who
4077 reaches the age of 18. The cruel legislation would
4078 criminalize nearly all undocumented people. There are no
4079 exceptions included in the bill, not even for these DACA
4080 recipients. This makes their presence in the country a
4081 misdemeanor or felony offense, exposing DACA recipients to
4082 criminal prosecution and possible imprisonment. Let me
4083 repeat that. This legislation makes the very presence of
4084 DACA recipients a criminal offense. Putting these young
4085 people -- young men and women literally pursuing the
4086 American Dream -- at very real risk of criminal prosecution
4087 and possible imprisonment.

4088 This is not a theoretical discussion. This legislation
4089 will have real, profoundly negative consequences for the
4090 communities we all represent. Let me share just one story,
4091 the case of one of my constituents, Erika. Erika works as a
4092 public health community liaison in schools throughout my
4093 district. After graduating high school, she worked to pay
4094 her way through college and graduated with honors. Now,
4095 while working full-time she is also pursuing an MBA. She is
4096 very proud that she recently became a homeowner and enjoys
4097 volunteering with community groups. By any measure, Erika

4098 is an exemplary member of our community, a leader, and a
4099 role model. Erika also happens to be a DACA recipient. She
4100 was just 13 years old when she was brought to the United
4101 States and has lived here for 23 years.

4102 The United States is now unquestionably her home. Her
4103 dreams and aspirations are American dreams. Her success
4104 strengthens our community and advances our Nation. In 2013,
4105 Erika first applied for and received DACA. She describes
4106 the effect that this program had on her life saying, "I have
4107 had two lives: before and after DACA." I met Erika when she
4108 contacted our office after a clerical error at USCIS delayed
4109 her renewal application for work reauthorization. Her HR
4110 representative at her employer informed her that she would
4111 lose her job if she could not get the reauthorization. This
4112 was but a brief glimpse into what her life would be like
4113 without DACA. She, and I quote here, "Realized how much is
4114 at risk." Erika would lose her job, her home, her driver's
4115 license, her health insurance, her ability to pay for her
4116 schooling and earn a living.

4117 In short, she and all others like her would lose
4118 everything. Erika is a tremendous asset to our community,
4119 but this bill would label her a criminal. No one like Erika
4120 who came here as a child and has lived her entire adult life
4121 in the United States should have to live in constant fear of
4122 deportation. This is not just a matter of right and wrong;

4123 it is a matter of economics.

4124 The recent estimate by the Cato Institute found that
4125 deporting DACA recipients could deprive the United States of
4126 over 280 billion with a B -- 280 billion in economic growth
4127 over the next 10 years. In other words, this bill will hurt
4128 DACA recipients and American workers alike. A 2016 survey
4129 found 6 percent of DACA recipients, more than 40,000 young
4130 people, had started their own small business in the United
4131 States. That is a rate of entrepreneurship twice as high as
4132 native-born Americans.

4133 Our immigration system is broken. I agree and let's
4134 work together to address it. But this draconian bill is
4135 absolutely wrong and the wrong way to go about fixing it.
4136 What we need is comprehensive immigration reform, not a mass
4137 deportation approach. Real bipartisan reform including
4138 increased responsible border security and a path to
4139 citizenship for those like Erika will grow our economy,
4140 reduce our debt, and strengthen our communities. DACA
4141 recipients are not criminals. They are the products of our
4142 schools, part of the fabric of our communities, and
4143 important to the future growth and success of our country.
4144 I strongly urge my colleagues to join me in supporting this
4145 amendment. And I yield back.

4146 Mr. Cicilline. Mr. Chairman?

4147 Chairman Goodlatte. There are 8 minutes and 25 seconds

4148 remaining in the vote on the floor. We will not be
4149 returning. The markup will continue next week. I would
4150 like to get to a vote, but if the gentleman --

4151 Mr. Cicilline. If I could be recognized, I would just
4152 like to yield briefly to Mr. Nadler.

4153 Mr. Nadler. Thank you. And I will be very brief. I
4154 would like to say that following my argument before, Page
4155 103 of the bill, subsection 4, duration of offense: An
4156 offense under this subsection continues until the alien is
4157 discovered within the United States by an Immigration,
4158 Customs, or Agriculture officer. In other words, it is a
4159 status offense. There is no statute of limitations unlike
4160 any other crime that I know of except for murder. Someone
4161 who overstayed the visa 10 years ago now becomes a criminal,
4162 ex post facto, and remains a criminal and there is no
4163 statute of limitations. A little excessive and I will yield
4164 to the gentlelady from California.

4165 Ms. Lofgren. I would like to note -- and I know that
4166 we all want to get to the floor -- but the problems on this
4167 are severe. And if you take a look at Page 101 of the bill,
4168 line 20, the exceptions do not include individuals who are
4169 victims of domestic violence but have not yet applied for
4170 their visa. They do not include individuals who are
4171 trafficking victims but who have not yet applied for a visa
4172 because of that victimhood. That cannot be what we want in

4173 addition to all the other arguments that have been made.
4174 That makes this really fatally flawed. And I thank the
4175 gentleman for yielding and yield back.

4176 Mr. Nadler. I yield back.

4177 Chairman Goodlatte. Question occurs on the amendment
4178 offered by the gentleman for New York.

4179 All in favor respond by saying aye.

4180 Those opposed, no.

4181 In the opinion of the chair, the noes have it.

4182 Recorded vote is requested. The clerk will call the role.

4183 Ms. Adcock. Mr. Goodlatte?

4184 Chairman Goodlatte. No.

4185 Ms. Adcock. Mr. Goodlatte votes no.

4186 Ms. Adcock. Mr. Sensenbrenner?

4187 [No response.]

4188 Mr. Smith?

4189 [No response.]

4190 Mr. Chabot?

4191 Mr. Chabot. No.

4192 Ms. Adcock. Mr. Chabot votes no.

4193 Mr. Issa?

4194 Mr. Issa. No.

4195 Ms. Adcock. Mr. Issa votes no.

4196 Mr. King?

4197 [No response.]

4198 Mr. Franks?
4199 [No response.]
4200 Mr. Gohmert?
4201 Mr. King. No.
4202 Ms. Adcock. Mr. King votes no.
4203 Mr. Franks?
4204 [No response.]
4205 Mr. Gohmert?
4206 [No response.]
4207 Mr. Jordan?
4208 Mr. Jordan. No.
4209 Ms. Adcock. Mr. Jordan votes no.
4210 Mr. Poe?
4211 Mr. Poe. No.
4212 Ms. Adcock. Mr. Poe votes no.
4213 Mr. Chaffetz?
4214 [No response.]
4215 Mr. Marino?
4216 Mr. Marino. No.
4217 Ms. Adcock. Mr. Marino votes no.
4218 Mr. Gowdy?
4219 [No response.]
4220 Mr. Labrador?
4221 Mr. Labrador. No.
4222 Ms. Adcock. Mr. Labrador votes no.

4223 Mr. Farenthold?
4224 [No response.]
4225 Mr. Collins?
4226 [No response.]
4227 Mr. DeSantis?
4228 Mr. DeSantis. No.
4229 Ms. Adcock. Mr. DeSantis votes no.
4230 Mr. Buck?
4231 [No response.]
4232 Mr. Ratcliffe?
4233 Mr. Ratcliffe. No.
4234 Ms. Adcock. Mr. Ratcliffe votes no.
4235 Mrs. Roby?
4236 Mrs. Roby. No.
4237 Ms. Adcock. Mrs. Roby votes no.
4238 Mr. Gaetz?
4239 [No response.]
4240 Mr. Johnson of Louisiana?
4241 Mr. Johnson of Louisiana. No.
4242 Ms. Adcock. Mr. Johnson votes no.
4243 Mr. Biggs?
4244 Mr. Biggs. No.
4245 Ms. Adcock. Mr. Biggs votes no.
4246 Mr. Conyers?
4247 [No response.]

4248 Mr. Nadler?

4249 Mr. Nadler. No. I mean, yes, yes, yes.

4250 Ms. Adcock. Mr. Nadler votes yes.

4251 Ms. Lofgren?

4252 Ms. Lofgren. Aye.

4253 Ms. Adcock. Ms. Lofgren votes aye.

4254 Ms. Jackson Lee?

4255 Ms. Jackson Lee. Aye.

4256 Ms. Adcock. Ms. Jackson Lee votes aye.

4257 Mr. Cohen?

4258 Mr. Cohen. Aye.

4259 Ms. Adcock. Mr. Cohen votes aye.

4260 Mr. Johnson of Georgia?

4261 Mr. Johnson of Georgia. Aye.

4262 Mr. Johnson votes aye.

4263 Mr. Deutch?

4264 [No response.]

4265 Mr. Gutierrez?

4266 [No response.]

4267 Ms. Bass?

4268 [No response.]

4269 Mr. Richmond?

4270 [No response.]

4271 Mr. Jeffries?

4272 [No response.]

4273 Mr. Cicilline?

4274 Mr. Cicilline. Aye.

4275 Ms. Adcock. Mr. Cicilline votes aye.

4276 Mr. Swalwell?

4277 [No response.]

4278 Ms. Adcock. Mr. Lieu?

4279 [No response.]

4280 Ms. Adcock. Mr. Raskin?

4281 [No response.]

4282 Ms. Adcock. Ms. Jayapal?

4283 Ms. Jayapal. Aye.

4284 Ms. Adcock. Ms. Jayapal votes aye.

4285 Mr. Schneider?

4286 [No response.]

4287 Chairman Goodlatte. The gentleman from Arizona?

4288 Mr. Franks. No.

4289 Ms. Adcock. Mr. Franks votes no.

4290 Chairman Goodlatte. the gentleman from Texas?

4291 Mr. Gohmert. No.

4292 Ms. Adcock. Mr. Gohmert votes no.

4293 Chairman Goodlatte. The other gentleman from Texas?

4294 Mr. Smith. No.

4295 Ms. Adcock. Mr. Smith votes no.

4296 Chairman Goodlatte. The gentleman from Colorado?

4297 Mr. Buck. No.

4298 Ms. Adcock. Mr. Buck votes no.

4299 Chairman Goodlatte. The gentleman from Michigan?

4300 Mr. Conyers Aye.

4301 Mr. Conyers. Aye.

4302 Ms. Adcock. Mr. Conyers votes aye.

4303 Chairman Goodlatte. the gentleman from Illinois?

4304 Mr. Schneider. Aye.

4305 Ms. Adcock. Mr. Schneider votes aye.

4306 Chairman Goodlatte. Has every member voted who wishes

4307 to vote? The clerk will report.

4308 Ms. Adcock. Mr. Chairman, 8 members voted aye, 17

4309 members voted no.

4310 Chairman Goodlatte. And the amendment is not agreed

4311 to. The committee will stand in recess and we will resume

4312 Tuesday.

4313 [Whereupon, at 2:29 p.m., the committee recessed, to

4314 reconvene at 10:00 a.m., Tuesday, May 23, 2017.]