

1 NATIONAL CAPITOL CONTRACTING
2 RPTS AVERETT
3 HJU143000

4 CONTINUED CONSIDERATION OF
5 H.R. 2431; H.R. 2407; H.R. 2406
6 Tuesday, May 23, 2017
7 House of Representatives,
8 Committee on the Judiciary,
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:00 a.m., in
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Sensenbrenner,
14 Smith, Chabot, Issa, King, Franks, Gohmert, Jordan, Poe,
15 Chaffetz, Marino, Labrador, Farenthold, Collins, DeSantis,
16 Buck, Ratcliffe, Roby, Gaetz, Johnson of Louisiana, Biggs,
17 Conyers, Nadler, Lofgren, Jackson Lee, Cohen, Johnson of
18 Georgia, Gutierrez, 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; Ryan Breitenbach, Counsel, Subcommittee
27 on Crime, Terrorism, Homeland Security, and Investigations;
28 Alley Adcock, Clerk; Danielle Brown, Minority Chief
29 Legislative Counsel and Parliamentarian; David Shahoulian,
30 Chief Counsel, Subcommittee on Immigration and Border
31 Security; David Greengrass, Minority Counsel; Maunica
32 Sthanki, Minority Counsel; Jason Boyd, Minority Counsel
33 (USCIS); Matthew Morgan, Minority Counsel; Joseph
34 Ehrenkrantz, Minority Professional Staff; and Rosalind
35 Jackson, Minority Professional Staff.

36 Chairman Goodlatte. Good morning. The Judiciary
37 Committee will come to order, and without objection, the
38 chair is authorized to declare a recess at any time.

39 This morning, the Judiciary Committee will resume
40 consideration of H.R. 2431, the Davis-Oliver Act. When we
41 ended last week's mark up of this bill, we were in the
42 process of considering amendments. Are there further
43 amendments to H.R. 2431?

44 For what purpose does the gentleman from New York seek
45 recognition?

46 Mr. Nadler. Mr. Chairman, I have an amendment at the
47 desk.

48 Chairman Goodlatte. The clerk will report the
49 amendment.

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

51 Mr. Chabot. Point of order.

52 Chairman Goodlatte. A point of order has been
53 reserved. The clerk will report the amendment.

54 Ms. Adcock. Amendment to H.R. 2431, offered by Mr.
55 Nadler. Strike section 310 and re-designate provisions and
56 conform the table --

57 [The amendment of Mr. Nadler follows:]

58 ***** COMMITTEE INSERT *****

59 Chairman Goodlatte. Without objection, the amendment
60 is considered as read and the gentleman is recognized for 5
61 minutes on his amendment.

62 Mr. Nadler. Thank you, Mr. Chairman. This amendment
63 would strike section 310, an unconstitutional provision that
64 authorizes, and in some cases mandates the indefinite and
65 possibly permanent detention of certain immigrants with
66 virtually no procedural protections for those who are
67 detained.

68 Section 310 is presumably intended to address the
69 Supreme Court's decision in *Zadvydas v. Davis*. That case
70 concerned instances in which a detained individual is
71 ordered removed from the country but the government is not
72 able to carry out the removal in a reasonable period of
73 time. This may occur because a country refuses to accept
74 the return of its own nationals, or no country even
75 recognizes the detainee as a citizen or a national, perhaps
76 after a regime change or shifting borders in the land of
77 origin.

78 In such circumstances, the Supreme Court held that
79 after a reasonable period of time generally thought to be 6
80 months, if removal is not reasonably foreseeable, the
81 immigrant must be released from detention, except in certain
82 exceptional circumstances.

83 Importantly, the court held that indefinite detention

84 of such immigrants would raise serious constitutional
85 concerns. It found that preventive detention of noncitizens
86 who are unable to be removed is justified only when an
87 individual is found to be especially dangerous, and when
88 there are strong procedural protections accompanying any
89 such determination.

90 This bill, however, falls dangerously short of the
91 Supreme Court's stringent requirements. Under this bill,
92 where removal is not feasible, Secretary of Homeland
93 discretion may, in the Secretary's sole discretion, detain
94 certain undocumented immigrants indefinitely with no hearing
95 and no meaningful due process.

96 If the person was ordered removed due to criminal
97 convictions, even for nonviolent crimes such as theft or
98 drug possession, detention is mandatory until they are
99 successfully removed, with little ability for the detainee
100 to challenge his detention. And that detention may be
101 indefinite if the removal cannot be effectuated.

102 The bill provides for no individualized determination
103 that a person is especially dangerous and provides hardly
104 any procedural protections whatsoever. The Supreme Court
105 contemplated indefinite detention in only narrow
106 circumstances, but this bill flatly ignores the strict
107 standards set by the court governing such rare cases.
108 Indefinite detention is contrary to American principles of

109 due process, and it is repugnant to our values of fairness
110 and individual liberty.

111 The rationale behind this provision, as with most
112 provisions in the underlying bill, appears to be that
113 undocumented immigrants are presumed to be dangerous, that
114 they are not entitled to the fundamental protections we
115 guarantee to all who are present in this country.

116 Under current law, it is already possible for
117 individuals who cannot be removed to be detained for
118 prolonged periods of time, even indefinitely, but only if
119 there is a determination, subject to proper procedural
120 safeguards, that they are especially dangerous or that they
121 pose national security risks.

122 This bill, however, would subject -- this provision
123 would subject broad categories of offenders, even those who
124 present no danger to their communities, to indefinite
125 detention based on the thinnest of procedures.

126 This amendment would preserve the status quo, which
127 strikes a better balance between respecting individual
128 liberty and protecting public safety. This amendment would
129 also remove the discrepancy between this provision and the
130 clear ruling of the Supreme Court of the United States. I
131 urge my colleagues to support the amendment, and I yield
132 back the balance of my time.

133 Chairman Goodlatte. For what purpose does the

134 gentleman from Idaho seek recognition?

135 Mr. Labrador. Mr. Chairman, I oppose the amendment.

136 Chairman Goodlatte. The gentleman is recognized for 5
137 minutes.

138 Mr. Labrador. In 2008, the Tenth Circuit provided a
139 solid basis for the constitutionality of Davis-Oliver's
140 detention provisions, allowing DHS to continue to detain
141 dangerous aliens who cannot be removed. In Hernandez-
142 Carrera v. Carlson, the Tenth Circuit, post-Zadvydas, upheld
143 a Department of Justice regulation that closely mirrors the
144 provisions in the bill.

145 The Tenth Circuit stated that "in Zadvydas, the
146 government argued that the Immigration and Nationality Act
147 did not place a limit on the length of time beyond the
148 removal period that an alien may be detained.

149 "Far from limiting the Attorney General's detention
150 authority to a small segment of particularly dangerous
151 individuals, this reading would have authorized the
152 detention of any removable alien without regard to any
153 alien's dangerousness or special characteristics.

154 "As the Supreme Court pointed out, this construction
155 suggests, at its limit, that Congress had authorized the
156 Attorney General to permanently detain an alien guilty only
157 of a tourist visa violation."

158 Bearing the court's guidance in Zadvydas in mind, the

159 Attorney General not interprets the INA to authorize
160 detention beyond this removal period only in limited special
161 circumstances. Detention beyond the removal period is
162 authorized only in situations where the government's
163 interest in an alien's continued detention is particularly
164 strong, in cases of: one, aliens with a highly-contagious
165 disease that is a threat to public safety; two, aliens
166 detained on account of serious adverse foreign policy
167 consequences of release; three, aliens detained on account
168 of security or terrorism concerns; and four, aliens
169 determined to pose a special danger to the public.

170 Therefore, in contrast to the expansive scope of ISIS
171 detention authority advanced by the government in Zadvydas,
172 the Attorney General has now interpreted the INA only to
173 authorize continued detention for a small segment of
174 individuals whose release would particularly endanger the
175 public's health or safety, or the Nation's foreign
176 relations. We are confident that due process is satisfied
177 here.

178 The Attorney General's interpretation of the INA allows
179 Congress to authorize the detention of limited classes of
180 aliens, including those who are particularly dangerous,
181 mentally ill, and cannot be released without jeopardizing
182 the public's safety, so that they need not be released into
183 the general population only because no other country will

184 accept them.

185 This interpretation, according to the Tenth Circuit, is
186 imminently reasonable. The Detention of Dangerous Alien
187 provision in this bill conforms closely to the regulations
188 upheld by the Tenth Circuit, and therefore this provision is
189 constitutional, and I urge all my colleagues to reject this
190 amendment.

191 Mr. Cicilline. Will the gentleman yield for a
192 question?

193 Mr. Labrador. Yes.

194 Mr. Cicilline. So having just listened to Mr. Nadler,
195 now listening to your argument, I am just reading, and I
196 would love to know your thoughts on this. I am reading from
197 *Zadvydas v. Davis*, United States Supreme Court decision, and
198 in that, the court said that a statute permitting indefinite
199 detention of a non-citizen, and I quote, "would raise a
200 serious constitutional problem."

201 They go on to caution, "in cases in which preventive
202 detention is a potentially indefinite duration, we have also
203 demanded that the dangerousness rationale be accompanied by
204 some other special circumstance, such as mental illness,
205 that helps to create the danger," and went on to say it must
206 also be accompanied by robust procedural protections.

207 So my question is, the Supreme Court of the United
208 States said a statute that provides for indefinite

209 detention, which this provision does, would raise serious
210 constitutional concerns, then go on to say, "but it must
211 require a special finding of dangerousness," some special
212 circumstance such as mental illness that helps to create the
213 danger, which I do not think your statute does, and then
214 finally, it says it must be accompanied by robust procedural
215 protections, which do not exist.

216 So it seems as if *Zadvydas v. Davis* would make your
217 proposed language clearly unconstitutional.

218 Mr. Labrador. Clearly, the Tenth Circuit addressed
219 your issue.

220 Mr. Cicilline. Well, this is the United States Supreme
221 Court.

222 Mr. Labrador. Yeah, yeah, but the Tenth Circuit
223 already addressed your issues post-*Zadvydas*, and they were
224 not overturned by the Supreme Court, so your interpretation
225 is incorrect. And I yield back.

226 Mr. Issa. Would the gentleman yield?

227 Chairman Goodlatte. Would the gentleman yield?

228 Mr. Labrador. Yes.

229 Mr. Issa. Or, I am sorry, to the chairman, I guess.

230 Chairman Goodlatte. I thank the gentleman for
231 yielding. I just want to point out that the Supreme Court's
232 language is dicta, it is not the law. And since the Tenth
233 Circuit's ruling, as the gentleman from Idaho noted,

234 occurred after the language in Zadvydas that you cite --
235 Mr. Cicilline. Mr. Chairman, will you yield for a
236 question?

237 Chairman Goodlatte. -- it is appropriate to follow the
238 Tenth Circuit opinion, as the Obama administration did, and
239 now we are simply codifying that.

240 So in my opinion, this is a perfectly legitimate
241 approach to how to deal with the unfortunate circumstance
242 that some countries do not cooperate with us in return of
243 citizens.

244 I also note that the new State Department leadership
245 and the new Justice Department leadership are working hard
246 to make sure that the laws are enforced with regard to
247 admissions of people from those countries who refuse to take
248 their citizens back, and this is a part of the formula of
249 getting that done. I thank the gentleman for yielding.

250 Ms. Lofgren. Mr. Chairman? Mr. Chairman?

251 Mr. Issa. Would the gentleman further yield? Or I
252 move to strike the last word. I will be brief.

253 Chairman Goodlatte. The gentleman is recognized for 5
254 minutes.

255 Mr. Issa. Thank you, Mr. Chairman. And I just want to
256 codify some questions here, and perhaps the gentleman from
257 Idaho can answer them. If I understand correctly, the vast
258 majority of people that we are talking about under this

259 proposed law would be people who, in the ordinary course, if
260 they chose to go back, their country would take them back.
261 If they had no crimes committed, their country would take
262 them back.

263 Their country continues to send people here, but in
264 most cases, because they object to going back and they know
265 that their country will refuse to take them back, they are
266 gaming the system to get released. In other words, the past
267 Supreme Court decisions have created an opportunity for
268 people to game the system to get released when, in fact, the
269 day after their release, they decided to go visit their
270 relatives in that country, they would be allowed to. Is
271 that correct?

272 Mr. Labrador. That is correct.

273 Mr. Issa. So what we are really trying to do is create
274 a tool so that the State Department can validly work with
275 these countries to ensure that the ordinary country-to-
276 country relationship, which includes taking your less
277 desirable citizens back, would be upheld. Is that correct?

278 Mr. Labrador. That is correct.

279 Mr. Issa. Well, then, I am all for it as it is, and
280 certainly would not want to limit the ability to deport
281 undesirables, especially to countries that they have no fear
282 other than they would rather stay here, even after they have
283 committed crimes. And I thank the gentleman, and I yield

284 back.

285 Chairman Goodlatte. For what purposes does the
286 gentlewoman from California seek recognition?

287 Ms. Lofgren. To strike the last word.

288 Chairman Goodlatte. Gentlewoman is recognized for 5
289 minutes.

290 Ms. Lofgren. I think that the reliance on the circuit
291 court as opposed to the Supreme Court is probably a mistake.
292 There are other constitutional problems in this bill, but I
293 do not think that is deterring the majority from going ahead
294 to enact an unconstitutional statute. But putting that to
295 one side, I do think that working within this Zadvydas
296 decision, there are refinements that could be made.

297 I think we are all aware that there have been
298 occasional instances where people who posed a threat were,
299 because of the Supreme Court decision, released. And the
300 court has given us an opportunity to legislate an answer to
301 those limited circumstances that provides for robust
302 administrative review, which is absent in this.

303 A habeas petition is not going to cut it in terms of
304 robust administrative review. A definition of why a person
305 is deemed dangerous, which I think is deficient in the bill
306 -- so I think Mr. Nadler's amendment is absolutely correct,
307 but we also, because of the bill, are missing an opportunity
308 to actually do something substantial in an area of the law

309 where it would be wise for us to work together to do
310 something substantial.

311 The other thing I wanted to mention is there are a
312 number of people who are held in the United States who are
313 stateless. They were born some place, but they are not
314 recognized as citizens of the place where they are born, and
315 they cannot be removed because they are not a citizen of any
316 place.

317 The court has made clear that absent other factors,
318 that person cannot be held for the rest of their life in
319 immigration detention. There has got to be some process to
320 deal with those situations.

321 And finally, we had talked earlier, in various
322 hearings, about the need to put pressure on some countries
323 that refuse to accept their citizens who have committed
324 offenses that are serious. The biggest offender was Cuba in
325 terms of numbers, and I do not know that we have done
326 anything so far, really, to put the hammer down on the Cuban
327 Government to accept back their nationals who have committed
328 serious offenses.

329 We have made progress with Cambodia and certain other
330 countries. Other areas, nothing. And so I do think that
331 addressing that issue, which is not present here, would be
332 wise, and I yield back.

333 Chairman Goodlatte. For what purpose does the

334 gentleman from Florida seek recognition?

335 Mr. Gaetz. Move to strike the last word.

336 Chairman Goodlatte. The gentleman is recognized for 5
337 minutes, sorry.

338 Mr. Gaetz. Thank you, Mr. Chairman. And I am
339 incredibly proud of the work that this committee has done
340 and that the House has done to combat sexual violence. And
341 I believe that this amendment undermines that great work,
342 and that we need to preserve section 310 of the Labrador
343 bill to ensure that we do not inadvertently create a system
344 that is more conducive to sexual violence

345 I absolutely agree with the comments that Ms. Lofgren
346 made, that Cuba is a particular offender of this system
347 whereby they do not take back some of their violent sexual
348 predators when we ask. And the gentlelady is correct that
349 the administration, no matter who it is, should put pressure
350 on countries to take back the people who commit heinous
351 crimes in our country.

352 The problem is that the Obama administration did just
353 the opposite. Rather than bringing pressure to bear on Cuba
354 to take back terrible people who had done terrible things,
355 we instead cozied up to Cuba with no conditions, with no
356 protections for our streets.

357 I think it is noteworthy that the Boston Globe -- not
358 exactly a place that is a bastion of conservative thought --

359 the Boston Globe did a study on some of the downstream
360 effects of the Zadvydas decision in the space of violent
361 sexual crimes. They found that convicted rapists, child
362 molesters, and kidnappers were released as a consequence of
363 this decision without the requirement that they register
364 with State or local authorities as the law requires.

365 There are a few of these example that are particularly
366 instructive. Luis Leyva-Vargas, age 47, had unlawful sex
367 with a teen. He was released in 2008 as a consequence of
368 the Obama administration's interpretation of the Zadvydas
369 decision, and then 2 years later, he kidnapped an 18-year-
370 old girl in Virginia and raped her at knifepoint.

371 Felix Rodriguez, 67 years old. A sex offender
372 convicted of raping children as young as the age of 4 in the
373 1990s was freed, also because Cuba would not take him back.
374 Months later, he fatally shot his girlfriend in Kansas City.

375 Andrew Stanley, convicted in 2000 of sodomizing a
376 child, was released in 2009 after Brazil failed to provide
377 him with the passport that would be needed to send him home.
378 For the next 2 years, he viciously abused three children in
379 St. Louis, and now, at the age of 31, will be in prison for
380 the rest of his life.

381 So time and again, we see circumstances where the Obama
382 administration's interpretation of these decisions has
383 resulted in the inability to have the tools at our disposal

384 to stop sexual violence and to hold people accountable for
385 that violence.

386 So I am going to support the Labrador bill. I am going
387 to oppose Mr. Nadler's amendment, because I do not want to
388 be an environment where our law enforcement, where our ICE
389 agents, where folks who are administering our laws at every
390 level of government, are not able to hold people long enough
391 so that the Trump administration can now exert appropriate
392 pressure on home countries to take back the very people that
393 do the harm that we are fighting so hard in a bipartisan
394 manner to stop in this committee. I yield back.

395 Ms. Lofgren. Would the gentleman yield for just a --

396 Mr. Gaetz. I will.

397 Ms. Lofgren. I just wanted to comment on the Cuba
398 issue, because I was critical, and I still am. But the
399 Obama administration did start discussions. Cuba has now
400 taken, really just a handful of criminals back. Much more
401 needs to be done, but I think I left the impression that
402 nothing had been done under the Obama administration, which
403 was actually incorrect. And I thank the gentleman for
404 allowing me to correct my misstatement.

405 Mr. Gaetz. Certainly. I yield back.

406 Mr. Gutierrez. Move to strike the last word, Mr.
407 Chairman.

408 Chairman Goodlatte. The gentleman from Illinois is

409 recognized for 5 minutes.

410 Mr. Gutierrez. Thank you, Mr. Chairman. Well, first
411 of all, I could not agree more that dangerous people should
412 be subject to severe sanctions. But what does someone
413 shoplifting at a local store have to do with being
414 dangerous? Should someone who, I do not know, picks up a
415 ring, something, at a jewelry store, or some cosmetic -- I
416 do not think anybody here would say they are dangerous.

417 They are petty thieves, but not dangerous. I can think
418 of a lot of white-collar crimes. I can think of a lot of
419 crimes in which people are not considered dangerous.

420 But the examples that are given to us is that we are
421 going to take people who did very little -- I mean, I can
422 think of a former Congressman. He was just here in the last
423 Congress. He was caught by the DEA using cocaine, and after
424 several weeks, he decided he was going to resign. But what
425 happened to that Congressman? Let me think. Because it was
426 not a violent crime, he was given a suspended sentence, and
427 for a year, he went to get drug therapy so that he would not
428 do it again.

429 So there is the way the law is implemented, ,but what
430 you are doing here is, you are saying that everyone,
431 regardless of what crime they committed or what violation of
432 the law they committed, we should be able to have them spend
433 the rest of their lives in jail.

434 And I want to just go back to something that Mr. Nadler
435 and that Congressman Zoe Lofgren mentioned, and that is that
436 it does not -- I think my friend Cicilline also mentioned it
437 -- it does not resolve the problem. By doing this, it is
438 not as though all of the countries are going to say, "Oh,
439 this is such a terrible thing. Let's just take them all
440 back."

441 So it does not resolve the issue, because it seems to
442 me that the underwriting issue on the part of the majority
443 is that by doing this, they are somehow going to take people
444 back. So it does not solve the problem that you have put
445 forward.

446 And I do want to say that the majority likes to tell us
447 in the minority, "Oh, well, Obama did it." Well, let me
448 just make it very clear to the majority that unlike the
449 majority who can find nothing that President Trump does
450 wrong, the minority found, on numerous occasions, things,
451 and challenged President Obama because of his policies, both
452 on immigration and in other aspects of the law.

453 So the minority sees ourselves as the legislative
454 branch of government that is a check and a balance against
455 the executive branch of government; and we fundamentally do
456 that. So I would hope the majority would stop talking about
457 what Obama did since not all of us on this side agree with
458 everything Obama did.

459 Lastly, I want to go to the question of Cuba, because
460 they made a big deal about Cuba. It was the majority's
461 position -- the majority's position -- for years, that any
462 Cuban that set foot in the United States of America was
463 automatically granted asylum in the United States of
464 America. That was your position.

465 And when the Marielitos came by the tens of thousands
466 to this country, just -- I mean, Fidel Castro just said to
467 the jail cells, just let all of the criminals come, along
468 with many other people, you all did not do anything about
469 it. You did not change the policy. You did not say, "Oh my
470 God, look what Fidel is doing. He is sending all these
471 criminals here. Let's stop them." No, you put politics and
472 ideology ahead, which is what you usually do.

473 So please, do not come and put on us that there are
474 Cubans in the United States of America that Cuba will not
475 take back, when it was your policy that said to anybody in
476 Cuba, "Touch the land of the United States and, wait a
477 minute, we are going to give you food stamps. We are going
478 to give you Section 8 certificate. We are going to give you
479 a nice cash bonus as soon as you get here. We are going to
480 treat you like royalty when you get to the United States of
481 America. And guess what? Within a couple of years, you can
482 become a citizen of the United States of America."

483 And even though the majority saw those people who

484 received refugee status in the United States of America, you
485 saw them returning to Cuba, the very country that they fled,
486 that said that they needed to flee, that their life was in
487 danger, that we gave them refugee status -- what did they
488 do? After we gave them asylum, they went back to Cuba and
489 visited their relatives from the very country that they
490 fled. So please do not put it on us. I think you also have
491 some soul-searching to look.

492 Chairman Goodlatte. The time of the gentleman has
493 expired. For what purpose does the gentleman from Rhode
494 Island seek recognition?

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

496 Chairman Goodlatte. The gentleman is recognized for 5
497 minutes.

498 Mr. Cicilline. Thank you, Mr. Chairman. I strongly
499 support Mr. Nadler's amendment. Any time that you create a
500 circumstance in which there is no discretion, the potential
501 for abuse and injustice is pervasive. I think everyone on
502 this committee understands our responsibility to ensure that
503 dangerous criminals are not only deported, but are kept in
504 detention if they pose a danger to the community. Everyone
505 agrees with that. There is nothing in current law that
506 prevents that from happening. In fact, it happens every
507 single day.

508 Individuals are detained when a determination is made

509 that they are dangerous, they have committed a crime, and
510 they cannot be released into the community without
511 undermining public safety. It happens every single day.
512 But what this new language would do is make mandatory the
513 detention of individuals who have been convicted of a crime
514 including nonviolent crimes such as theft, or drug
515 possession, or bouncing a check, and we just added to that
516 category of convictions just being in the United States.

517 This statute criminalizes that as well. And so you
518 have the potential for individuals who may not be welcome
519 back by their country of origin being detained indefinitely
520 for the rest of their lives for minor offenses. That
521 undermines the basic principles of our Constitution that
522 before you can deprive individuals of their liberty, there
523 must be due process of law.

524 And the notion that we would find it acceptable to keep
525 someone in prison for the rest of their life, 30 or 40 or 50
526 years, because they bounced a check or mowed someone's lawn
527 and got paid cash under the table, I think is contrary to
528 our Constitution, and certainly contrary to I think what
529 most people would think is decent and appropriate behavior.

530 The Supreme Court of the United States has warned us
531 that unlimited detention of individuals without strong
532 procedural protections, unless there is a finding that that
533 person is especially dangerous, a specific finding, raises

534 serious constitutional concerns.

535 And we have always, in the law, required that there be
536 a finding, that there be a dangerous rationale, that there
537 be a finding of dangerousness, accompanied by some special
538 circumstance that that person poses a danger to the
539 community before you can detain someone for an unlimited
540 period of time. Think about what that means to detain
541 someone for the rest of their natural life.

542 The real answer to this, as the gentlelady from
543 California mentioned, this is an issue which we should be
544 prepared to work with each other in a bipartisan way. The
545 Departments of State and Homeland Security are working
546 cooperatively under a memorandum of understanding to exert
547 sanctions over countries that refuse to accept individuals
548 from their countries, and that is producing some good
549 results. That is what we should be doing to address the
550 problem of countries who refuse to accept people back.

551 But the idea that we would consider an appropriate
552 remedy to keep someone in detention indefinitely for
553 relatively minor offenses in the absence of strong
554 procedural protections is not who we are as a country. It
555 unfairly paints people who may be in America without proper
556 documentation as criminals.

557 I will say once again that immigrants to our country
558 have strengthened America, have made us a more prosperous

559 country, have made significant, enormous contributions to
560 America, and the idea that we would move forward on a bill
561 and a section, in particular, that paints with a very broad
562 brush everyone with an expanded view of what crimes are
563 subject to removal, I think is a dangerous practice,
564 undermines our Constitution, violates the kind of founding
565 principles of our country, and I strongly support Mr.
566 Nadler's amendment.

567 Chairman Goodlatte. And for what purpose does the
568 gentleman from Texas seek recognition?

569 Mr. Poe. Mr. Chairman. Mr. Chairman.

570 Chairman Goodlatte. The gentleman from Texas.

571 Mr. Chabot. Can I withdraw my point of order?

572 Mr. Poe. Mr. Chairman.

573 Chairman Goodlatte. The gentleman's point of order is
574 withdrawn. The gentleman from Texas, for what purpose do
575 you seek recognition?

576 Mr. Poe. Strike the last word.

577 Chairman Goodlatte. The gentleman is recognized for 5
578 minutes.

579 Mr. Poe. We had a hearing on the Crimes Subcommittee,
580 I believe, and the director of the Bureau of Prisons said
581 that in the Federal penitentiary alone, not State prisons or
582 local jails, there were over 20,000 foreign nationals in
583 Federal prisons. I think his number was 23,000.

584 If the system works correctly, after those people are
585 in prison, and while they are in prison, they are ordered
586 deported, and then when they get out of prison, they are
587 sent straight back where they came from. The problem is, as
588 Ms. Lofgren and I have worked on, many countries just do not
589 take them back. They have enough criminals of their own.
590 They do not want any more coming back over to where they
591 originally came from. Cuba is the number one offender.
592 China is the number two offender.

593 But there are many countries -- and for the record, I
594 would like to have unanimous consent to introduce the -- I
595 guess it would be the top 25 countries that do not take
596 their foreign nationals back.

597 Chairman Goodlatte. Without objection, it will be made
598 a part of the record.

599 [The information follows:]

600 ***** COMMITTEE INSERT *****

601 Mr. Poe. In 2015, my understanding is that there were
602 over 35,000 Chinese prisoners in American prisons waiting
603 final order to be deported. There are no consequences for
604 China and Cuba, Vietnam, Pakistan, and all of the other
605 countries that do not take their lawfully-deported citizens
606 back, so many of them just are released after they do 6 more
607 months in detention. And we have all heard the stories
608 about those foreign nationals who are been in prison,
609 ordered deported, released, and committed another crime as
610 well.

611 There has to be a consequence for these countries that
612 refuse to take back lawfully-deported citizens of that
613 country. One of those should be that the countries should
614 lose diplomatic visas, lawful visas, to come into the United
615 States. Part of that philosophy is in this bill. I think
616 we should go further than that and prevent other visas, such
617 as student visas, from those countries. Then those
618 countries will start taking back their lawfully-deported
619 individuals.

620 Mr. Nadler. Would the gentleman yield?

621 Mr. Poe. Who is asking that question? Yes, sir.

622 Mr. Nadler. Thank you. I thank the gentleman for
623 yielding. I would just point out that what the gentleman is
624 talking about may be desirable policy, but has nothing to do
625 with this amendment. This amendment deals with the question

626 not of how you deal with a foreign government, but of what
627 you do with someone here who cannot be deported to that
628 foreign government.

629 And the question is, can you hold that person
630 indefinitely with a minimum of due process? And the
631 amendment contends -- I contend -- that you cannot, because
632 it runs afoul of the Supreme Court decision, and you should
633 not. There has got to be some sort of reasonable due
634 process to hold someone in detention indefinitely, and that
635 is what this amendment is about.

636 Mr. Poe. I reclaim my time.

637 Mr. Nadler. Thank you.

638 Mr. Poe. I thank the gentleman. You know, I am from
639 Texas, so I am a little slow getting to the point. So if we
640 work on that end, this problem of the indefinite detention
641 hopefully can be solved, if there is a consequence for
642 countries not taking their lawfully-deported individuals
643 back, and then they will take them back, and they will not
644 be in custody indefinitely. That is what I think we should
645 work on as well

646 If I understand the correct rulings of the court, the
647 Supreme Court has ruled, as the chairman has said, in dicta,
648 that there should be some type of remedy for people that are
649 indefinitely detained. The Tenth Circuit case is after
650 that, and there was no appeal of the Tenth Circuit case to

651 the Supreme Court. So there is not a case in controversy
652 before the Supreme Court, and the Tenth Circuit case, then,
653 is the law of the land.

654 I personally have a concern about indefinite detention
655 of individuals. I just have an overall concern about that.
656 But I think the Tenth Circuit case is the law of the land,
657 and unless Congress wants to remedy that and change it, as
658 Mr. Nadler wants to do in his amendment, then it is going to
659 stay the law of the land.

660 My point being, to the chairman, is we have to work on
661 the reason why these people are being detained for such a
662 long period of time, remembering that over 20 percent of the
663 people in Federal penitentiaries come from some other place
664 other than the United States. I yield back to the chair.

665 Chairman Goodlatte. For what purpose does the
666 gentlewoman from Texas seek recognition?

667 Ms. Jackson Lee. Strike the last word.

668 Chairman Goodlatte. The gentlewoman is recognized for
669 5 minutes.

670 Ms. Jackson Lee. Well, my good friend from Texas has
671 offered a thoughtful perspective. But I think the point
672 that I want to make is that this underlying bill is
673 exceedingly harsh. It really has no purpose in its
674 harshness. It is punitive. It is intending to take a
675 sledgehammer.

676 Now, mixing apples and oranges, labeling all non-
677 stasured individuals as criminals, that is the underlying
678 premise. If you are 6 years old and unstasured, you are a
679 criminal. And therefore, it has little legitimacy for any
680 of us who want a thoughtful perspective to immigration
681 reform.

682 I have introduced legislation for more than a decade on
683 the issue of immigration reform. The Gang of Eight a couple
684 years ago, until people got weak-kneed, had at least a
685 proposal that passed the Senate. It even had some support
686 by opposition over here in the house. But we were prepared
687 to begin to address the question. We did not do it.

688 Now, crossing on the border are down. People are not
689 coming across the border. Tourists are not coming to the
690 United States because of the ugly face of how we treat
691 immigrants. And all that we are dealing with are
692 individuals who are here unstasured, who are families and
693 children totaling -- the number keeps going from one number
694 to the next -- about 11 million, who are going further and
695 further and further under the shade. Going deeply out of
696 society, frightened for their life, afraid of the
697 deportation task force that General Sessions and the
698 President of the United States happily have proposed and
699 funded in this heinous, cruel budget that we will be
700 addressing tomorrow.

701 And so I support Mr. Nadler's amendment. Bar the Tenth
702 Circuit, the Supreme Court has made it very clear that one
703 of the core tenets of democracy enshrined in our
704 Constitution, the protection of the individual liberty of
705 every person within the United States, a liberty that cannot
706 be violated without due process of law.

707 Now, the Constitution requires that every person get
708 their day in court. No one can be disappeared and banished
709 in a gulag similar to what happens in Russia and to other
710 governments of that type, in Turkey, where individuals are
711 never seen. We typically do not have the government bashing
712 protesters as the president of Turkey did.

713 We are in a democracy, and all on our soil are owed
714 that respect, which, by the way, is the respect I want to
715 offer to the President of the United States. This committee
716 has done nothing to begin an impeachment inquiry so that we
717 can follow the facts. Done nothing.

718 And in light of the most recent appalling announcements
719 of the National Security Agency Director and the National
720 Intelligence Director asking to, in essence, cover up
721 whether there was Russian collusion, I still want democracy,
722 due process, for the highest office in the land. That is
723 what I expect Director Mueller is going to do. Follow the
724 facts, but do it in a way that each person has their due
725 process rights.

726 There are crimes being performed right in front of the
727 eyes of the American people. Nobody on this committee is
728 interested on the other side of the aisle. Nobody wants to
729 hold the appropriate fact-finding hearings with Sally Yates,
730 former Director Comey. Here we are again talking about a
731 bill that undermines the Constitution and goes against a
732 Supreme Court decision.

733 So all I can say to my colleagues, thank goodness for
734 Jerry Nadler's amendment. He recognizes that this committee
735 still has a responsibility for the Constitution. And I
736 would rise to support it, but I still raise the question as
737 I conclude, are we going to do anything regarding what is in
738 front of us as a Judiciary Committee that upholds the
739 Constitution and begins to explore the facts that are
740 occurring and swirling around the Oval Office?

741 I support the Nadler amendment. I yield back.

742 Chairman Goodlatte. The question occurs on the
743 amendment offered by the gentleman from New York.

744 All those in favor, respond by saying aye.

745 Those opposed, no.

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

747 Mr. Conyers. Roll call.

748 Chairman Goodlatte. Roll call vote is requested, and
749 the clerk will call the roll.

750 Ms. Adcock. Mr. Goodlatte?

751 Chairman Goodlatte. No.

752 Ms. Adcock. Mr. Goodlatte votes no.

753 Mr. Sensenbrenner?

754 [No response.]

755 Mr. Smith?

756 Mr. Smith. No.

757 Ms. Adcock. Mr. Smith votes no.

758 Mr. Chabot?

759 [No response.]

760 Mr. Issa?

761 [No response.]

762 Mr. King?

763 Mr. King. No.

764 Ms. Adcock. Mr. King votes no.

765 Mr. Franks?

766 Mr. Franks votes no.

767 Ms. Adcock. Mr. Franks votes no.

768 Mr. Gohmert?

769 [No response.]

770 Mr. Jordan?

771 [No response.]

772 Mr. Poe?

773 Mr. Poe. No.

774 Ms. Adcock. Mr. Poe votes no.

775 Mr. Chaffetz?

776 [No response.]
777 Mr. Marino?
778 Mr. Marino. No.
779 Ms. Adcock. Mr. Marino votes no.
780 Mr. Gowdy?
781 [No response.]
782 Mr. Labrador?
783 Mr. Labrador. No.
784 Ms. Adcock. Mr. Labrador votes no.
785 Mr. Farenthold?
786 Mr. Farenthold. No.
787 Ms. Adcock. Mr. Farenthold votes no.
788 Mr. Collins?
789 Mr. Collins. No.
790 Ms. Adcock. Mr. Collins votes no.
791 Mr. DeSantis?
792 Mr. DeSantis. No.
793 Ms. Adcock. Mr. DeSantis votes no.
794 Mr. Buck?
795 Mr. Buck. No.
796 Ms. Adcock. Mr. Buck votes no.
797 Mr. Ratcliffe?
798 Mr. Ratcliffe. No.
799 Ms. Adcock. Mr. Ratcliffe votes no.
800 Mrs. Roby?

801 [No response.]

802 Mr. Gaetz?

803 Mr. Gaetz. No.

804 Ms. Adcock. Mr. Gaetz votes no.

805 Mr. Johnson of Louisiana?

806 Mr. Johnson of Louisiana. No.

807 Ms. Adcock. Mr. Johnson votes no.

808 Mr. Biggs?

809 [No response.]

810 Mr. Conyers?

811 Mr. Conyers. Aye.

812 Ms. Adcock. Mr. Conyers votes aye.

813 Mr. Nadler?

814 Mr. Nadler. Aye.

815 Ms. Adcock. Mr. Nadler votes aye.

816 Ms. Lofgren?

817 Ms. Lofgren. Aye.

818 Ms. Adcock. Ms. Lofgren votes aye.

819 Ms. Jackson Lee?

820 Ms. Jackson Lee. Aye.

821 Ms. Adcock. Ms. Jackson Lee votes aye.

822 Mr. Cohen?

823 [No response.]

824 Mr. Johnson of Georgia?

825 Mr. Johnson of Georgia. Aye.

826 Ms. Adcock. Mr. Johnson votes aye.
827 Mr. Deutch?
828 [No response.]
829 Mr. Gutierrez?
830 [No response.]
831 Ms. Bass?
832 [No response.]
833 Mr. Richmond?
834 [No response.]
835 Mr. Jeffries?
836 Mr. Jeffries. Aye.
837 Ms. Adcock. Mr. Jeffries votes aye.
838 Mr. Cicilline?
839 Mr. Cicilline. Aye.
840 Ms. Adcock. Mr. Cicilline votes aye.
841 Mr. Swalwell?
842 [No response.]
843 Mr. Lieu?
844 Mr. Lieu. Aye.
845 Ms. Adcock. Mr. Lieu votes aye.
846 Mr. Raskin?
847 [No response.]
848 Ms. Jayapal?
849 Ms. Jayapal. Aye.
850 Ms. Adcock. Ms. Jayapal votes aye.

851 Mr. Schneider?

852 Mr. Schneider. Aye.

853 Ms. Adcock. Mr. Schneider votes aye.

854 Chairman Goodlatte. The gentleman from Wisconsin?

855 Mr. Sensenbrenner. No.

856 Ms. Adcock. Mr. Sensenbrenner votes no.

857 Chairman Goodlatte. The gentleman from Texas, Mr.

858 Gohmert?

859 Mr. Gohmert. No.

860 Ms. Adcock. Mr. Gohmert votes no.

861 Chairman Goodlatte. The gentleman from Colorado?

862 Voted already? Has every member voted who wishes to vote?

863 The gentleman from California, Mr. Issa? The gentleman from

864 California, Mr. Issa?

865 Mr. Issa. No.

866 Ms. Adcock. Mr. Issa votes no.

867 Chairman Goodlatte. The gentleman from Tennessee, Mr.

868 Cohen?

869 Mr. Cohen. Aye.

870 Ms. Adcock. Mr. Cohen votes aye.

871 Chairman Goodlatte. Has every member voted who wishes

872 to vote? The clerk will report.

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

874 members voted no.

875 Chairman Goodlatte. And the amendment is not agreed

876 to. Are there further amendments?

877 For what purpose does the gentlewoman from California
878 seek recognition?

879 Ms. Lofgren. I have an amendment at the desk.

880 Chairman Goodlatte. The clerk will report the
881 amendment.

882 Ms. Lofgren. Here it comes.

883 Chairman Goodlatte. Starting with the next amendment,
884 if the amendment is not at the desk when it is called for,
885 then we are going to move on to another member's amendment
886 that is at the desk, as I see that some are there ready to
887 be considered.

888 Ms. Adcock. Amendment to H.R. 2431, offered by Ms.
889 Lofgren. Strike section --

890 [The amendment of Mr. Lofgren follows:]

891 ***** COMMITTEE INSERT *****

892 Chairman Goodlatte. Without objection, the amendment
893 is considered as read, and the gentlewoman is recognized for
894 5 minutes on her amendment.

895 Ms. Lofgren. Thank you, Mr. Chairman. Law enforcement
896 leaders around the country oppose this bill because it would
897 force States and localities to enforce Federal immigration
898 laws, which harms community policing and thereby jeopardizes
899 public safety. Defenders of this bill say it merely gives
900 State and local law enforcement the option to enforce
901 immigration laws if they want to use that authority.

902 Section 114, which this amendment would strike,
903 provides that any State or locality that adopts a statute,
904 policy, or practice that puts public safety and community
905 policing ahead of immigration enforcement is barred from
906 receiving various forms of Federal funding, including COPS
907 on the Beat funds to support community policing efforts, as
908 well as Byrne JAG grants that provide funding for law
909 enforcement, and other DOJ or DHS grants related to law
910 enforcement, terrorism, national security, or immigration.

911 Now, the Major Cities Police Chiefs Association, which
912 represents police departments from all major metropolitan
913 areas of the country, has opposed this bill because it will
914 make their jobs harder.

915 This is what they said. "We respectfully ask that
916 Congress leave to local government the decisions related to

917 how local law enforcement agencies allocate their resources,
918 direct their workforce, and define the duties of their
919 employees. The role of local police officers relating to
920 immigration enforcement should be left to local government.
921 Surely it is not good public policy to force an unwanted
922 role upon police through the threat of sanctions or
923 withholding police assistance funding."

924 In a recent op-ed in Roll Call, the police chief of
925 Dayton, Ohio, specifically wrote that these types of
926 policies would be an unmitigated disaster and would actually
927 make communities less safe.

928 Now, speaking in opposition of this bill in the 113th
929 Congress, the police chief of Riverside, California, said
930 that when law enforcement officers are perceived to be an
931 arm of immigration, there are people in the immigrant
932 community who would avoid contact with the police and
933 anybody else in the criminal justice system. They do not
934 report crimes, they do not identify criminals, they do not
935 give testimony to the police, nor do they do so in court.
936 This is an advantage only for criminals.

937 I think it is perverse, as this bill would do, to
938 punish communities that prioritize public safety through
939 community policing to deny COPS on the Beat and Byrne JAG
940 funds. The COPS funding is intended to promote community
941 policing, and it would be denied institutions and local

942 governments who are in fact prioritizing community policing.

943 The Byrne JAG Program is a top source of Federal
944 justice funding provided to State and localities. In 2016,
945 JAG funding was a total of \$274.9 million to States, tribes,
946 and local governments, and it is really important funding
947 for the arrest and prosecution in corrections relative to
948 drug enforcement and crime and victim witness initiatives.

949 So I just do not think it makes sense to deny these
950 funds to local governments that are prioritizing public
951 safety. The Department of Homeland Security funds also are
952 important relating to biological, radiological, nuclear, or
953 cyber attacks. Denying such grants really is unwise, and I
954 think this amendment would solve that problem. I yield
955 back.

956 Chairman Goodlatte. For what purpose does the
957 gentleman from Idaho seek recognition?

958 Mr. Labrador. Mr. Chairman, I oppose this amendment.

959 Chairman Goodlatte. The gentleman is recognized.

960 Mr. Labrador. This amendment is predicated on the
961 argument that section 114 unconstitutionally commandeers
962 States and localities. This is simply incorrect. In the
963 Supreme Court's 1997 decision in *Printz v. United States*,
964 the court held that the government could not compel State
965 and local law enforcement to conduct background checks for
966 all gun transfers. More broadly, the court found that the

967 Federal Government could not impose an affirmative duty or
968 regulatory scheme on States which would necessitate the
969 State taking time to carry out such a duty.

970 Under the Tenth Amendment, there are two spheres: a
971 Federal sphere and a State sphere. The Davis-Oliver Act
972 neither requires States and localities to adopt a regulatory
973 scheme nor imposes any affirmative duty on them. Those
974 States and localities that proactively wish to direct their
975 law enforcement officers to assist in Federal immigrant
976 enforcement may do so. This is purely voluntary and not an
977 impermissible extension of Federal authority.

978 Section 114 simply amends and clarifies a 2-decade-old
979 provision in the Immigration and Nationality Act to ensure
980 that States and localities cannot prohibit their officers
981 from voluntarily communicating with ICE and providing
982 assistance. And I want to repeat that. Nothing in this
983 bill is requiring the States to do something. We are trying
984 to ensure that the States and localities do not prohibit the
985 local officers from assisting immigration.

986 No affirmative duty exists here. The Federal
987 Government is not forcing States or localities to divert
988 time or resources away from matters within their own sphere.
989 Simply, this provision prohibits them from interfering in
990 their officers' decisions to help keep our Nation safe.

991 It is astounding to me that for the last 2 weeks we

992 have heard argument after argument after argument trying to
993 protect criminal aliens as opposed to trying to protect the
994 citizens of the United States. Sanctuary policies do not
995 serve a legitimate purpose, and seek only to impede the
996 lawful enforcement of Federal immigration laws.

997 Recent data suggests that in the past year, arrests by
998 ICE have increased tremendously in cities without these
999 policies, while they have stayed stagnant or decreased in
1000 jurisdictions with sanctuary practices. Can we assume that
1001 there are no criminal aliens in cities such as San
1002 Francisco? No. These numbers reflect a true lack of
1003 cooperation which will do nothing but ultimately threaten
1004 the citizens of those communities.

1005 Furthermore, any requirements with a provision of
1006 information would not rise to the level of commandeering.
1007 This requirement does not impose a targeted, affirmative,
1008 coercive duty on States or localities. The information
1009 being requested is readily available, and will not cost
1010 States or localities undue time or money in order to provide
1011 such information to the Federal Government.

1012 Additionally, as the Federal Government will reimburse
1013 States and localities for the cost of providing this
1014 information, it would not pass muster as commandeering under
1015 Printz. It is not commandeering for the Federal Government
1016 to prohibit policies and practices that handcuff State and

1017 local law enforcement officers. It is likewise not
1018 commandeering to request biographic and identifying
1019 information from States or localities. I urge my colleagues
1020 to oppose this amendment. I yield back.

1021 Ms. Lofgren. Mr. Chairman.

1022 Chairman Goodlatte. For what purpose does the
1023 gentleman from New York seek recognition?

1024 Mr. Nadler. Strike the last word.

1025 Chairman Goodlatte. The gentleman is recognized for 5
1026 minutes.

1027 Mr. Nadler. Mr. Chairman, many of the policies that
1028 this amendment and the majority choose to put under the
1029 umbrella label of sanctuary cities or sanctuary policies are
1030 in fact simply saying hey, we have a policy of community
1031 policing. We depend on people to step forward as witnesses.
1032 We depend on people to report crimes. We depend on people
1033 to cooperate with law enforcement, and if they know or
1034 suspect that if they do so, that will turn law enforcement's
1035 attention in their direction in terms of deportation, then
1036 we will get less reporting of crimes. We will get less
1037 witnesses. We will get less information, and our community
1038 will be less safe. That is a perfectly rational judgment
1039 that a local government may make.

1040 The gentleman from Idaho says, well, we are not telling
1041 anybody what to do. We are not commandeering the State. We

1042 are simply saying a State or local government may not tell
1043 its officer what do to. The officer must make the decision,
1044 because we are getting in between, the Federal Government is
1045 interposing its authority between the policeman on the beat,
1046 or policewoman on the beat, and his commanding officer.

1047 And his commanding officer may not tell him, hey, you
1048 know, do not reveal certain people to ICE because it may
1049 reduce cooperation and trust with the police."

1050 And in fact, besides being obnoxious in that it is no
1051 business of the Federal Government to get in between the
1052 police commissioner and the individual police person and to
1053 assert its authority within the mechanism of the local
1054 government; second of all, it is for a perfectly rational
1055 judgment. It is not ours to second-guess when the local
1056 government decides this is the way, the better way, to keep
1057 our people safe.

1058 Many local governments have made those determinations and
1059 have found that, in fact, community policing, getting trust
1060 in all kinds of communities, including immigrant and other
1061 communities, is the better way of getting cooperation and
1062 getting domestic abuse reported, getting other things
1063 reported, getting witnesses to turn up.

1064 And what we are doing here is interfering with that
1065 because we know best. What ever happened to the good old
1066 Republican doctrine that local government knows best? We

1067 are saying we know best, and we are going to prohibit you
1068 from doing this kind of community policing. We are going to
1069 put a road block in the way, and we are going to make your
1070 communities less safe as a result. This amendment will
1071 mitigate that damage, and I support the amendment, and I
1072 yield back.

1073 Ms. Lofgren. Mr. Chairman.

1074 Chairman Goodlatte. For what purpose does the
1075 gentleman from Florida seek recognition?

1076 Mr. Gaetz. Strike the last word.

1077 Chairman Goodlatte. The gentleman is recognized for 5
1078 minutes.

1079 Mr. Gaetz. Thank you, Mr. Chairman. I oppose
1080 sanctuary policies, and I believe that the underlying
1081 legislation offered by Mr. Labrador is but a modest down
1082 payment on reforms that are needed to ensure that we have
1083 true public safety and that we have the tools at our
1084 disposal throughout the entire apparatus of government to
1085 keep our people safe.

1086 It is noteworthy that during a 20-month period
1087 beginning in 2014, there was a study done of the 8,145
1088 illegal aliens who were released as a consequence of
1089 sanctuary policies: 5,132 of them, or 63 percent, had
1090 previous criminal convictions or were marked as public
1091 safety concerns. Of those 8,145 who were released during

1092 this period as a result of sanctuary policies, 1,867 were
1093 subsequently re-arrested, for a total of 4,298 additional
1094 arrests and additional charges.

1095 It was mentioned that it is really no business of the
1096 Federal Government to be involved in whether or not
1097 communities have sanctuary policies. It was said that we
1098 should not second-guess their decisions. And so that really
1099 ripens the question before us well beyond immigration
1100 policy. The question is whether or not localities should be
1101 able to pick and choose which Federal laws are followed and
1102 enforced.

1103 It was mentioned that it is truly Republican doctrine
1104 to just allow local communities to do what they want. That
1105 is not true. It was 100 years ago that Republicans in
1106 Congress passed a bill to punish counties that failed to
1107 enact anti-lynching ordinances. Democrats, at the time,
1108 objected. They said that locals should determine whether or
1109 not there are anti-lynching policies, sort of a sanctuary
1110 policy, for this terrible practice.

1111 In Arkansas, there was a decision at the local level to
1112 fight against desegregation policies, and I do not think it
1113 was wrong that we put Federal assets in place to march those
1114 minority children into those classrooms, because we decided
1115 that Little Rock, Arkansas, would not be a sanctuary from
1116 the anti-discrimination policies that were so important to

1117 the country.

1118 What about voting rights? What about equal rights?

1119 What about free speech? What about freedom of the press? I

1120 think it is very clear that we have to have Federal

1121 standards that ensure safety, security, and access to the

1122 rights that we all hold so dear.

1123 So I will oppose a sanctuary in this instance with

1124 immigration, and I certainly do not believe we ought to have

1125 any circumstance in the country where local governments get

1126 to pick and choose the laws that they follow or not follow.

1127 And in terms of the specific reforms that the Labrador

1128 bill offers, we should absolutely fight against a local

1129 government that stands between law enforcement and

1130 coordination and cooperation with those at ICE. And with

1131 that, I yield back.

1132 Chairman Goodlatte. Would the gentleman yield?

1133 Mr. Gaetz. Yes.

1134 Chairman Goodlatte. I appreciate the gentleman's

1135 remarks. I think they are spot-on, and I want to add to

1136 them that there is precious little evidence that cooperation

1137 between Federal and local law enforcement will cause

1138 immigrants, even unlawful aliens, to stop reporting crimes.

1139 Ms. Jackson Lee. Oh, my God. Mr. Chairman.

1140 Chairman Goodlatte. Victims and witnesses to crimes

1141 are not targets for immigration law enforcement, a point

1142 that is repeatedly emphasized by ICE and local law
1143 enforcement in outreach to immigrant communities.

1144 In fact, victims and witnesses are eligible for
1145 immigration relief, such as T visas for trafficking victims,
1146 and U visas for crime victims. These tools have proven to
1147 be a much more powerful way to encourage cooperation from
1148 the immigrant community than noncooperation with Federal law
1149 enforcement or sanctuary policies. And I thank the
1150 gentleman for yielding.

1151 For what purpose does the gentlewoman from Texas seek
1152 recognition?

1153 Ms. Jackson Lee. Strike the last word.

1154 Chairman Goodlatte. The gentlewoman is recognized for
1155 5 minutes.

1156 Ms. Jackson Lee. Mr. Chairman, I think that we all
1157 have to respect the men and women who serve in ICE and
1158 Customs and Border Protection and serve in our Federal
1159 service. But there is no doubt that as this new President
1160 has come into office, the image of ICE has been the
1161 deportation task force, and the fear has accelerated. And
1162 that fear has caved opportunities for cooperation with
1163 police on the local level.

1164 The Major Cities Chiefs Association representing the
1165 police departments from all major metropolitan areas of the
1166 country has opposed this bill because it will make their

1167 jobs harder. "We respectfully ask that Congress leave to
1168 local government the decisions related to how local
1169 government enforcement can allocate their resources, direct
1170 their workforce, define the duties of their employees."

1171 We heard from chiefs of police and sheriffs just a week
1172 ago that sanctuary policies do not work, and by the way,
1173 that is the word of Republicans. There is no sanctuary
1174 policy. There is no big tent that everybody's hiding under.
1175 Yes, there are people so frightened that they are hiding in
1176 churches, and of course they have been grabbed out of
1177 churches by Federal law enforcement.

1178 If that is their desire, under this President, then
1179 that is what they have to do. But local police chiefs have
1180 said the role of the local police officers, relating to
1181 immigration enforcement, should be left the local
1182 government. They are not the Federal agents.

1183 And surely, it is not good public policy to force an
1184 unwanted role upon police to the threat of sanctions or
1185 withholding of police assistant funding. You are
1186 undermining the very organization that is responsible,
1187 locally, for law and order. And you are pulling people out
1188 that have perpetrated no crime.

1189 In an op-ed published in Roll Call in 2014, the police
1190 chief for Dayton, Ohio, wrote that the, then, SAFE Act,
1191 which is just a giant SAFE Act, would be an unmitigated

1192 disaster that would actually make our communities less safe,
1193 and I know the intentions of my good friend may be, in his
1194 perception, good. But it is an unmitigated disaster.

1195 Now, my good friend who was giving us a history in race
1196 relations and civil rights, I wish I could get enthusiastic
1197 about it, but those were the Dixiecrats, and we know them.
1198 My question is where the Attorney General was, as he lived
1199 and promoted segregationist policies in Alabama. He is not
1200 yesteryear; he is the Attorney General of the United States
1201 of America. He promoted segregationist policies, acted
1202 under them.

1203 We have no notation that he was standing up, supporting
1204 Dr. Martin Luther King when he was marching in Selma,
1205 marching in Montgomery, or marching in Birmingham, so I do
1206 not want to have race brought up of yesteryear. I am going
1207 to talk about what was going on today: Muslim ban against
1208 Muslims, many instances of individuals of color.

1209 This immigration policy goes against, in large measure,
1210 people of color. It is frightening, and I remember sitting
1211 in this committee when the whole audience were filled with
1212 people from Ireland, and they were begging for an
1213 immigration policy that would allow them to stay in the
1214 United States, and there were members on this podium that
1215 acknowledged the Polish, so the immigration policies impact
1216 all communities.

1217 We do not need to bring up the question of race or what
1218 somebody did 50 years ago; I am worried about what they are
1219 doing now, and I, frankly, believe that this is a dastardly
1220 bill with bad consequences and punishing of cities, and so I
1221 want to support the Lofgren amendment, and I would be happy
1222 to support the Lofgren amendment. I yield to the
1223 gentlelady.

1224 Ms. Lofgren. Thank you. The chairman indicated that
1225 there was no evidence that immigrants communities, I think I
1226 heard him correctly, had not cooperated with the police
1227 because of immigration.

1228 I would like to ask unanimous consent to put into the
1229 record an article in the Los Angeles Times, quoting the
1230 chief of police of Los Angeles, talking about a 25 percent
1231 drop off and reporting, from immigrants communities, of
1232 sexual assault that is not matched in other communities, as
1233 well as an article in the Houston paper from the police
1234 chief there, indicating that the reporting of crime among
1235 Hispanics is down 42.8 percent, and that is sexual assault
1236 and other violent crimes down 13 percent that is not matched
1237 in other communities.

1238 It is clear that immigration enforcement is having a
1239 huge impact, and I would ask --

1240 Chairman Goodlatte. The time of the gentlewoman has
1241 expired.

1242 Without objection, the documents will be made part of
1243 the record.

1244 [The information follows:]

1245 ***** COMMITTEE INSERT *****

1246 Chairman Goodlatte. For what purpose does the
1247 gentleman from Rhode Island seek recognition?

1248 Mr. Cicilline. I move to strike the last word.

1249 Chairman Goodlatte. The gentleman is recognized for 5
1250 minutes.

1251 Mr. Cicilline. I thank the gentlelady for offering
1252 this amendment and strongly support it. I would like,
1253 first, to quote from a letter we received from a number of
1254 police chiefs all throughout the country in opposition to
1255 this bill, and they say very aptly, "Immigration enforcement
1256 is first and foremost a Federal responsibility.

1257 Immigration enforcement of the State and local level
1258 divert limited resources for public safety. State and local
1259 law enforcement agencies face tight budgets and should not
1260 be charged with the Federal Government's role in enforcing
1261 Federal immigration law."

1262 They go on to say, "Additionally, State and local law
1263 enforcement need the trust of our communities to do our
1264 primary job, which is apprehending criminals and protecting
1265 the public." They go on to say, "Legislation like the SAFE
1266 Act threatens to undermine trust between immigrant
1267 communities and State and local law enforcement. When State
1268 and local law enforcement agencies are required to enforce
1269 Federal immigration laws, undocumented residents may become
1270 fearful that they or people they know will be exposed to

1271 immigration officials and are less likely to cooperate.
1272 This undermines trust between law enforcement and these
1273 communities, creating breeding grounds for criminal
1274 enterprises."

1275 That is the position, virtually, of every law
1276 enforcement officer that has spoken about this and that has
1277 read to this community or that I have spoken to personally.
1278 We all understand we have no greater responsibility than the
1279 safety of our communities, and this provision, particularly,
1280 will make our communities less safe.

1281 And rather than a bunch of legislators in Washington
1282 getting to make decisions about how police departments run,
1283 why not rely on the people who are actually doing the work,
1284 who have real expertise, who have been trained in the area
1285 of public safety?

1286 I know this from my own experience. We had a community
1287 trust policy in the city of Providence, and as a result of
1288 the relationship that was built up between the community and
1289 the police of trust, we had the lowest crime rate the city
1290 of Providence had in 40 years. That is a fact.

1291 And that is repeated all across the country, which is
1292 why police officers and public safety commissioners, those
1293 who are on the ground doing this work acknowledge that this
1294 will make communities less safe, so the irony of punishing
1295 communities that have made public safety a priority by

1296 having community trust policies, by punishing them, by
1297 denying them COPS funding or Byrne grants, seems, to me, a
1298 cruel, cruel irony.

1299 With all due respect to everyone on this committee, I
1300 think we have to respect the judgment of police chiefs and
1301 public safety commissioners who are doing very difficult
1302 work to keep our communities safe. Their judgment should be
1303 respected, and the idea that any member of this committee
1304 has a better sense of how police departments should
1305 operationalize their work, I think, is an absurdity, and the
1306 suggestion that, you know, immigrants, fearful that their
1307 local police department will enforce immigration law, have
1308 no impact because they are not the targets of law
1309 enforcement, well, truly that is true; they are not the
1310 targets, but it is the question of what is the perception of
1311 that undocumented person? Are they fearful?

1312 And the overwhelming evidence is, and the gentle lady
1313 from California referenced some, there is so much additional
1314 evidence that people who are uncertain about what the law
1315 enforcement response will be to the immigration status are
1316 less willing to take the risk of coming forward and
1317 reporting crime or showing up to be a witness, and there are
1318 examples of that all across the country.

1319 This proposal, though dressed up in the idea of
1320 enhancing public safety, makes our communities less safe.

1321 We have received, from the Fraternal Order of Police, from
1322 the National Sheriffs Association, from the Major Cities
1323 Chiefs, and on and on and on, the considered judgment of
1324 experienced, qualified professionals, who lead police
1325 departments all across this country, that say this will make
1326 our communities less safe; it will make our responsibility
1327 of keeping residents of our cities and towns safe more
1328 difficult.

1329 I strongly urge my colleagues to put aside whatever
1330 their preconceived notions are of what this means, listen to
1331 the experts who actually do this work, who are saying the
1332 trust and confidence of the members of our community
1333 matters, and my police chief used to say the most powerful
1334 asset I have in the police department is not a tank; it is
1335 not a gun. It is the trust and confidence of the community
1336 we serve. That is the most powerful tool, the most powerful
1337 weapon in fighting crime. Let's respect the judgment of
1338 police chiefs who say that, support this amendment, and I
1339 thank the gentlelady for submitting, and I yield back.

1340 Chairman Goodlatte. For what does the gentleman from
1341 Louisiana seek recognition?

1342 Mr. Johnson of Louisiana. Move to strike the last
1343 word.

1344 Chairman Goodlatte. Gentleman is recognized for 5
1345 minutes.

1346 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
1347 This is a big issue in my home State of Louisiana. In fact,
1348 our State legislator is meeting, as we speak, and debating a
1349 sanctuary cities ban in State law there. I was a legislator
1350 last year and helped lead that charge. We lost the bill in
1351 the committee, but they brought it up again because it is
1352 important.

1353 In my State, the city of New Orleans, has been in
1354 flagrant violation of Federal immigration laws; they are one
1355 of about 200 cities that have been cited, as has been
1356 mentioned, in the Department of Justice's report about
1357 cities that have not complied with requests from ICE to
1358 detain undocumented immigrants for potential deportation.
1359 We have to allow ICE to do its job.

1360 I just want to go on record, Mr. Chairman, as agreeing
1361 with Representative Labrador's bill wholeheartedly and
1362 opposing this and the other amendments because I think it is
1363 an effort to weaken it. John Adams famously compared our
1364 Republic, the idea, the principle of our Republic, to an
1365 empire. In his day, people were trying to understand the
1366 difference and the distinction, and he famously said, of
1367 course, that we are a Nation of laws and not of men. What
1368 he meant by that is that the rule of law is important to our
1369 form of government, that we have to comply with the law, and
1370 as much as we would want to give discretion to local

1371 officials that is been argued here, we cannot do that. We
1372 have to comply with the letter of the law.

1373 If we allow local officials to decide, on their own
1374 whims, which laws they want to comply with and which they do
1375 not, then we lose the essence of our Republic, that we are a
1376 Nation of laws and not of men, so these are the overarching
1377 principles behind all this. It does not mean that
1378 Republicans and those who support this bill, lack compassion
1379 for immigrants or anything. It just means that we have to
1380 maintain our system of justice and the rules that underlie
1381 that, and so if anyone tells you that we are lacking in
1382 compassion, that is simply not the case.

1383 We just want to make sure that the law is complied
1384 with, because not only is it a matter of principle; it is
1385 also a matter of national security, and we know that
1386 dangerous persons are coming across the porous southern
1387 border and in other ways, and they are finding sanctuary in
1388 these cities, so the facts are the facts. We should remove
1389 the emotion from debate, and we should support commonsense
1390 legislation.

1391 Mr. Cicilline. Will the gentleman yield?

1392 Mr. Johnson of Louisiana. I will yield.

1393 Mr. Cicilline. You just made the claim that this is
1394 somehow authorizing local communities to not follow Federal
1395 law and I would just ask, the provisions actually shift

1396 responsibility or punish communities who refuse to accept
1397 responsibility for the enforcement of Federal immigration.
1398 There is, in fact, no suggestion in this bill, nor of any
1399 use of any of these cities, that people are breaking the
1400 law.

1401 The question is different. It is not whether or not
1402 cities are required to follow Federal law; it is whether or
1403 not we can punish communities who refuse to accept the
1404 responsibility of enforcing Federal immigration law, which I
1405 think is a different question because there is nobody on
1406 this committee, I think, who was suggesting that local
1407 communities are permitted to violate Federal law. That is a
1408 different question than saying, is it appropriate to require
1409 local community to take on the responsibility and burden of
1410 enforcing Federal immigration law when the local police
1411 department is saying, "We do not think this is helpful in
1412 keeping our communities safe?"

1413 It is a different question, and so I would just push
1414 back very hard on the idea that anyone who is opposing this
1415 bill is doing it because we think local communities should
1416 be permitted to break the law and pick what laws to enforce.
1417 No. We are talking about police departments. They take
1418 enforcing the law and abiding by the law and upholding the
1419 law very seriously, and so I do not know of any community
1420 trust city or town that is breaking Federal law. That is a

1421 very different question than saying, "We are going to impose
1422 on you the requirement that you enforce Federal
1423 immigration."

1424 Mr. Johnson of Louisiana. I respect my colleague very
1425 much, but I would say that we can parse the language and
1426 engage in semantics on this all day long. You portrayed
1427 this as, well, we have decided on the local level that it is
1428 an, "Undue burden on us to enforce this particular Federal
1429 law," but where does that argument go? If you take it to
1430 its full and logical conclusion, it means that everyone can
1431 decide at any time whatever they subjectively regard to be
1432 an undue burden. Well, I do not like this Federal law; I do
1433 not like this Federal provision; I do not like this mandate.

1434 Ms. Lofgren. Will the gentleman yield?

1435 Mr. Johnson of Louisiana. We cannot do that, and so I
1436 think it is important for us to acknowledge that we here,
1437 elected representatives of the people. Each of us
1438 respectively represents about 3/4 of 1 million people. We
1439 came here to be their voice, and the voice of the people say
1440 that the rule of law is important, not only, as I said,
1441 because it is a fundamental principle of our Republic, but
1442 because it is important for public safety, so our
1443 discussions and engagement about how you could characterize
1444 the local officials' unwillingness to enforce a Federal law,
1445 I do not think it matters.

1446 I think, at the end of the day, the law is the law; the
1447 role of the law should control, and we should enforce it.

1448 With that, I yield back.

1449 Ms. Lofgren. Will the gentleman yield?

1450 Mr. Johnson of Louisiana. I yield.

1451 Ms. Lofgren. I just want to note that there are a
1452 myriad of Federal laws, and we are not asking local police
1453 departments to enforce securities laws or banking laws or
1454 antitrust laws or other laws. We have picked immigration
1455 out, and we are saying we will cut off your funds that would
1456 help you combat terrorism and nuclear proliferation by
1457 terrorists because of this one issue of immigration. It is
1458 not all Federal law; it is just anti-immigrant laws, and I
1459 thank the gentleman for yield.

1460 Chairman Goodlatte. Question occurs on the amendment
1461 offered by the gentlewoman from --

1462 Ms. Jayapal. Mr. Chairman?

1463 Chairman Goodlatte. For what purpose does the
1464 gentlewoman from Washington seek recognition?

1465 Ms. Jayapal. I move to strike the last word.

1466 Chairman Goodlatte. Gentlewoman is recognized for 5
1467 minutes.

1468 Ms. Jayapal. Thank you, Mr. Chairman. I wanted to
1469 rise in the strong support of this amendment from
1470 Representative Lofgren. I think it is incredibly important,

1471 and it reflects the commitment to public safety across the
1472 country to say that we respect what local law enforcement
1473 has to say about how you actually enforce public safety in
1474 communities, and I think there is ample evidence, Mr.
1475 Chairman, that, in fact, combining or asking local law
1476 enforcement to enforce Federal immigration law, two
1477 completely different systems -- Federal immigration law is a
1478 civil system; it is a Federal system.

1479 Local law enforcement has the obligation to protect
1480 communities, and what we know about protecting communities
1481 is that, when people trust that they can come forward and
1482 speak about crimes, when people know that they can report
1483 domestic violence, when people know that they are not going
1484 to be asked about immigration status, they are going to, in
1485 fact, contribute to the safety of the community.

1486 And I respect that my colleague from Florida mentioned
1487 how committed he is to issues of sexual violence and
1488 prevention of sexual violence, and I would say that if he
1489 is, in fact, and anybody on this community is, in fact,
1490 committed to preventing sexual violence, then what we should
1491 do is not pass this bill.

1492 That is the most important thing that we can do to
1493 protect victims of domestic violence and sexual assault, and
1494 I wanted to submit, for the record, Mr. Chairman, a letter
1495 from the National Task Force to End Sexual and Domestic

1496 Violence on this bill and specifically wanted to just quote
1497 a provision of this, where they talk about the difficulties,
1498 particularly in the last several months of people coming
1499 forward to report any kind of sexual assault, and I wanted
1500 to just quote the statistics that are in this survey: a
1501 total of 715 victim advocates and attorneys in 46 States and
1502 the District of Columbia that participated in this.

1503 And the survey documented that 78 percent of advocates
1504 reported that immigrant survivors express concerns about
1505 contacting police; that, similarly, three and four service
1506 providers responding to the survey reported that immigrant
1507 survivors have concerns about going to court for a matter
1508 related to the abuser or offender; and finally, 43 percent
1509 of advocates who worked with immigrant survivors who dropped
1510 similar criminal cases because they were fearful to continue
1511 with the cases.

1512 And so I think that the proof is clear that what we are
1513 doing, as we ramp up the mass deportation force, this
1514 administration's mass deportation force, and let's be clear,
1515 this bill is not the SAFE Act; it is Trump's Mass
1516 Deportation Act; that what we are doing is we are actually
1517 undermining public safety and public trust because do not
1518 forget that 17 million undocumented immigrants live in
1519 mixed-status families.

1520 That means that somebody in your family is either a

1521 citizen or a permanent resident or has legal status, but
1522 somebody else does not, so it is not so easy to say, well,
1523 we are only talking about undocumented immigrants. This is
1524 not going to hurt anything. It absolutely does.

1525 Mothers do not come forward, even to get benefits for
1526 their families, that they are entitled to as legal,
1527 permanent residents, if they are concerned that somebody is
1528 going to ask about the undocumented status of somebody in
1529 the family, and that is why I am proud to have helped
1530 actually pass what we call the Welcoming Communities Act in
1531 Seattle, which was what you call a sanctuary cities policy.

1532 If that means that we are actually protecting our
1533 community and protecting the rights of domestic violence
1534 victims and sexual assault victims and people who are trying
1535 to actually report crimes and are contributing to our
1536 communities, then I am proud to call it whatever you want to
1537 call it.

1538 It is the right policy, and this amendment tries to
1539 make a really terrible bill slightly better by saying that
1540 we are actually going to respect that what we need in order
1541 to protect public safety across this country is the
1542 cooperation of communities and law enforcement. I had
1543 submitted earlier, for the record, also, Mr. Chairman, a
1544 letter from our King County prosecutor, Dan Satterberg, who
1545 also spoke about how important it is to protect this

1546 distinction and not have local law enforcement trying to
1547 enforce immigration law, and certainly should not be subject
1548 to punishment if they actually do what they think is going
1549 to protect public safety, which is to have cooperation with
1550 the community.

1551 And Mr. Chairman, I would like to ask if I can submit
1552 this letter from the National Task Force to End Sexual and
1553 Domestic Violence for the record.

1554 Chairman Goodlatte. Without objection, it will be made
1555 a part of the record.

1556 [The information follows:]

1557 ***** COMMITTEE INSERT *****

1558 Ms. Jayapal. Thank you, Mr. Chairman. I yield back.

1559 Chairman Goodlatte. The question occurs --

1560 Mr. Raskin. Mr. Chairman? I move to strike the last
1561 word.

1562 Chairman Goodlatte. The gentleman is recognized for 5
1563 minutes.

1564 Mr. Raskin. Thank you very much, Mr. Chairman. I rise
1565 in very strong favor of the amendment offered by the
1566 gentlewoman from California.

1567 I was fascinated by the colloquy between Mr. Cicilline
1568 from Rhode Island and my friend, Mr. Johnson from Louisiana,
1569 and Mr. Cicilline makes the point that Councilwoman Jayapal
1570 was just making, which is that we are hearing from police
1571 officers and law enforcement officials and organizations
1572 from across the country to tell us do not do this. It will
1573 make our communities much less safe; it will undermine
1574 social cohesion, and it will undermine the willingness of
1575 people to come forward to talk about sexual assault or rape
1576 or wage theft or violence in the communities because it will
1577 instill or deepen a regime of fear in affected communities.

1578 Mr. Cicilline speaks as a former, distinguished mayor,
1579 of course, the mayor of Providence, and he says, this is not
1580 what we need, and this is an imposition on the local
1581 governments, which is why we have heard, for example, from
1582 the Major Cities Chiefs Association saying, we respectfully

1583 ask that Congress leave to local governments the decisions
1584 related to how local law enforcement agencies allocate their
1585 resources, direct their workforce, and define the duties of
1586 their employees; the role of police officers relating to
1587 immigration enforcement should be left to the local
1588 government.

1589 Surely, it is not good public policy to force an
1590 unwanted rule upon police, due to the threat of sanctions or
1591 withholding of police assistance funding. Well, my
1592 distinguished colleague from Louisiana says, ideally,
1593 presumably, we would leave this to the local governments, to
1594 the operation of federalism, but it is too serious because
1595 we need to enforce the law. Well, at this point, we have to
1596 turn to the Constitution, then, because some of us are
1597 saying millions of people's security and safety is actually
1598 being put in danger by these policies, and others say, well,
1599 we have got to enforce the Federal law.

1600 Well, what does the Constitution say about it? In the
1601 Prince decision, in 1997, the Supreme Court struck down a
1602 provision of the Brady Handgun Violence Prevention Act,
1603 which required the chief law enforcement officers at each
1604 jurisdiction only do a background check on people trying to
1605 purchase a handgun, but it required the local government
1606 officials to do it, the chief law enforcement officer of
1607 each county or city, and the Supreme Court struck it down

1608 saying this was an unfunded mandate, and it was a,
1609 "commandeering of local governments by the Federal
1610 Government." The Supreme Court struck it down.

1611 Now, if I were on their side, I would argue, well, of
1612 course that was telling the local governments they had to do
1613 it. Here, they are not saying you have got to do it; they
1614 are just saying we are going to strip you of hundreds of
1615 millions or billions of dollars across the country if you do
1616 not do it.

1617 But we have got a case on that, too, because the
1618 Supreme Court has repeatedly said you cannot do to local
1619 governments indirectly would you cannot do to the local
1620 governments directly. And what is it to say, if you do not
1621 toe the line enforcing our Federal immigration policy for
1622 us, if you do not do that, we are going to strip
1623 antiterrorism funding from you. We are going to take away
1624 other DOJ grants from you.

1625 What that is, is a godfather offer. We will make you
1626 an offer you cannot refuse if you want to meet all of the
1627 other public mandates that are part of your responsibility.
1628 But the Supreme Court, in the ACA case, in the Sebelius
1629 decision, just in 2012, said Congress cannot do that either.
1630 Now, remember, what happened there was, in the ACA, Congress
1631 had said, if you do not participate in the expansion of
1632 Medicaid, we are not only going to deny you the money that

1633 goes with the expansion, we are going to revoke all of the
1634 other Medicaid funding you have. We are going to punish you
1635 seriously for doing that, and the Supreme Court said no.

1636 That is a godfather offer. That is twisting an arm.
1637 That is extortionate. The Federal Government cannot do it.
1638 The provision that this amendment seeks to delete is
1639 unconstitutional because it proposes to delete funding from
1640 local governments for things completely unrelated to the
1641 purpose of the enactment in itself. It is saying, if you do
1642 not play ball with us by becoming our instruments, by
1643 becoming, essentially, employees of the Federal Government
1644 on immigration enforcement, we are going to take away all
1645 these other funds from you.

1646 And the Supreme Court has said you cannot do that; this
1647 is in violation of the Prince case; it is in violation of
1648 the Sibelius decision, which I know my friends on the other
1649 side of the aisle cheered in terms of dismantling that
1650 provision of the Affordable Care Act, and it is an assault
1651 on the basic structure of federalism that is in our
1652 Constitution, so let's listen to the mayors; let's listen to
1653 the police chiefs; let's listen to the officers; and let's
1654 follow the Constitution of the United States. I yield back.

1655 Chairman Goodlatte. The question occurs on the
1656 amendment offered by the gentlewoman from California.

1657 All of those in favor, respond by saying aye.

1658 Those opposed, no.

1659 In the opinion of the chair, the noes have it.

1660 Ms. Lofgren. May we have a recorded vote?

1661 Chairman Goodlatte. Recorded vote is requested, and

1662 the clerk will call the roll.

1663 Ms. Adcock. Mr. Goodlatte?

1664 Chairman Goodlatte. No.

1665 Ms. Adcock. Mr. Goodlatte votes no.

1666 Mr. Sensenbrenner?

1667 [No response.]

1668 Mr. Smith?

1669 [No response.]

1670 Mr. Chabot?

1671 [No response.]

1672 Mr. Issa?

1673 [No response.]

1674 Mr. King?

1675 Mr. King. No.

1676 Ms. Adcock. Mr. King votes no.

1677 Mr. Franks?

1678 Mr. Franks. No.

1679 Ms. Adcock. Mr. Franks votes no.

1680 Mr. Gohmert?

1681 [No response.]

1682 Mr. Jordan?

1683 [No response.]

1684 Mr. Poe?

1685 Mr. Poe. No.

1686 Ms. Adcock. Mr. Poe votes no.

1687 Mr. Chaffetz?

1688 [No response.]

1689 Mr. Marino?

1690 [No response.]

1691 Mr. Gowdy?

1692 [No response.]

1693 Mr. Labrador?

1694 Mr. Labrador. No.

1695 Ms. Adcock. Mr. Labrador votes no.

1696 Mr. Farenthold?

1697 [No response.]

1698 Mr. Collins?

1699 Mr. Collins. No.

1700 Ms. Adcock. Mr. Collins votes no.

1701 Mr. DeSantis?

1702 Mr. DeSantis. No.

1703 Ms. Adcock. Mr. DeSantis votes no.

1704 Mr. Buck?

1705 Mr. Buck. No.

1706 Ms. Adcock. Mr. Buck votes no.

1707 Mr. Radcliffe?

1708 Mr. Ratcliffe. No.

1709 Ms. Adcock. Mr. Radcliffe votes no.

1710 Mrs. Roby?

1711 [No response.]

1712 Mr. Gaetz?

1713 Mr. Gaetz. No.

1714 Ms. Adcock. Mr. Gates votes no.

1715 Mr. Johnson of Louisiana?

1716 Mr. Johnson of Louisiana. No.

1717 Ms. Adcock. Mr. Johnson votes no.

1718 Mr. Biggs?

1719 Mr. Biggs. No.

1720 Ms. Adcock. Mr. Biggs votes no.

1721 Mr. Conyers?

1722 Mr. Conyers. Aye.

1723 Ms. Adcock. Mr. Conyers votes aye.

1724 Mr. Nadler?

1725 Mr. Nadler. Aye.

1726 Ms. Adcock. Mr. Nadler votes aye.

1727 Ms. Lofgren?

1728 Ms. Lofgren. Aye.

1729 Ms. Adcock. Ms. Lofgren votes aye.

1730 Ms. Jackson Lee?

1731 [No response.]

1732 Mr. Cohen?

1733 Mr. Cohen. Aye.

1734 Ms. Adcock. Mr. Cohen votes aye.

1735 Mr. Johnson of Georgia?

1736 Mr. Johnson of Georgia. Aye.

1737 Ms. Adcock. Mr. Johnson votes aye.

1738 Mr. Deutch?

1739 [No response.]

1740 Mr. Gutierrez?

1741 Mr. Gutierrez. Aye.

1742 Ms. Adcock. Mr. Gutierrez votes aye.

1743 Ms. Bass?

1744 [No response.]

1745 Mr. Richmond?

1746 [No response.]

1747 Mr. Jeffries?

1748 Mr. Jeffries. Aye.

1749 Ms. Adcock. Mr. Jeffries votes aye.

1750 Mr. Cicilline?

1751 Mr. Cicilline. Aye.

1752 Ms. Adcock. Mr. Cicilline votes aye.

1753 Mr. Swalwell?

1754 [No response.]

1755 Mr. Lieu?

1756 Mr. Lieu. Aye.

1757 Ms. Adcock. Mr. Lieu votes aye.

1758 Mr. Raskin?

1759 Mr. Raskin. Aye.

1760 Ms. Adcock. Mr. Raskin votes aye.

1761 Ms. Jayapal?

1762 Ms. Jayapal. Aye.

1763 Ms. Adcock. Ms. Jayapal votes aye.

1764 Mr. Schneider?

1765 Mr. Schneider. Aye.

1766 Ms. Adcock. Mr. Schneider votes aye.

1767 Chairman Goodlatte. Gentleman from Wisconsin?

1768 Mr. Sensenbrenner. No.

1769 Ms. Adcock. Mr. Sensenbrenner votes no.

1770 Chairman Goodlatte. Gentleman from Texas, Mr. Gohmert?

1771 Mr. Gohmert. No.

1772 Ms. Adcock. Mr. Gohmert votes no.

1773 Chairman Goodlatte. Gentleman from Ohio?

1774 Mr. Jordan. No.

1775 Ms. Adcock. Mr. Jordan votes no.

1776 Chairman Goodlatte. Gentleman from Pennsylvania?

1777 Mr. Marino. No.

1778 Ms. Adcock. Mr. Marino votes no.

1779 Chairman Goodlatte. Has every member voted who wishes

1780 to vote?

1781 Clerk will report.

1782 Ms. Adcock. Mr. Chairman, 12 members voted aye; 16

1783 members voted no.

1784 Chairman Goodlatte. Then the amendment is not agreed
1785 to.

1786 For what purpose does the gentlewoman from California
1787 seek recognition?

1788 Ms. Lofgren. I have an amendment at the desk.

1789 Chairman Goodlatte. Clerk will report the amendment.

1790 Ms. Adcock. Amendment to H.R. 2431, offered by Ms.

1791 Lofgren. Strike section --

1792 [The amendment of Ms. Lofgren follows:]

1793 ***** COMMITTEE INSERT *****

1794 Chairman Goodlatte. Without objection, the amendment
1795 is considered as read, and the gentlewoman is recognized for
1796 5 minutes on her amendment.

1797 Ms. Lofgren. Mr. Chairman, this amendment strikes
1798 section 610, which is maybe the most heartless provision in
1799 this heartless bill. Section 610 states that children who
1800 enter the country with their parents must be detained and
1801 subjected to mandatory detention and expedited removal, that
1802 no child may be released to anyone other than a parent or
1803 legal guardian under any circumstances, even if they have
1804 obtained legal relief, such as Special Immigrant Juvenile
1805 visa or relief fund or asylum.

1806 The section also clarifies that specific licensing
1807 requirements may not be imposed. This amendment strikes all
1808 of this and restores the current judicial findings that
1809 limit the length of detention of children and other
1810 safeguards. There was a settlement called years ago called
1811 the Flores Settlement, and there have been subsequent
1812 judicial decisions about the Flores Settlement, and it deals
1813 with how children are treated in U.S. detention centers.

1814 The Flores requirement requires that children be
1815 released from custody without unnecessary delay with the
1816 preferential release to their parents in accordance with
1817 Family Reunification requirements and that children be held
1818 in the least-restrictive setting appropriate to age and

1819 special needs, generally in a non-secure facility licensed
1820 by child welfare entities, and separated from unrelated
1821 adults and delinquent offenders.

1822 Now, this is important because child psychologists have
1823 found that the detention of children is detrimental to their
1824 health, and this what was said in Lancet, the prestigious
1825 medical journal: "Immigrant detention can cause the
1826 development and maintenance of psychiatric difficulties with
1827 children and adolescents in detention, reporting increased
1828 rates of deliberate self-harm, suicidal behavior, voluntary
1829 starvation, severe depression, sleep difficulties, somatic
1830 complaints, anxiety, and post-traumatic stress reactions.

1831 These negative psychological outcomes effect broad
1832 domains of functioning and probably adversely affect
1833 physical and academic development. Reports are common of
1834 poor nutritional access, regression in language development,
1835 bedwetting, and social withdrawal in children.

1836 You know, the dean of social work of the University in
1837 Texas Austin, Dr. Luis Zayas, interviewed several families
1838 at the Carnes County Residential Center in 2014, and he
1839 found the many of the children we interviewed, and this was
1840 in his affidavit, had negative consequences. He said that
1841 detention has had a serious and long-lasting impact on the
1842 psychological well-being of the families I interviewed at
1843 Carnes.

1844 The bill also removes the provision that the child be
1845 kept in a facility that is licensed for childcare. Now, why
1846 does this matter? Private prisons that are operating in
1847 Texas, which I have visited, sought to be licensed as
1848 childcare facilities, absurd as that is. These prisons were
1849 not established to care for or provide services to children
1850 or their welfare; they are designed as prisons. In Texas,
1851 they were denied licensing by the courts.

1852 The bill would circumvent the argument and say that
1853 licensing is not required, so that these children could be
1854 held in prison. Now, the majority have talked about
1855 immigrants as criminals, but I will tell you about the
1856 children I saw when Mr. Gutierrez and I and others went to
1857 Texas.

1858 We met hundreds of mothers and hundreds of children,
1859 many of them 4, 5, and 6 years old. These mothers and
1860 children had come primarily from Central America, and they
1861 were seeking asylum in the United States. They fled
1862 violence. The three countries in Central America have the
1863 highest murder rates of any place in the world. And the
1864 women who we spoke with had fled for their lives.

1865 We met children who had spent a quarter of their life
1866 in prison. And many of these children were sick. They were
1867 having tremendous psychological difficulties. And it was
1868 really, I thought this is not what America does, put little

1869 4-year-olds in prison. That is not the kind of country that
1870 we are. And subsequent to that visit, Judge G, a Federal
1871 district court judge in Los Angeles, ruled that the Flores
1872 case did apply to children who were accompanied by their
1873 mothers.

1874 And so now, there is a temporary detention only, and
1875 children and their mothers are released to the least-
1876 restrictive place.

1877 Chairman Goodlatte. The time of the gentlewoman has
1878 expired.

1879 Ms. Lofgren. May I ask for 30 seconds additional?

1880 Chairman Goodlatte. Without objection, the gentlewoman
1881 is recognized for an additional 30 seconds.

1882 Ms. Lofgren. I would just say that, of all the things
1883 that are in this bill, this is the most heartless, most
1884 really obscene, miserable attack on the well-being of
1885 children, who have done no crime, who have done nothing
1886 wrong. I just think it is not the American way, and I yield
1887 back.

1888 Chairman Goodlatte. The gentleman from Idaho is
1889 recognized for 5 minutes.

1890 Mr. Labrador. Mr. Chairman, I oppose this amendment,
1891 and if you want to talk about obscene, maybe you can talk
1892 about the argument that was just made. When the Flores
1893 Settlement Agreement was made back in the 1990s, it was

1894 established that unaccompanied minors entering the United
1895 States were presumed to be eligible for release from
1896 detention. Under the terms of the 1997 agreement, the
1897 government is required to release minors without unnecessary
1898 delay to the parents, other adult relatives, or licensed
1899 programs.

1900 In addition, the government must place them in the
1901 least restrictive setting if no other placement can be found
1902 and must implement standards as to the care and treatment of
1903 unaccompanied minors in immigration detention.

1904 While we could debate for hours the merits of the
1905 Settlement Agreement, something that no one expected the
1906 Settlement Agreement to do was for it to be extended to
1907 minors who are accompanied by their parents.

1908 With the border surges in the past few years, the
1909 courts have reexamined the Flores Settlement. On July 6,
1910 2016, the Ninth Circuit, in Flores v. Lynch, held that the
1911 terms of the Settlement Agreement applied to all minors,
1912 including those that are accompanied by their parents. This
1913 is absurd at its worst. The crux of the original agreement
1914 was to ensure that unaccompanied minors were placed with
1915 parents already living in the United States.

1916 When a minor enters with their parents, where is the
1917 child supposed to go if released? Either the parents also
1918 have to be released, encouraging illegal immigration, or the

1919 minor will essentially be abandoned. If, indeed, the minor
1920 can care for themselves, then this, again, encourages more
1921 minors to make the perilous, illicit journey to the U.S.,
1922 where many of them have been raped; they have been harmed,
1923 and they have been killed.

1924 How is it in their best interest to be separated from
1925 the parents, especially if they have no grounds to remain in
1926 the United States and are shortly to be removed? The Davis-
1927 Oliver Act reverses this illogical result by eliminating the
1928 presumption that discretion to release accompanied minors
1929 from family detention is placed back where it belongs: with
1930 the secretary of Homeland Security.

1931 The Immigration and Nationality Act has several
1932 provisions allowing for either release or continued
1933 detention for aliens. As these cases present a much
1934 different case than unaccompanied children, it is best for
1935 the secretary to use the factors established to determine
1936 eligibility for release. Simply reading the Flores
1937 Settlement Agreement makes it clear that this was never
1938 intended, ever, for anyone other than unaccompanied minors.

1939 We must now return to the plain meaning of the
1940 agreement and the application of the statute, and I urge my
1941 colleagues to.

1942 Chairman Goodlatte. Would the gentleman yield?

1943 Mr. Labrador. Yes.

1944 Chairman Goodlatte. I thank the gentleman for his
1945 observations. And I will tell you what I think is obscene.
1946 What I think is obscene is separating young children from
1947 their parents, as the current interpretation by the courts
1948 makes clear. And it is also very clear that the Obama
1949 administration agreed with the concern that you and I have
1950 about that California decision because they appealed it to
1951 the Ninth Circuit. The former secretary of the Department
1952 of Homeland Security, Mr. Jay Johnson, appealed that
1953 wrongful decision.

1954 We ought to fix it here. We ought to fix it in this
1955 bill. And that is why I oppose the gentlewoman's amendment.

1956 Question occurs --

1957 Mr. Gutierrez. Move to strike the last word.

1958 Chairman Goodlatte. The gentleman is recognized for 5
1959 minutes.

1960 Mr. Gutierrez. Thank you. Well, first of all, I hope
1961 since this is the Judiciary Committee, we would understand
1962 something fundamental about the Constitution, and that there
1963 are checks and balances and that the legislative branch of
1964 government should not just say, "Well, the President did it,
1965 so it must be okay."

1966 I understand how the majority might say that, since
1967 they believe that everything the current President does is
1968 okay. But unlike the majority, the minority side actually

1969 challenged President Barack Obama, actually challenged the
1970 secretary of Homeland Security, people that we cared a great
1971 deal about personally and politically, people who we voted
1972 for and championed.

1973 But when we saw them do what was wrong, we challenged
1974 them, which is what, I think -- since I did not get to meet
1975 George Washington and the other gang everyone keeps talking
1976 about like they knew them, like they were their neighbors,
1977 the Founders. I mean, people talk about them like they are
1978 cousins, maybe once removed.

1979 But I never got to meet any of those guys because it
1980 was all guys that got to do it. Look, we challenged them.
1981 And so Lofgren and I and a group went down there. And I
1982 would simply suggest that the majority visit detention
1983 centers. Now, I know the majority is really into private
1984 prisons. And if you are into private prisons and handing
1985 over the keys from the government to private entities, whose
1986 only goal is profit, then you can do that. But
1987 Congresswoman Lofgren and I saw what profit does.

1988 It means that you are going to have children not have
1989 the medical care that they need because it is profit. They
1990 do not want to get doctors and nurses. The food that they
1991 eat will be substandard because it is about profit. The
1992 conditions and their housing and their bedding will be
1993 minimum because it is profit. Now, and the other thing, I

1994 think it is obscene to talk about people who are fleeing
1995 organized elements in Honduras and El Salvador like you have
1996 never seen, where there is no civil society. Where you do
1997 not just dial 911 and expect the police to show up. That is
1998 what they are fleeing with their children. What are they
1999 fleeing? Murder, rape, dismemberment. That is what they
2000 are doing to people.

2001 So they are fleeing. So stop calling them illegal
2002 immigrants to the United States. No, what they are is,
2003 under our law, seeking asylum in the United States of
2004 America. And they are refugees to this country. Can we not
2005 make that basic distinction between somebody who comes here
2006 seeking work? They stay in their country. It is not about
2007 them being able to earn a living. They can earn a living in
2008 their country. What they cannot do in their country is
2009 survive, is live without the imminent fear of death.

2010 And the majority party likes to talk about children.
2011 These are children. That is what they are. You should meet
2012 these children and see the tears in their eyes and see the
2013 effect. I want you to think of a 3-year-old, a 4-year-old,
2014 a 5-year old; do you have that child in your mind? A 2-
2015 year-old? And then I want you to think of that child
2016 spending 1 month, 2 months, 3 months, 4 months, a year.
2017 Right? So we fund them for a year. Sorry, Congresswoman
2018 Lofgren.

2019 We fund them for a year, and we challenged President
2020 Barack Obama. And you know what? He changed the policy,
2021 and they were released. And I am happy that we had lawyers
2022 go back to the Flores decision because it is about children
2023 in the end. I just want you to think about children, 4-, 5-
2024 , 6-, 7-year-olds, who have already seen incredible violence
2025 and they are fleeing. And they go to through this
2026 torturous, dangerous, filled with mine fields coming through
2027 Mexico to reach our border.

2028 And finally, they reach the United States of America,
2029 and what do they do? They are jailed once again. And they
2030 are treated inhumanely once again. What happened? What
2031 happened to the United States of America?

2032 So I know the majority wants to send a message, "Do not
2033 come to America because this is what is going to happen to
2034 you." I think it is the wrong message. And if we really
2035 want to send a very clear message, then let's have a real
2036 war on drugs because the drugs that we consume as Americans
2037 is what causes the destabilization of the country and the
2038 undermining of the underpinnings of Democracy in those
2039 nations making those people have to flee to come to the
2040 United States of America.

2041 So, let's first think about giving them freedom in
2042 their own countries. Thank you, Mr. Chairman.

2043 Mr. Cicilline. Mr. Chairman?

2044 Chairman Goodlatte. For what purpose does the
2045 gentleman from Rhode Island seek recognition?

2046 Mr. Cicilline. I move to strike the last word.

2047 Chairman Goodlatte. The gentleman is recognized for 5
2048 minutes.

2049 Mr. Cicilline. I rise in strong support of the
2050 gentlelady's amendment and thank her for submitting it. And
2051 I, too, would like to describe this as the worst provision
2052 of a very, very bad piece of legislation.

2053 We have, in this country, prided ourselves on a very
2054 long period of jurisprudence that focuses on treating
2055 children in a very special way. We make decisions that
2056 require that decisions be made in the best interest of the
2057 child. That is the standard. And in making determinations
2058 about placements of children, that it always be done in the
2059 least-restrictive setting. That is not just something we
2060 pulled out of the air.

2061 That is a result of decades and decades of work done in
2062 child welfare and research that demonstrates that we treat
2063 children differently because they are often in situations
2064 not of their own making. And we treat them differently
2065 because the impact of placing them in different settings,
2066 more restrictive settings or keeping them in custody, have
2067 devastating impacts. Children are not able to withstand
2068 those conditions or those events in the same way a mature

2069 adult can.

2070 And that is why there is so much literature and good
2071 research that, and I am going to quote here from the Lancet
2072 Journal, which is a very prestigious medical journal, that
2073 said, "Immigrant detention can cause the development and
2074 maintenance of psychiatric difficulties with children and
2075 adolescents in detention, reporting increased rates of
2076 deliberate self-harm and suicidal behavior, voluntary
2077 starvation, severe depression, sleep difficulties, somatic
2078 complaints, anxiety, and post-traumatic stress reactions."

2079 We all know that, from the literature we have read,
2080 from the conversations we have had with young people who
2081 have been held in detention, what this provision does is it
2082 goes out of the way to say, "There is no presumption that a
2083 child should be released from detention." They go out of
2084 their way to say, "Make sure you do not think there is a
2085 presumption that a child that we typically say, we have to
2086 make a decision in the best interest of the child, in the
2087 least restrictive setting."

2088 And then it goes on to say, "In no circumstance shall a
2089 child who is an unaccompanied child be released by the
2090 secretary of Homeland Security other than to a parent or
2091 legal guardian." And so that, in those circumstances, it
2092 makes a detention necessary, even in those circumstances
2093 that a child may obtain some relief as a Special Immigrant

2094 Juvenile visa or relief under our asylum system.

2095 This is sort of going out of the way to be extra cruel
2096 and impose particular harm on children, who, as Mr.
2097 Gutierrez said, are often coming here fleeing unspeakable
2098 violence and having already been traumatized dramatically
2099 and in very devastating ways by their journey and by the
2100 experiences in their home country.

2101 You know, in addition to that, if getting rid of a
2102 presumption, demanding that children be detained, was not
2103 enough for you, enough evidence to show how cruel this is to
2104 children, this provision also removes the provision that
2105 children be kept in a facility licensed for child care.

2106 It goes on and says that there is the conditions of
2107 confinement applicable under this statute. What kind of
2108 place you want to put the child in is completely up to the
2109 discretion of the secretary and, in no instance, a specific
2110 licensing requirement be imposed beyond those deemed
2111 appropriate by the secretary. Really? We do not hear
2112 anything about a standard of care, about the appropriateness
2113 of the facility?

2114 We are better than this. We are not talking about
2115 criminals. We are talking about children who have left
2116 their home country and, in order to do that, undergo a
2117 traumatic and difficult journey, leaving conditions that are
2118 often life threatening. When they arrive on the shores or

2119 at the doors of America, we guarantee we hold them in
2120 custody. We guarantee there is no standards for their care.

2121 This is a terrible, terrible provision of a terrible
2122 bill. I think we are better than this. I urge my
2123 colleagues, no matter what you do on the bill, find it in
2124 your hearts to do the right thing, to follow the tradition
2125 of the best interest of the child and the least restrictive
2126 settings which has been the law of the land all across
2127 America for decades, maybe centuries.

2128 Let's maintain that. Let's have the dignity to stand
2129 up and say, no matter where we stand on the issue of
2130 immigration, we will not surrender a proud tradition of
2131 protecting children and treating them in a special way,
2132 however they arrive in America.

2133 And with that, I thank the gentle lady for submitting
2134 the amendment and look forward --

2135 Ms. Jayapal. Mr. Chairman?

2136 Chairman Goodlatte. For what purpose does the
2137 gentlewoman from Washington seek recognition?

2138 Ms. Jayapal. I move to strike the last word.

2139 Chairman Goodlatte. The gentlewoman is recognized for
2140 5 minutes.

2141 Ms. Jayapal. Thank you, Mr. Chairman. I would like to
2142 thank my colleague Ms. Lofgren for offering this amendment
2143 to stop the committee from expanding mandatory detention

2144 without the safeguard of licensing standards of parents with
2145 their children.

2146 The detention of children and families, itself, is
2147 shameful. It is a new low, and quite frankly, I find it
2148 embarrassing that the Committee on the Judiciary would also
2149 consider taking away these critical licensing standards for
2150 these facilities. The American Academy of Pediatrics has
2151 criticized family detention facilities because they do not
2152 meet the basic standards of care of children in residential
2153 settings.

2154 And as was said in August of 2015, a U.S. district
2155 court in California found that family detention centers are
2156 in violation of the Flores Settlement Agreement. There have
2157 been multiple complaints about the conditions of family
2158 detention, and yet a mountain of evidence and a court order,
2159 in spite of that, DHS continues to detain children.

2160 One of those children is 8-year-old Angelo, who was
2161 unnecessarily detained at the Dilley Family Detention Center
2162 for 6 months. And as has been said here by Mr. Gutierrez
2163 and Ms. Lofgren, I think it is important to think about who
2164 we are talking about. And so, I bring Angelo's story here
2165 to ground us, again, in the real stories of the children we
2166 are talking about.

2167 He and his parents fled Honduras after his mother was
2168 persecuted for her vocal opposition to police corruption,

2169 abuses, and impunity. Angelo's grandmother also was a vocal
2170 critic of police corruption and was murdered in 2006. In
2171 Honduras, Angelo witnessed the police beating his mother in
2172 their home.

2173 At age 6, Mr. Chairman, he saw a dead body during a
2174 stay with his grandparents. Here in the United States, the
2175 asylum officer who interviewed him noted the difficulty with
2176 which he spoke about what he had witnessed in Honduras.
2177 Being detained significantly exacerbated Angelo's trauma.
2178 An immigration judge ordered that he be released into his
2179 aunt's custody on three separate occasions, but ICE refused.

2180 And at one point, ICE told Angelo and his mother that
2181 they were taking him to what was described as an orphanage,
2182 leaving Angelo sobbing uncontrollably.

2183 Angelo and his mom chose to suffer together in
2184 detention, rather than being separated indefinitely, without
2185 guarantee that Angelo would be released to his aunt. Angelo
2186 was granted asylum after his release from detention and is
2187 currently in the process of applying for permanent
2188 residency. He and his mother have filed a Federal lawsuit
2189 against the Federal Government for the abuse, coercion, and
2190 prolonged detention that they suffered during their
2191 detention.

2192 Mr. Chairman, before I came to this body, I had the
2193 opportunity to run a national campaign called We Belong

2194 Together. And every year we would bring hundreds of
2195 children to the Capital in something called Wish for the
2196 Holidays. This was an opportunity for Congress members to
2197 meet the children that we are talking about and to actually
2198 be in a situation where they would be face-to-face and hear
2199 the stories of people, kids, like Angelo. Kids, 6 years, 7
2200 years, 8 years.

2201 And what Ms. Lofgren's amendment does is it does not
2202 eliminate all detention, unfortunately. That is what I wish
2203 we could actually begin to get at. But what it does is very
2204 sensible. It just says no mandatory detention, and by the
2205 way, if you are going to detain in facilities, let's make
2206 sure that they meet the licensing standards. That is not
2207 excessive or egregious. That is just humane.

2208 And I hate to imagine what family detention would look
2209 like if this Trump mass deportation act passed without this
2210 amendment. The bill would condemn children like Angelo to
2211 long-term, mandatory detention in facilities that would not
2212 even be required to obtain licenses to detain children. How
2213 is this justice, Mr. Chairman?

2214 I also wanted to submit, for the record, the statement
2215 from the U.S. Conference of Catholic Bishops, which is a
2216 call to end family detention and really, from a moral
2217 perspective, talking about how inhumane this practice is and
2218 how we, as a country, have to revert back to our basic

2219 values of faith and goodness and humanity. If there is no
2220 objection, Mr. Chairman, I would like to submit that for the
2221 record?

2222 Chairman Goodlatte. Without objection, it will be made
2223 a part of the record.

2224 [The information follows:]

2225 ***** COMMITTEE INSERT *****

2226 Ms. Jayapal. Thank you, Mr. Chairman. This country
2227 already tried to detain young children like Angelo with
2228 their parents during World War II. It is a stain on our
2229 country that we will never erase. We have a moral duty, as
2230 members of Congress, to stand up for what is right.

2231 A critical first step is adopting this amendment. But
2232 ultimately, I hope all of my colleagues on both sides of the
2233 aisle will reject the Trump mass deportation act in its
2234 entirety and eliminate the immoral practice of detaining
2235 families, period.

2236 Thank you, Mr. Chairman. I yield back.

2237 Chairman Goodlatte. For what purpose does the
2238 gentleman from Iowa seek recognition?

2239 Mr. King. Mr. Chairman, I move to strike the last
2240 word.

2241 Chairman Goodlatte. The gentleman is recognized for 5
2242 minutes.

2243 Mr. King. Thank you, Mr. Chairman. And I rise in
2244 opposition to this amendment. And I think it is important
2245 that we have a discussion here that puts this back into
2246 perspective. I have listened as my colleagues on the other
2247 side of the aisle talk with, I will say, great sympathy and
2248 emotion and individual anecdotes that are designed to
2249 characterize the broader sections of this bill and the
2250 amendment itself.

2251 And I am hearing discussion, for example, such as we
2252 have to declare or consider each one of these who have
2253 unlawfully entered into America. We cannot be calling them
2254 illegal aliens anymore, even though that is what the statute
2255 says, because they are looking for safety. They are
2256 considered to be asylees. And so I was contemplating this
2257 safety component, and it is something that has come up in
2258 this committee a few times before.

2259 But for the last, oh, 6 or 7 or 8 years I have tracked
2260 some of the violent death rates in America. And so I look
2261 at a website that I have long had in my iPhone here, and it
2262 says these violent death rates, what would be the highest?
2263 Well, you are right, the folks that are critics here. It is
2264 El Salvador: 93.09 violent deaths per 100,000.

2265 I recall, after Katrina, the violent death rate in New
2266 Orleans because of the dynamics involved in some of the
2267 people that stayed in New Orleans and others that left; that
2268 violent death rate went right to that number. I believe 92
2269 per 100,000 is what Randy Forbes reported after a fact-
2270 finding hearing down there. Guatemala is second highest
2271 violent death rate in the world: 70.66 violent deaths per
2272 100,000. Venezuela is third. Honduras is eighth; Haiti is
2273 10th.

2274 But if you look at the top violent death countries in
2275 the world, eight of the top 10 most violent countries in the

2276 world are south of, I am not going to say the Rio Grande,
2277 south of Mexico.

2278 Mexico's violent death rate has run triple that of the
2279 United States for a long time. And today, you can look back
2280 and see that, in the last 6 or 7 years, its violent death
2281 rate has doubled, from about 13.03 violent deaths to over 27
2282 violent deaths per 100,000. So it is true that there is a
2283 lot of violence south. And there is a reason maybe to want
2284 to get away from that.

2285 But if we are going to be objective about this, we
2286 ought to look at the violent death rates in America's cities
2287 as well. And those violent death rates compete with the
2288 violent death rates in the major cities in the rest of the
2289 world. We have three American cities that are among the 50
2290 most violent cities in the world.

2291 And those cities, according to these most current
2292 records that I can find here today, are East St. Louis,
2293 Baltimore, and Detroit. For some time, up till about a year
2294 and a half or so ago, Detroit had the highest violent death
2295 rate of any city in America and competed with that in the
2296 world. So I recall people then in this committee said, "We
2297 need to get them out of Guatemala, El Salvador, Honduras,
2298 and bring them to America because it is too dangerous where
2299 they are."

2300 We better be cautious when we talk about that because

2301 we have places in this country, and Chicago is really not
2302 the most dangerous city in the world or in the United
2303 States. But we have to cautious about that because we might
2304 be saying, "Well, let's bring them to a place even more
2305 dangerous," if you are advocating for some of these cities.
2306 That is one of the points that I think needs to be brought
2307 into a more accurate perspective, Mr. Chairman.

2308 And then this discussion about sanctuary cities and
2309 that we should be very careful that we do not alienate
2310 people who are unlawfully in America because they will no
2311 longer turn any information over to law enforcement
2312 officers.

2313 Well, my view is, if they are unlawfully present in
2314 American, they do not belong here. And so therefore, once
2315 we finish this enforcement against the unlawfully present in
2316 America, it will not matter because the criminals that they
2317 need to testify against and some of the victims are in their
2318 home countries. And those countries, then, can worry about
2319 the adjudication of this.

2320 And with regard to the gentleman's remarks about the
2321 godfather offer, while I was listening to that argument, I
2322 happened to think that, when I drive out on the two lane
2323 highways all across America, I am, by law, required to match
2324 the double-nickel: 55 miles an hour. Well, that also was a
2325 godfather offer, Mr. Chairman. And so, there is a whole

2326 series of exceptions to that rationale that it is
2327 unconstitutional to make an offer that cannot be refused.

2328 And I would say that there is another point that is
2329 completely missed in this discussion. And that is this
2330 point that local law enforcement and any subdivision of the
2331 United States of America should want the law enforced. And
2332 so, we are offering, in this bill, an opportunity for the
2333 political subdivisions in America to cooperate, with the
2334 Federal Government's help, to bring their jurisdictions into
2335 compliance with the law.

2336 And I conclude my statement and yield back the balance
2337 of my time.

2338 Chairman Goodlatte. The chair thanks the gentleman.

2339 We have an amendment, a second-degree amendment, in the
2340 works. Is it ready?

2341 Mr. Raskin. Mr. Chairman?

2342 Chairman Goodlatte. For what purpose does the
2343 gentleman from Maryland seek recognition?

2344 Mr. Raskin. Move to strike the last word.

2345 Chairman Goodlatte. The gentleman is recognized for 5
2346 minutes.

2347 Mr. Raskin. Mr. Chairman, thank you. But I wanted to
2348 start by invoking the great Tom Paine, who assisted us so
2349 much in our revolution against Great Britain. And he said
2350 that America would become a haven of refuge for people

2351 fleeing religious and political repression all over the
2352 world. He said that the general state of the world was one
2353 of dictatorship, kings, religious despots, anarchy. But
2354 American would be a place where people could come seeking
2355 freedom, seeking opportunity. That is who we are.
2356 Everybody who is here is an immigrant or a descendent of
2357 immigrants, except for the Native Americans and African
2358 Americans who were brought over as slaves.

2359 But the rest of us, we are here as the progeny of
2360 immigrants. And I daresay that a huge number of them, if
2361 not the clean majority, came over without the proper papers
2362 when they first got here. In fact, we did not even have a
2363 Federal immigration system for the beginning of the country,
2364 for most of the country. There was not INS. There was no
2365 ICE system.

2366 So, the distinguished gentleman from Iowa says that
2367 there is a terrible death rate and terrible violence in El
2368 Salvador, in Guatemala, in Honduras. And indeed, there is.
2369 And our country cannot disown our own complicity in the
2370 turbulence and the instability that exists in Central
2371 America because of the wars of violence that took place
2372 there in the 1980s and in the 1990s. And the disappeared
2373 people and the authoritarian thugs who were running those
2374 countries who waged war on their people, who raped nuns, who
2375 assassinated human rights activists, and now, there is hell

2376 to pay in terms of the breakdown of civil order in those
2377 societies.

2378 And the people who come to America seeking refuge, the
2379 kind of refuge Tom Paine talked about, and have their
2380 children are just like the rest of us who got here, our
2381 parents fleeing Ireland or Italy or Europe or Africa. They
2382 are also fleeing political and religious repression and
2383 violation of human rights every single day.

2384 So, this is who we are. The distinguished gentleman
2385 talks about the godfather offer having a certain speed limit
2386 tied to highway funds. And I assume that he knows that he
2387 is referring, of course, to a famous Supreme Court decision,
2388 which allowed precisely that connection because the Supreme
2389 Court said that there was a relevant nexus between the
2390 imposition of drunk driving laws or the imposition of speed
2391 limit laws and public safety and the provision of Federal
2392 highway funds.

2393 But what the Supreme Court has said, for example, in
2394 the Sebelius decision related to Medicaid is that you cannot
2395 go beyond this specific logical nexus.

2396 So, if you want to cut off money for aid to immigrants,
2397 if there is any, if all of the local governments do not toe
2398 the line and become unpaid subordinates of the Federal
2399 Government, fine.

2400 But you cannot cut off antiterror financing. And you

2401 cannot delete other Federal programs that have nothing to do
2402 with immigration. But, of course, that is precisely what
2403 this legislation seeks to do.

2404 So, the invocation of the Prince decision and the
2405 invocation of the Sebelius decision were all about making
2406 sure that there is a tight, logical nexus and not allowing
2407 the Federal Government simply to turn every local government
2408 in the country into a bureaucratic functionary of Congress
2409 and of the Federal Government. And I thought that that is a
2410 basic principle of federalism that my thoughtful colleague
2411 from Iowa would be sensitive to, that we do not commandeer
2412 the resources of the local governments; those taxes are
2413 raised by local people for their purposes.

2414 Now, let me just say, finally, in terms of this
2415 amendment, this is the very least that we can do to stand up
2416 for these children who have no say over their destiny and
2417 the misfortune that has befallen them. Even the Supreme
2418 Court of the United States said in Plyler v. Doe, "A State
2419 cannot reject undocumented children from public school
2420 because it is not their fault. And you do not visit the
2421 sins, real or imaginary, of the parents upon the children."
2422 Let's at least make sure the children have a decent and safe
2423 place to be in this process. I yield back, Mr. Chairman.

2424 Chairman Goodlatte. For what purpose does the
2425 gentleman from Iowa seek recognition?

2426 Mr. King. Mr. Chairman, I have a second-degree
2427 amendment at the desk.

2428 Chairman Goodlatte. The clerk will report the
2429 amendment.

2430 Ms. Lofgren. I reserve a point of order.

2431 Chairman Goodlatte. The clerk will report the
2432 amendment. Point of order is reserved.

2433 Ms. Adcock. Amendment to the Lofgren amendment.
2434 Strike section 610 and all that follows and insert on page
2435 178, strike lines 18-23.

2436 [The amendment of Mr. King follows:]

2437 ***** COMMITTEE INSERT *****

2438 Chairman Goodlatte. The gentleman is recognized for 5
2439 minutes on his amendment.

2440 Mr. King. Thank you, Mr. Chairman. There is an issue
2441 involved in this amendment offered by Congresswoman Lofgren
2442 about the conditions of confinement within the facilities
2443 that are licensed under this existing language in the bill.
2444 What my amendment does is it strikes all of the Lofgren
2445 amendment.

2446 My second amendment strikes all of the Lofgren
2447 amendment, but it inserts the language on page 178.
2448 Actually, it inserts on page 178 strike lines 18-23. That
2449 is the sections of the code that deal with conditions of
2450 confinement, and I will just read the section.

2451 "The conditions of confinement," this is what would be
2452 struck. "The conditions of confinement applicable in this
2453 subsection shall be in the discretion of the secretary and
2454 in no instance may specific licensing requirements be
2455 imposed beyond those deemed appropriate by the secretary of
2456 Homeland Security."

2457 So that language, what it does is it caps the standards
2458 in these facilities at that standard that would be approved
2459 by the secretary. By striking this language under my
2460 second-degree amendment that lifts that cap and allows those
2461 conditions, those standards, then, to be improved and better
2462 than the minimum standards that are required under the

2463 secretary of Homeland Security.

2464 And so, I oppose the basis of the Lofgren amendment,
2465 which is why I will offer the second-degree amendment to
2466 strike that. But an improvement on this bill would be to
2467 lift these licensing requirements, so that the standards in
2468 those facilities could be improved. And I urge the adoption
2469 of my second-degree amendment, and I yield back the balance
2470 of my time.

2471 Chairman Goodlatte. The chair thanks the gentleman.
2472 Does the gentlewoman insist upon her --

2473 Ms. Lofgren. No, I do not. And I would like to strike
2474 the last word.

2475 Chairman Goodlatte. The gentlewoman is recognized for
2476 5 minutes.

2477 Ms. Lofgren. This does not fix the problem. I will
2478 just give you a real-world example. There is the Burke
2479 Center in Pennsylvania. Currently, we have mothers and
2480 minor children imprisoned in the Burke Center, which is,
2481 unlike the centers in Texas, is a local government facility.
2482 It is not licensed.

2483 And recently, the court said it could not be licensed.
2484 It is a jail, and it cannot be licensed as a childcare
2485 facility. Essentially, that situation in Pennsylvania is
2486 what the gentleman from Iowa's amendment would do. But the
2487 problem is it does not solve the incarceration of children

2488 because the remainder of the bill insists that children may
2489 not be released under any circumstances.

2490 I would point out, even if they have been granted a
2491 benefit under immigration law, if, for example, they have
2492 been granted asylum or Special Immigrant Juvenile Status,
2493 they could not be released if their parents were in custody.
2494 So, I do not think this amendment matters.

2495 I do not think it fixes the problem in the underlying
2496 bill. Whether it passes or not, we can pass it on a voice
2497 vote, but it does not solve the underlying problem. Even
2498 though my amendment would have struck this provision, so I
2499 would not be against it, it does not solve the underlying
2500 problem. And with that, I would yield back.

2501 Chairman Goodlatte. Question occurs on the amendment
2502 to the amendment offered by the gentleman from Iowa.

2503 All those in favor, respond by saying aye.

2504 Those opposed, no.

2505 The ayes have it and the amendment to the amendment is
2506 adopted.

2507 For what purpose does the gentlewoman from Texas seek
2508 recognition?

2509 Ms. Jackson Lee. Just one comment. I am just going to
2510 speak to the --

2511 Chairman Goodlatte. The gentlewoman is recognized for
2512 5 minutes.

2513 Ms. Jackson Lee. Strike the last word. I am just
2514 going to speak to the Lofgren amendment without what has
2515 been amended.

2516 Let me just generally say that, for those of us who
2517 visited detention centers and worked on issues dealing with
2518 the conditions of children over the years, again, this bill
2519 is a punitive bill. It goes against all sense of humanity
2520 as it relates to children who are innocent.

2521 And it does not follow the basic understanding of the
2522 Flores Settlement, which is that children be released from
2523 custody without unnecessary delay and that children be held
2524 in the least restrictive setting, appropriate to age and
2525 special needs. So, I hope that there may be an improvement
2526 here, but the overall trend and tendency of the legislation,
2527 I believe, is still punitive. With that, I yield back.

2528 Chairman Goodlatte. Okay, the question is on the
2529 Lofgren amendment, as amended by the King amendment.

2530 All those in favor, respond by saying aye.

2531 Those opposed, no.

2532 In the opinion of the chair, the ayes have it.

2533 Ms. Lofgren. I would ask for a recorded vote, Mr.
2534 Chairman.

2535 Chairman Goodlatte. Recorded vote is requested, and
2536 the clerk will call the roll.

2537 Ms. Adcock. Mr. Goodlatte?

2538 Chairman Goodlatte. Aye.

2539 Ms. Adcock. Mr. Goodlatte votes aye.

2540 Mr. Sensenbrenner?

2541 Ms. Adcock. Mr. Sensenbrenner votes no.

2542 Mr. Smith?

2543 [No response.]

2544 Mr. Chabot?

2545 [No response.]

2546 Mr. Issa?

2547 [No response.]

2548 Mr. King?

2549 Mr. King. Aye.

2550 Ms. Adcock. Mr. King votes aye.

2551 Mr. Franks?

2552 [No response.]

2553 Mr. Gohmert?

2554 [No response.]

2555 Mr. Jordan?

2556 [No response.]

2557 Mr. Poe?

2558 [No response.]

2559 Mr. Chaffetz?

2560 [No response.]

2561 Mr. Marino?

2562 Mr. Marino. Yes.

2563 Ms. Adcock. Mr. Marino votes yes.
2564 Mr. Gowdy?
2565 [No response.]
2566 Mr. Labrador?
2567 [No response.]
2568 Mr. Farenthold?
2569 [No response.]
2570 Mr. Collins?
2571 Mr. Collins. Yes.
2572 Ms. Adcock. Mr. Collins votes yes.
2573 Mr. DeSantis?
2574 Mr. DeSantis. Yes.
2575 Ms. Adcock. Mr. DeSantis votes yes.
2576 Mr. Buck?
2577 Mr. Buck. Yes.
2578 Ms. Adcock. Mr. Buck votes yes.
2579 Mr. Ratcliffe?
2580 Mr. Ratcliffe. Yes.
2581 Ms. Adcock. Mr. Ratcliffe votes yes.
2582 Mrs. Roby?
2583 [No response.]
2584 Mr. Gaetz?
2585 Mr. Gaetz. Aye.
2586 Ms. Adcock. Mr. Gaetz votes aye.
2587 Mr. Johnson of Louisiana?

2588 Mr. Johnson of Louisiana. Aye.

2589 Ms. Adcock. Mr. Johnson votes aye.

2590 Mr. Biggs?

2591 Mr. Biggs. Aye.

2592 Ms. Adcock. Mr. Biggs votes aye.

2593 Mr. Conyers?

2594 [No response.]

2595 Mr. Nadler?

2596 [No response.]

2597 Ms. Lofgren?

2598 Ms. Lofgren.

2599 Ms. Adcock. Ms. Lofgren votes no.

2600 Ms. Jackson Lee?

2601 Ms. Jackson Lee. No.

2602 Ms. Adcock. Ms. Jackson Lee votes no.

2603 Mr. Cohen?

2604 Mr. Cohen votes no.

2605 Mr. Johnson of Georgia?

2606 Mr. Johnson of Georgia. No.

2607 Ms. Adcock. Mr. Johnson votes no.

2608 Mr. Deutch?

2609 [No response.]

2610 Mr. Gutierrez?

2611 Mr. Gutierrez. No.

2612 Ms. Adcock. Mr. Gutierrez votes no.

2613 Ms. Bass?

2614 [No response.]

2615 Mr. Richmond?

2616 [No response.]

2617 Mr. Jeffries?

2618 [No response.]

2619 Mr. Cicilline?

2620 Mr. Cicilline. No.

2621 Ms. Adcock. Mr. Cicilline votes no.

2622 Mr. Swalwell?

2623 [No response.]

2624 Mr. Lieu?

2625 Mr. Lieu. No.

2626 Ms. Adcock. Mr. Lieu votes no.

2627 Mr. Raskin?

2628 Mr. Raskin. No.

2629 Ms. Adcock. Mr. Raskin votes no.

2630 Mr. Jayapal?

2631 Ms. Jayapal. No.

2632 Ms. Adcock. Ms. Jayapal votes no.

2633 Mr. Schneider?

2634 Mr. Schneider. No.

2635 Ms. Adcock. Mr. Schneider votes no.

2636 Chairman Goodlatte. The gentleman from Texas, Mr.

2637 Gohmert?

2638 Ms. Adcock. Mr. Gohmert votes yes.

2639 Chairman Goodlatte. The gentleman from Idaho?

2640 Ms. Adcock. Mr. Labrador votes yes.

2641 Chairman Goodlatte. Has every member votes who wishes
2642 to vote?

2643 The gentlewoman from Alabama?

2644 Ms. Adcock. Mrs. Roby votes yes.

2645 Chairman Goodlatte. The clerk will report.

2646 We have to let the gentleman from Utah vote.

2647 Ms. Adcock. Mr. Chaffetz votes aye.

2648 Chairman Goodlatte. We thank the gentleman for his
2649 presence.

2650 The clerk will report.

2651 Ms. Adcock. Mr. Chairman, 14 members voted aye; 11
2652 members voted no.

2653 Chairman Goodlatte. And the amendment is agreed to.

2654 Are there any further amendments?

2655 For what purpose does the gentlewoman from Texas seek
2656 recognition?

2657 Ms. Jackson Lee. I have an amendment at the desk,
2658 number seven.

2659 Chairman Goodlatte. The clerk will report the
2660 amendment.

2661 If there is no amendment, we should go on to another
2662 amendment.

2663 Ms. Adcock. Amendment to H.R. 2431 offered by Ms.

2664 Jackson Lee. Strike section 103.

2665 [The amendment of Ms. Jackson Lee follows:]

2666 ***** COMMITTEE INSERT *****

2667 Chairman Goodlatte. Without objection, the amendment
2668 is considered as read. The gentlewoman is recognized for 5
2669 minutes on her amendment.

2670 Ms. Jackson Lee. The amendment that is being
2671 distributed explains this opportunity to explain my
2672 amendment, which strikes section 103 of the bill, a
2673 particularly onerous part of H.R. 2431, which uses a
2674 jackhammer for a nail. My amendment strikes and changes the
2675 title of the bill to Trump's Mass Deportation Act.

2676 If enacted, section 103 would, for the first time in
2677 our history, make it a criminal offense for an individual to
2678 be present in the U.S. without permission. The short title
2679 of this bill should be amended to better reflect its true
2680 aim: Trump's Mass Deportation Act; at least that is what
2681 many people are saying. And what other name should you call
2682 a bill that delights in penalizing those who may have moved
2683 and not received timely notice of a removal order by adding
2684 them to the National Criminal Information Center, the FBI's
2685 electronic clearinghouse of electronic data that can be
2686 tapped into by virtually every criminal justice agency
2687 nationwide, 24 hours a day, 365 days a year?

2688 As a ranking member of the Crime Subcommittee, I am
2689 deeply troubled by this provision. Moreover, this bill and
2690 section 103 represents a step backwards and stands in stark
2691 contrast to the principles and policies of this committee's

2692 Overcriminalization Task Force.

2693 H.R. 2431 takes a deportation-only approach to
2694 immigration reform that will have far reaching negative
2695 consequences. Like a bad episode of The Walking Dead, H.R.
2696 2431 attempts to resurrect the discredited SAFE Act from the
2697 113th Congress and the Michael Davis Act from the 114th
2698 Congress. The Trump Mass Deportation Act would take us
2699 backward to deportation-only approach that radically departs
2700 from current, existing immigration law by criminalizing
2701 unlawful presence and permitting the prosecution and
2702 incarceration of every undocumented individual at immense
2703 cost to taxpayers.

2704 That means it would impact victims who have been a
2705 victim of crime. It could impact children. It could impact
2706 DACA-eligible individuals. It could possibly impact those
2707 seeking asylum. Everyone could be caught up in the
2708 entrapment of confusion as an immigrant and undocumented in
2709 what their process is. It could be deport someone on the
2710 way to court. Deport someone who has turned themselves in
2711 on their regular visits to the ICE office and instead of
2712 being treated with the respect of that they have reported,
2713 they are immediately handcuffed in front of their 2-year-old
2714 daughter and their wife and, within 2 days, deported.

2715 The Trump Mass Deportation Act would dramatically
2716 change our country's immigration policy overnight causing

2717 the arrests, criminal prosecution of mothers and fathers,
2718 tearing apart families of the 4.5 million or more citizens
2719 who are minor children.

2720 This was the very approach adopted in notorious H.R.
2721 4437 that sparked massive, nationwide outrage and prompted
2722 non-violent protest in 2005. Where is President Ronald
2723 Reagan now? Where is the Republican's Ronald Reagan?
2724 Nowhere. This is a mass deportation named by the person who
2725 feigns to act like they care about anyone. This was the
2726 very approach adopted, as I indicated already.

2727 You may recall, Mr. Chairman, that the leaders of the
2728 Catholic Church led the backlash to the Republican SAFE Act,
2729 asking priests and parishioners to engage in civil
2730 disobedience if it became law. What ensued was a series of
2731 peaceful but massive and historic demonstrations when
2732 immigrants, labor unions, congregations, and allies by the
2733 millions filled America's streets peacefully. Ironically,
2734 H.R. 4437 led to an unprecedented wave of citizenship and
2735 voting among Latino and other pro-immigrant voters who were
2736 energized to fight republican anti-immigrant policy. The
2737 history will repeat itself if the Trump Mass Deportation Act
2738 were to become law. I urge my colleagues to support the
2739 Jackson Lee amendment, which strikes section 103. I yield
2740 back.

2741 Mr. Smith. [Presiding] Thank you, Ms. Jackson Lee.

2742 And I recognize myself in opposition to the amendment. I
2743 oppose this amendment, which effectively undermines
2744 communication, coordination, and collaboration between law
2745 enforcement and the enforcement of immigration laws.

2746 Specifically, this amendment seeks to strike provisions
2747 in the bill that require that the immigration violators
2748 file, already a part of the National Criminal Identification
2749 Center database, include information that identifies aliens
2750 who have been ordered removed and who have overstayed their
2751 visas. Currently, this portion of NCIC already contains
2752 records on criminal aliens, whom immigration authorities
2753 have deported, and aliens without standing administrative
2754 warrants of removal. Including this information in NCIC is
2755 crucial in allowing State and local law enforcement officers
2756 to assist in the enforcement of our immigration laws.

2757 With more than 800,000 fugitives ordered removed yet
2758 still on the streets of the United States, why would we not
2759 want to enable State and local law enforcement officials to
2760 identify and apprehend them?

2761 In addition to information relating to the large
2762 percentage of visa overstays that are still living in the
2763 country could be equally as valuable to law enforcement.
2764 Surely if this information had been inputted into NCIC back
2765 in 2001, local and State police who stopped four men for
2766 minor traffic infractions might have been able to apprehend

2767 them prior to September 11th.

2768 If we want State and local assistance to be effective
2769 in enforcing our immigration laws, these agencies need this
2770 information and they need it inputted into the database on
2771 which they already rely. So I urge my colleagues to oppose
2772 this amendment.

2773 Are there other members who wish to be recognized?

2774 Yes, the gentleman is recognized.

2775 Mr. Johnson of Georgia. I move to strike the last
2776 word.

2777 Mr. Smith. The gentleman is recognized for 5 minutes.

2778 Mr. Johnson of Georgia. I will yield to the gentlelady
2779 from Texas.

2780 Ms. Jackson Lee. I thank the gentleman. The very
2781 point that you are making, Mr. Chairman, can be easily
2782 rebutted. It does not make us safe. Packing the database,
2783 flooding the NCIC database with civil immigration violations
2784 would make it more difficult for law enforcement to do their
2785 jobs. This amendment would add literally millions of non-
2786 criminal records to the NCIC database. As a result, local
2787 law enforcement officers using this system would have to
2788 waste precious time deciding whether a hit in the system
2789 merited action. Local police on the NCIC, to determine
2790 whether an individual that they have pulled over or detained
2791 is wanted on serious criminal charges by another

2792 jurisdiction, including the Federal Government of which they
2793 do not have the ability to ascertain by their own resources.

2794 We are going to flood that system. It probably will
2795 collapse. Law enforcement does not want this non-criminal
2796 information in the NCIC. Local law enforcement leaders have
2797 opposed efforts to expand the NCIC to include non-criminal
2798 immigration information because it undermines the quick,
2799 precise ability to research and save lives.

2800 While they are going through millions of non-violent
2801 names, someone could be escaping across the borders of other
2802 States. It undermines the central purpose of the system: to
2803 serve as a notice for criminal matters and warrants. I ask
2804 my colleagues to do the common sense thing and to support
2805 the Jackson Lee amendment. With that, I yield back.

2806 Mr. Smith. The gentleman from Georgia yields back?

2807 Mr. Johnson of Georgia. I will yield back.

2808 Mr. Smith. Okay, the gentleman yields back. Are there
2809 any other members who wish to be recognized?

2810 Yes. Mr. Gutierrez is recognized.

2811 Mr. Gutierrez. Thank you very much, Mr. Chairman.

2812 Well, first of all I thank Congresswoman Jackson Lee for
2813 making this amendment. And I am not going to take up the 5
2814 minutes. I am going to make one point. Police officers
2815 need this database. You know, they pull over people. They
2816 show up at people's homes. You want to hope, for the safety

2817 of the people that they are intervening with, that they know
2818 who they are and whether they are violent criminals out on
2819 warrants or criminality of the person. Yeah, you want to
2820 protect the cop, too. You want to protect the police
2821 officer, too. You want to give them good information.

2822 I understand the majority wants to put this in there,
2823 so all the police can become immigration agents because your
2824 purpose is get everybody in the United States and give this
2825 to the police. But I think the gentlelady from Texas will
2826 probably agree, there are going to be police departments
2827 that are not going to use the information for that because
2828 their police chief said, "That is not the way I want you to
2829 police." So even if you give the information, let me just
2830 say this to the majority: the cops that want to deport
2831 people are going to deport them and find the information
2832 regardless, whether it is on this database. They are going
2833 to do it. And the ones that are not are not going to do it
2834 anyways. So really, it is kind of futile, what you are
2835 doing.

2836 What you are doing is putting the police officers and
2837 the public at risk by putting information, which is not
2838 germane and does not lead to the safety of the citizenship
2839 and the police officers. So I think that it is unnecessary
2840 data that really is going to harm the policeman and really
2841 going to harm the public. So let's take the information

2842 out.

2843 And lastly, the police officer that wants the
2844 immigration information? There is another database. He is
2845 going to access it. So there is already access for what you
2846 want that police officer to get. But let him at least
2847 distinguish whether he thinks somebody is driving because
2848 they are here undocumented or whether they are driving away
2849 from a bank robbery.

2850 I mean, some cops are going to do both things. Some
2851 are not going to do both things. So it just seems futile.
2852 You are putting policemen at danger and public safety at
2853 danger by putting this information in there, only to get
2854 your goal of let's get all those immigrants. Thank you, and
2855 I return the balance of my time.

2856 Mr. Smith. Thank you, Mr. Gutierrez.

2857 Now the question is on the Jackson Lee amendment.

2858 All in favor say, aye.

2859 All opposed, nay.

2860 In the opinion of the chair, the nays have it.

2861 And a roll call has been requested, and the clerk will
2862 call the roll.

2863 Ms. Adcock. Mr. Goodlatte?

2864 [No response.]

2865 Mr. Sensenbrenner?

2866 [No response.]

2867 Mr. Smith?

2868 Mr. Smith. No.

2869 Ms. Adcock. Mr. Smith votes no.

2870 Mr. Chabot?

2871 [No response.]

2872 Mr. Issa?

2873 [No response.]

2874 Mr. King?

2875 Mr. King. No.

2876 Ms. Adcock. Mr. King votes no.

2877 Mr. Franks?

2878 [No response.]

2879 Mr. Gohmert?

2880 Mr. Gohmert. No.

2881 Ms. Adcock. Mr. Gohmert votes no.

2882 Mr. Jordan?

2883 [No response.]

2884 Mr. Poe?

2885 [No response.]

2886 Mr. Chaffetz?

2887 Mr. Chaffetz. No.

2888 Ms. Adcock. Mr. Chaffetz votes no.

2889 Mr. Marino?

2890 [No response.]

2891 Mr. Gowdy?

2892 [No response.]

2893 Mr. Labrador?

2894 Mr. Labrador. No.

2895 Ms. Adcock. Mr. Labrador votes no.

2896 Mr. Farenthold?

2897 Mr. Farenthold. Negative.

2898 Ms. Adcock. Mr. Farenthold votes no.

2899 Mr. Collins?

2900 Mr. Collins. No.

2901 Ms. Adcock. Mr. Collins votes no.

2902 Mr. DeSantis?

2903 Mr. DeSantis. No.

2904 Ms. Adcock. Mr. DeSantis votes no.

2905 Mr. Buck?

2906 Mr. Buck. No.

2907 Ms. Adcock. Mr. Buck votes no.

2908 Mr. Ratcliffe?

2909 Mr. Ratcliffe. No.

2910 Ms. Adcock. Mr. Ratcliffe votes no.

2911 Mrs. Roby?

2912 Mrs. Roby. No.

2913 Ms. Adcock. Mrs. Roby votes no.

2914 Mr. Gaetz?

2915 [No response.]

2916 Ms. Adcock. Mr. Johnson of Louisiana?

2917 Mr. Johnson of Louisiana. No.

2918 Ms. Adcock. Mr. Johnson votes no.

2919 Mr. Biggs?

2920 Mr. Biggs. No.

2921 Ms. Adcock. Mr. Biggs votes no.

2922 Mr. Conyers?

2923 [No response.]

2924 Mr. Nadler?

2925 [No response.]

2926 Ms. Lofgren?

2927 [No response.]

2928 Ms. Jackson Lee?

2929 Ms. Jackson Lee. Aye.

2930 Ms. Adcock. Ms. Jackson Lee votes aye.

2931 Mr. Cohen?

2932 [No response.]

2933 Mr. Johnson of Georgia?

2934 Mr. Johnson of Georgia. No.

2935 Ms. Adcock. Mr. Johnson votes aye.

2936 Mr. Deutch?

2937 [No response.]

2938 Mr. Gutierrez?

2939 Mr. Gutierrez. Yes.

2940 Ms. Adcock. Mr. Gutierrez votes yes.

2941 Ms. Bass?

2942 [No response.]

2943 Mr. Richmond?

2944 [No response.]

2945 Mr. Jeffries?

2946 [No response.]

2947 Mr. Cicilline?

2948 Mr. Cicilline. Aye.

2949 Ms. Adcock. Mr. Cicilline votes aye.

2950 Mr. Swalwell?

2951 [No response.]

2952 Mr. Lieu?

2953 Mr. Lieu. Aye.

2954 Ms. Adcock. Mr. Lieu votes aye.

2955 Mr. Raskin?

2956 Mr. Raskin. Aye.

2957 Ms. Adcock. Mr. Raskin votes aye.

2958 Mr. Jayapal?

2959 Ms. Jayapal.

2960 Ms. Adcock. Ms. Jayapal votes aye.

2961 Mr. Schneider?

2962 Mr. Schneider. Aye.

2963 Ms. Adcock. Mr. Schneider votes aye.

2964 Mr. Smith. Are there other members who wish to vote?

2965 The gentleman from Pennsylvania?

2966 Ms. Adcock. Mr. Marino votes no.

2967 Mr. Smith. The gentleman from Texas? Mr. Ratcliffe?
2968 Has the gentleman from Texas voted? Oh, has he? Okay,
2969 pardon me.

2970 Gentleman from Ohio?

2971 Ms. Adcock. Mr. Chabot votes no.

2972 Mr. Smith. How has the gentleman voted?

2973 Ms. Adcock. Mr. Gaetz votes no.

2974 Mr. Smith. The clerk will report.

2975 Ms. Adcock. Mr. Chairman, 8 members voted aye; 16
2976 members voted no.

2977 Mr. Smith. The amendment is not agreed to. Are there
2978 any others?

2979 Ms. Jackson Lee. Mr. Chairman, I have an amendment at
2980 the desk. It is number eight, the next one. Thank you.

2981 Mr. Smith. The clerk will read the amendment.

2982 Ms. Adcock. Amendment to H.R. 2431 offered by Ms.
2983 Jackson Lee of Texas. Page 184 after line 3 add the
2984 following --

2985 [The amendment of Ms. Jackson Lee follows:]

2986 ***** COMMITTEE INSERT *****

2987 Mr. Smith. Without objection, the amendment will be
2988 considered as read, and the gentlewoman from Texas is
2989 recognized to explain her amendment.

2990 Ms. Jackson Lee. Thank you for the opportunity, Mr.
2991 Chairman. Aliens in expedited removal proceedings are
2992 subject to mandatory attention. This expansion of expedited
2993 removal proceedings, in tandem with mandatory detention, is
2994 a recipe for disaster. DHS is not able to provide detention
2995 facilities to hold all of the aliens that may be subject to
2996 mandatory detention.

2997 And might I just offer to my colleagues, the report
2998 questions immigration detention deaths in Houston and
2999 nationwide. I will be joining my colleagues, members of the
3000 immigration advocacy community, picketing outside of our
3001 detention center because people have died unnecessarily. I
3002 ask unanimous consent to submit this report into the record.

3003 Unanimous consent to submit this report into the
3004 record.

3005 Unanimous consent to submit this report into the
3006 record, regarding those who have died in detention centers.

3007 Mr. Smith. Without objection, that will be entered.

3008 [The information follows:]

3009 ***** COMMITTEE INSERT *****

3010 Ms. Jackson Lee. Thank you, including that one in
3011 Houston. My amendment provides guidelines and authority for
3012 a program of secure alternatives to detention that would
3013 implement this provision. It provides for a range of human
3014 and cost effective alternatives to prison facilities that
3015 will still ensure an alien's appearance before immigration
3016 officials for their removal. The secure alternatives will
3017 be based on the best practices utilized by the Appearance
3018 Assistance Program. It would address the need to provide
3019 non-penal facilities for members of vulnerable populations
3020 needing specialized care such as families arrested with
3021 their children or aliens with serious medical or mental
3022 health needs because that is what happened to these
3023 individuals that died.

3024 One of them was from Canada. Aliens who are mentally
3025 retarded or autistic, elderly aliens over the age of 65, and
3026 victims of trafficking or a criminal operation. Under
3027 current department policy, family units are split up and
3028 sent to different facilities with parents separated from
3029 their children. Consider the plight Malik Jorno, a mentally
3030 retarded orphan from Guinea who languished for 3 years in
3031 adult jails with violent convicts until more than 70 members
3032 of Congress from both parties succeeded in convincing the
3033 department to release them to a refugee shelter as an
3034 alternative to detention. No child should have to

3035 experience such frightening circumstances.

3036 This program would be implemented by a nongovernmental
3037 organization in order to achieve cost savings for the
3038 department and alien selection for the program would be
3039 entirely within the direction of the department. And it
3040 would not convey any right or benefits under the Immigration
3041 and Nationality Act.

3042 Is there any humaneness? I beg of you to realize what
3043 is happening in detention centers across America, right in
3044 my hometown in the 18th congressional district. I am both
3045 speechless, outraged, and as a mother and as a human being,
3046 I do not believe if you are there on a civil matter in a
3047 detention center that you should die.

3048 I ask my colleagues to support the Jackson Lee
3049 amendment. I yield back.

3050 Mr. Smith. Thank you, Ms. Jackson Lee.

3051 The gentleman from Idaho, Mr. Labrador, is recognized
3052 in opposition to the amendment.

3053 Mr. Labrador. I must oppose this amendment.

3054 Mr. Smith. The gentleman is recognized for 5 minutes.

3055 Mr. Labrador. Okay. Congressman Smith created the
3056 Expedited Removal Process and the Legal Immigration Reform
3057 and Immigrant Responsibility Act of 1996, IRA, because
3058 thousands of aliens were showing up at our international
3059 airports with false documents or no documents at all because

3060 they had flushed them down airplane toilets. These aliens
3061 were released and many never heard from again.

3062 By the mid-1990s, tens of thousands of aliens were
3063 arriving at U.S. airports each year without fail the
3064 documents, often making meritless asylum claims, knowing
3065 that they would be released into the community pending
3066 asylum hearing before immigration judges because of a lack
3067 of detention space. Few were ever heard from again.

3068 As soon as detention facilities were bolstered at one
3069 airport, such passengers would switch to another one. In
3070 response, the 1996 Act created the mechanism of expedited
3071 removal. Under expedited removal, a customs and border
3072 inspection officer at an airport can immediately return an
3073 alien lacking proper documents to his or her country of
3074 origin unless the alien can establish a credible fear of
3075 persecution. If credible fear is shown, then the alien will
3076 be able to make his or her case before an immigration judge
3077 at a later time.

3078 After the creation of expedited removal, our airports
3079 were no longer being deluged. The expedited removal
3080 program, in addition to removing the illegal aliens directly
3081 affected, also provides a strong disincentive to other would
3082 be illegal aliens in all parts of the world.

3083 Under this amendment, our airports would, again, be
3084 full and aliens would again be released by the thousands.

3085 Aliens placed in expedited removal should be immediately
3086 returned on the next outbound flight or detained if
3087 necessary, but never should they be released into our
3088 communities.

3089 In addition, many of the aliens subject to expedited
3090 removal have serious convictions rendering them aggravated
3091 felons or criminal aliens not entitled to release if they
3092 were placed in removal proceedings.

3093 It would be contrary to the intent of Congress to allow
3094 them to simply phone in once a week or wear ankle bracelets
3095 which are, all too often, cut off and disposed of on highway
3096 shoulders. I urge my colleagues to oppose this amendment.

3097 I would also would like to point out that the last
3098 section of the bill, section 602 -- 603 includes a TAO study
3099 of the desk in custody which was actually something that Ms.
3100 Jackson Lee suggested at the previous hearing on this bill.
3101 And I yield back my time.

3102 Mr. Smith. Thank you, Mr. Labrador. Are there any
3103 other members who wish to be heard on this amendment? If
3104 not, the vote is on the Jackson Lee Amendment.

3105 All in favor, say aye.

3106 Opposed, no.

3107 In opinion of the chair, the noes have it, and the
3108 amendment is not agreed to.

3109 Are there any further amendments? If not, and is

3110 reporting quorum present. The gentleman from Georgia, Mr.
3111 Johnson, is recognized.

3112 Mr. Johnson of Georgia. I have an amendment at the
3113 desk.

3114 Mr. Smith. The clerk will report the amendment ---
3115 read the amendment.

3116 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.
3117 Johnson. Page 183, line 3, strike by adding --

3118 Mr. Smith. Without objection, the amendment will be
3119 considered as read, and the gentleman from Georgia is
3120 recognized to explain his amendment.

3121 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
3122 would like to offer this amendment, which I will co-lead
3123 with Mr. Cicilline, and specifically, this amendment relates
3124 to Title V of the bill. Before I delve into my objections,
3125 I would like to make sure that the contents are known of
3126 this bill -- contents of this bill are known.

3127 In one fell swoop, Title V of this legislation would
3128 create the Bannon-Trump Deportation Force. The Bannon-Trump
3129 Deportation Force would make ICE three times larger than it
3130 is now. If this legislation were to pass, it would arm the
3131 Bannon-Trump Deportation Force with military grade weaponry
3132 to use while conducting immigration raids on unsuspecting
3133 individuals and the communities within which they live.

3134 This legislation would empower a Bannon-Trump

3135 Deportation Force to remove people from their homes and
3136 their families and detain them until they are deported, and
3137 the detention would often be under extreme conditions.

3138 This legislation would also empower immigration
3139 officials to unilaterally revoke the immigration status of
3140 individuals without prior notice or due process. This
3141 legislation would unleash forces of terror to menace and
3142 terrorize neighborhoods, leaving parents, women, children,
3143 and the elderly to exist in a permanent state of fear.

3144 I urge my colleagues to support this amendment, which
3145 abolishes Title V, and with that, I would now like to yield
3146 the balance of my time to the gentleman from Rhode Island.

3147 Mr. Cicilline. Thank you, and I am pleased to offer
3148 this amendment with my friend and colleague, Congressman
3149 Johnson. This amendment would strike provisions of H.R.
3150 2431 requiring that every ICE officer on duty is issued body
3151 armor and weapons including handguns, M-4 assault rifles and
3152 tasers.

3153 This amendment also strikes the provision that
3154 deportation officers be allowed to undergo training on
3155 enhanced tacto capabilities. The Trump administration has
3156 ramped up Federal immigration enforcement with ICE agents
3157 connecting highly visible and aggressive raids. ICE agents
3158 have gone so far as to target immigrant parents that are
3159 dropping their children off at school and even apprehending

3160 immigrant women who are trying to report domestic abuse to
3161 law enforcement.

3162 ICE's frightening new presence around the country has
3163 inflicted nothing short of terror in immigrant communities
3164 with parents afraid to go to work and children afraid to go
3165 to school. Apparently, this is not enough for some of my
3166 colleagues. H.R. 2431 would dangerously expand ICE agents'
3167 enforcement authority, even more by arming agents with
3168 military grade equipment.

3169 This bill comes after recent comments by President
3170 Trump celebrating 2 weeks of ICE raids in February that
3171 resulted in the arrest of 683 immigrants as a successful,
3172 quote, "military operation," end quote.

3173 I strongly believe that a militarized immigration force
3174 will make our communities much less safe in several ways.
3175 For example, all law enforcement agencies rely on people in
3176 the communities they work and to cooperate in solving and
3177 deterring crimes. However, as immigrants are being
3178 increasingly forced into the shadows by this
3179 administration's oppressive immigration regime, they have
3180 become frightened to report crimes and testify in court for
3181 fear of being apprehended by ICE.

3182 Undermining this critical relationship between
3183 immigrant community members and law enforcement has made
3184 victims afraid to come forward and allows perpetrators of

3185 crime to escape prosecution. Proposals that weaken
3186 community trust are especially dangerous for victims of
3187 sexual assault, domestic violence, and trafficking.

3188 In addition, H.R. 2431 would potentially put military
3189 style weapons such as M-40 assault rifles in the hands of
3190 every ICE agent. The M-4 is best known as a military combat
3191 weapon used in the U.S. Armed Forces.

3192 It is hard to believe that every ICE agent has or would
3193 receive the crucial training necessary to operate a weapon
3194 commonly used for combat. Yet this bill could give ICE
3195 agents newfound enforcement powers roaming the streets, our
3196 neighborhood, stores, and our schools with military grade
3197 weapons that they do not properly understand how to use.

3198 I am also concerned this bill encourages ICE agents to
3199 rely on the threat and use of deadly force instead of
3200 methods used to deescalate conflict. This is especially
3201 concerning because a confrontation may ensue in any
3202 situation where a person is targeted for deportation or
3203 immigration detention.

3204 In a situation where agents target busy, public places
3205 for immigration raids, such as a mall or a restaurant,
3206 widespread fear and panic during the raid could heighten
3207 violent or lethal force used by agents that have just
3208 proportionally powerful weapons.

3209 For these reasons, I urge my colleagues to adopt this

3210 amendment, which will remove an extremely harmful provision
3211 of H.R. 2431 that would give new and potentially deadly
3212 powers to immigration officers. And with it, I yield back
3213 the 1 second I had.

3214 Mr. Smith. The gentleman's time has expired, and the
3215 gentleman from Idaho, Mr. Labrador, is recognized in
3216 opposition to the amendment.

3217 Mr. Labrador. Thank you, Mr. Chairman. I oppose this
3218 amendment, as it would greatly hamper ICE's ability to carry
3219 out its mission safely and would likewise place ICE officers
3220 in severe danger. This amendment would strip the provision
3221 ensuring that ICE has the weapons necessary to carry out its
3222 enforcement actions.

3223 I am a little bit confused why this has suddenly become
3224 the focus of so much negative attention, including
3225 speculation that this was placed in the bill to promote the
3226 Trump administration's agenda. Maybe my friends on the
3227 other side of the aisle forgot that this section was part of
3228 the bill last year when it was introduced under the Obama
3229 administration.

3230 I could understand that concern but for the fact that
3231 this language was in that version, and it was a bill that
3232 passed in Congress in the 113th and the 114th congresses.
3233 This is not a new provision, and it is certainly not there
3234 to appease the administration; it is part of this bill

3235 because the safety of ICE officers should matter to all of
3236 us.

3237 ICE is a Federal law enforcement agency. Its mission
3238 is different from the FBI, the ATF, or the DEA, to be sure,
3239 but that does not mean that ICE officers are exposed to any
3240 less danger than these other agencies.

3241 I look forward to hearing opposition when this
3242 committee looks at the Secret Service Authorization Bill.
3243 Sure, even opponents would be hard pressed to say Secret
3244 Service agents do not need advanced weapons systems.

3245 No one is suggesting that ICE officers carry M-4s or
3246 any other weapons aside from the agency issued handguns as
3247 part of a daily routine or into malls or anything like that.
3248 These weapons are simply not meant for day-to-day
3249 operations.

3250 However, when a high risk situation develops, we want
3251 to ensure that our law enforcement officers, including those
3252 at ICE, can protect themselves and the greater community
3253 from dangerous criminals who likely have even better weapons
3254 at their disposal.

3255 In a letter to the California Supreme Court Justice
3256 Tani Cantil-Sakauye, dated March 29, 2017, Secretary Kelly
3257 and Attorney General Sessions, wrote that "due to sanctuary
3258 policies, ICE is often charged with locating dangerous
3259 individuals on the streets or in public places instead of in

3260 the safety of a jail or prison."

3261 That is actually the most ironic thing about the other
3262 side's argument in this case, is that they are making it
3263 less safe for communities by advocating for sanctuary
3264 policies instead of finding the criminal aliens in the
3265 jails, ICE now has to go to homes and other areas to find
3266 the criminal aliens.

3267 When a criminal alien is released and knows that ICE
3268 may be looking for them, that person is likely to put up a
3269 fight, and it is the duty of this Congress to ensure that
3270 ICE comes to that fight prepared.

3271 This certainly is not a novel concept. Just recently,
3272 it was reported that three other men in Chicago were
3273 proposing legislation to provide training to Chicago police
3274 in order to put more long guns in their hands.

3275 I am not going to suggest that ICE's mission is any
3276 less important, any less dangerous than any other law
3277 enforcement officer. When these weapons are needed, they
3278 should be available.

3279 Further, the bill clarifies exactly what law
3280 enforcement actions a deportation officer may take without a
3281 warrant. With the exception of an amendment as to their
3282 arrest powers, this is nothing new, and deportation officers
3283 have always had this authority.

3284 The importance of this provision is to clarify that

3285 deportation officers, in fact, do have legislative authority
3286 since no agent or officer with U.S. Immigration and Customs
3287 Enforcement is explicitly mentioned in the Immigration and
3288 Nationality Act.

3289 Since ICE, itself, has never been codified, it is
3290 crucial that in doing so, this Congress takes the steps to
3291 ensure that the officers on the front line know exactly what
3292 their authority is and how they may perform their law
3293 enforcement duties.

3294 While it may not change the manner in which the
3295 deportation officers do their jobs, it will, for the first
3296 time, provide them with the specific authority and statutory
3297 authority.

3298 I also ask for the letter from Secretary Kelly and
3299 Attorney General Sessions to be included to the record.

3300 Mr. Smith. Without objection, the letter will be made
3301 a part of the record.

3302 [The information follows:]

3303 ***** COMMITTEE INSERT *****

3304 Mr. Labrador. Thank you, and I yield back.

3305 Mr. Smith. Thank you, Mr. Labrador. Does any other
3306 member wish to be recognized on the Johnson amendment? If
3307 not, the vote is on the Johnson amendment.

3308 All in favor say aye.

3309 Opposed, nay.

3310 Mr. Johnson of Georgia. I will ask for a recorder
3311 vote.

3312 Mr. Smith. Okay. In any case, recorded vote has been
3313 requested, and the clerk will call the role.

3314 Ms. Adcock. Mr. Goodlatte?

3315 [No response.]

3316 Mr. Sensenbrenner?

3317 [No response.]

3318 Mr. Smith?

3319 Mr. Smith. No.

3320 Ms. Adcock. Mr. Smith votes no.

3321 Mr. Chabot?

3322 Mr. Chabot. No.

3323 Ms. Adcock. Mr. Chabot votes no.

3324 Mr. Issa?

3325 Mr. Issa. No.

3326 Ms. Adcock. Mr. Issa votes no.

3327 Mr. King?

3328 Mr. King. No.

3329 Ms. Adcock. Mr. King votes no.
3330 Mr. Franks?
3331 [No response.]
3332 Mr. Gohmert?
3333 [No response.]
3334 Mr. Jordan?
3335 [No response.]
3336 Mr. Poe?
3337 [No response.]
3338 Mr. Chaffetz?
3339 [No response.]
3340 Mr. Marino?
3341 [No response.]
3342 Mr. Gowdy?
3343 [No response.]
3344 Mr. Labrador?
3345 [No response.]
3346 Mr. Farenthold?
3347 Mr. Farenthold. Nay.
3348 Ms. Adcock. Mr. Farenthold votes nay.
3349 Mr. Collins?
3350 [No response.]
3351 Mr. DeSantis?
3352 Mr. DeSantis. No.
3353 Ms. Adcock. Mr. DeSantis votes no.

3354 Mr. Buck?

3355 Mr. Buck. No.

3356 Ms. Adcock. Mr. Buck votes no.

3357 Mr. Ratcliffe?

3358 Mr. Ratcliffe. No.

3359 Ms. Adcock. Mr. Ratcliffe votes no.

3360 Mrs. Roby?

3361 Mrs. Roby. No.

3362 Ms. Adcock. Mrs. Roby votes no.

3363 Mr. Gaetz?

3364 [No response.]

3365 Mr. Johnson of Louisiana?

3366 Mr. Johnson of Louisiana. No.

3367 Ms. Adcock. Mr. Johnson votes no.

3368 Mr. Biggs?

3369 Mr. Biggs. No.

3370 Ms. Adcock. Mr. Biggs votes no.

3371 Mr. Conyers?

3372 Mr. Conyers. Yes.

3373 Ms. Adcock. Mr. Conyers votes yes.

3374 Mr. Nadler?

3375 [No response.]

3376 Ms. Lofgren?

3377 [No response.]

3378 Ms. Jackson Lee?

3379 [No response.]

3380 Mr. Cohen?

3381 [No response.]

3382 Mr. Johnson of Georgia?

3383 Mr. Johnson of Georgia. Yes.

3384 Ms. Adcock. Mr. Johnson votes yes.

3385 Mr. Deutch?

3386 [No response.]

3387 Mr. Gutierrez?

3388 Mr. Gutierrez. Yes.

3389 Ms. Adcock. Mr. Gutierrez votes yes.

3390 Ms. Bass?

3391 [No response.]

3392 Mr. Richmond?

3393 [No response.]

3394 Mr. Jeffries?

3395 [No response.]

3396 Mr. Cicilline?

3397 [No response.]

3398 Mr. Swalwell?

3399 [No response.]

3400 Mr. Lieu?

3401 Mr. Lieu. Yes.

3402 Ms. Adcock. Mr. Lieu votes yes.

3403 Mr. Raskin?

3404 Mr. Raskin. Yes.

3405 Ms. Adcock. Mr. Raskin votes yes.

3406 Ms. Jayapal?

3407 Ms. Jayapal. Yes.

3408 Ms. Adcock. Ms. Jayapal votes yes.

3409 Mr. Schneider?

3410 Mr. Schneider. Yes.

3411 Ms. Adcock. Mr. Schneider votes yes.

3412 Mr. Marino votes no.

3413 Mr. King. [Presiding] The gentleman from Georgia, Mr.

3414 Collins?

3415 Mr. Collins. No.

3416 Ms. Adcock. Mr. Collins votes no.

3417 Mr. King. Gentleman from Idaho?

3418 Mr. Labrador. No.

3419 Ms. Adcock. Mr. Labrador votes no.

3420 Mr. King. Gentleman from Florida?

3421 Mr. Gaetz. No.

3422 Mr. King. Gentleman from --

3423 Ms. Adcock. Mr. Gaetz votes no.

3424 Mr. King. Gentleman from Louisiana?

3425 Mr. Johnson of Louisiana. No.

3426 Mr. King. The gentleman from Texas, to my left.

3427 Mr. Gohmert. No.

3428 Ms. Adcock. Mr. Gohmert votes no.

3429 Mr. King. Gentleman from Rhode Island.

3430 Mr. Cicilline. Aye.

3431 Ms. Adcock. Mr. Cicilline votes aye.

3432 Mr. King. The gentleman from Virginia?

3433 Chairman Goodlatte. No.

3434 Ms. Adcock. Mr. Goodlatte votes no.

3435 Mr. King. Any other members wish to cast or change

3436 their vote? Then the clerk shall report.

3437 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17

3438 members voted no.

3439 Mr. King. The clerk has reported, and the gentleman,

3440 Mr. Johnson's amendment is defeated.

3441 Mr. Johnson. Thank you, Mr. Chairman. I have another

3442 amendment at the desk.

3443 Mr. King. The clerk will report the amendment.

3444 Ms. Adcock. Amendment to H.R. 2431, offered by Mr.

3445 Johnson, page 183, line 3, strike by adding at the end and

3446 insert the following --

3447 [The amendment of Mr. Johnson of Louisiana follows:]

3448 ***** COMMITTEE INSERT *****

3449 Mr. King. The gentleman from Georgia is recognized for
3450 his amendment.

3451 Mr. Johnson of Georgia. I would ask that the amendment
3452 be considered as read.

3453 Mr. King. The amendment is considered as read without
3454 objection, and the gentleman from Georgia is recognized.

3455 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
3456 rise to offer this amendment, which would guarantee
3457 individuals who are facing the Trump deportation force. It
3458 would guarantee that they have a right to counsel.

3459 This bill, Mr. Chairman, criminalizes being unlawfully
3460 present in this country; if one overstays a visa by 1 day or
3461 even 1 minute, or if the terms of a person's entry are
3462 violated in any way, including a technical or an
3463 insignificant violation, then that person faces criminal
3464 charges.

3465 This bill converts undocumented individuals into
3466 criminals. In America, any person charged with a crime has
3467 a right to counsel. We should pass this amendment which
3468 will guarantee that detainees caught up in the dragnet that
3469 this legislation creates will have a right to counsel, and
3470 if they cannot afford one, one should be appointed to
3471 represent them; this is the only way to ensure that
3472 detainees, some of whom face death upon return to their home
3473 countries, receive due process under the law.

3474 Mr. Chairman, 11 million people are thought to be
3475 undocumented in this country. When this legislation, or
3476 should this legislation pass, those 11 million people will
3477 become suspected criminals. If this legislation is signed
3478 into law, deportation and removal will no longer be purely
3479 an administrative process; it will become a criminal
3480 process, and so therefore, the protections of the criminal
3481 law should ensue.

3482 The most important one of which is the right to
3483 counsel. This legislation deputizes State and local law
3484 enforcement agents as ICE agents. It gives them the ability
3485 to lock folks up, lock suspects up, for having violated the
3486 provisions of this legislation. If the police are out
3487 hunting down and locking up suspects for ICE, then it is
3488 only logical, and it is only within our constitutional
3489 norms, to afford those suspects with the right to counsel,
3490 particularly when their very lives are in jeopardy.

3491 Due process protects a person, and a person is entitled
3492 to due process when their life, liberty, and property
3493 interests are affected by the State action. And so this is
3494 a commonsense amendment that is a natural byproduct of
3495 passage of this legislation.

3496 And so in order for us to adhere to our constitutional
3497 norms, which we hold so dear in this country, I am hopeful
3498 that my colleagues on the other side of the aisle would see

3499 the common sense and constitutional reasons for affording
3500 people, 11 million of them, who become criminals upon
3501 passage of this legislation, to afford this people with the
3502 right to counsel, which the courts will probably find.

3503 So that is my argument, and with that, I will yield
3504 back.

3505 Mr. King. Gentleman returns his time. For what
3506 purposes the gentleman from Idaho seek to be recognized?

3507 Mr. Labrador. Mr. Chairman, I oppose this amendment.
3508 I am going to be really brief. The Supreme Court has
3509 already --

3510 Mr. King. The gentleman is recognized.

3511 Mr. Labrador. Thank you. The Supreme Court has
3512 already indicated that there is no right to counsel in
3513 immigration proceedings, and if there is a criminal charge,
3514 there is already a right to counsel in those proceedings, so
3515 this amendment is not common sense. In fact, it is
3516 illogical and it is unnecessary.

3517 If you are just in the removal proceedings, there is no
3518 right to counsel. The Supreme Court has sustained that and
3519 upheld it for many, many years; and if anybody is charged
3520 for a new crime under this statute, they will be afforded
3521 the right to counsel that our Supreme Court and our
3522 Constitution guarantees, and with that, I object.

3523 Mr. Johnson. Will the gentleman yield?

3524 Mr. Labrador. I will not. We have to go vote. So
3525 with that, I yield back.

3526 Mr. King. The gentleman from Idaho returns his time.
3527 The question is on the amendment.

3528 All those in favor shall say aye.

3529 All those opposed, no.

3530 In the opinion of the chair, the noes have it. The
3531 noes do have it. The amendment is defeated.

3532 Mr. Johnson of Georgia. I request a recorded vote.

3533 Mr. King. The gentleman has requested a recorded vote.
3534 The clerk shall call the vote.

3535 Ms. Adcock. Mr. Goodlatte?

3536 [No response.]

3537 Mr. Sensenbrenner?

3538 [No response.]

3539 Mr. Smith?

3540 Mr. Smith.

3541 [No response.]

3542 Mr. Chabot?

3543 [No response.]

3544 Mr. Issa?

3545 Mr. Issa. No.

3546 Ms. Adcock. Mr. Issa votes no.

3547 Mr. King?

3548 Mr. King. No.

3549 Ms. Adcock. Mr. King votes no.
3550 Mr. Franks?
3551 [No response.]
3552 Mr. Gohmert?
3553 [No response.]
3554 Mr. Jordan?
3555 [No response.]
3556 Mr. Poe?
3557 [No response.]
3558 Mr. Chaffetz?
3559 [No response.]
3560 Mr. Marino?
3561 [No response.]
3562 Mr. Gowdy?
3563 [No response.]
3564 Mr. Labrador?
3565 Mr. Labrador. No,
3566 Ms. Adcock. Mr. Labrador votes no.
3567 Mr. Farenthold?
3568 [No response.]
3569 Mr. Collins?
3570 Mr. Collins. No.
3571 Ms. Adcock. Mr. Collins votes no.
3572 Mr. DeSantis?
3573 Mr. DeSantis. No.

3574 Ms. Adcock. Mr. DeSantis votes no.
3575 Mr. Buck?
3576 Mr. Buck. No.
3577 Ms. Adcock. Mr. Buck votes no.
3578 Mr. Ratcliffe?
3579 Mr. Ratcliffe. No.
3580 Ms. Adcock. Mr. Ratcliffe votes no.
3581 Mrs. Roby?
3582 Mrs. Roby. No.
3583 Ms. Adcock. Mrs. Roby votes no.
3584 Mr. Gaetz?
3585 Mr. Gaetz. No.
3586 Ms. Adcock. Mr. Gaetz votes no.
3587 Mr. Johnson of Louisiana?
3588 Mr. Johnson of Louisiana. No.
3589 Ms. Adcock. Mr. Johnson votes no.
3590 Mr. Biggs?
3591 Mr. Biggs. No.
3592 Ms. Adcock. Mr. Biggs votes no.
3593 Mr. Conyers?
3594 Mr. Conyers. Aye.
3595 Ms. Adcock. Mr. Conyers votes aye.
3596 Mr. Nadler?
3597 [No response.]
3598 Ms. Lofgren?

3599 [No response.]
3600 Ms. Jackson Lee?
3601 [No response.]
3602 Mr. Cohen?
3603 [No response.]
3604 Mr. Johnson of Georgia?
3605 Mr. Johnson of Georgia. Aye.
3606 Ms. Adcock. Mr. Johnson votes aye.
3607 Mr. Deutch?
3608 [No response.]
3609 Mr. Gutierrez?
3610 Mr. Gutierrez. Aye.
3611 Ms. Adcock. Mr. Gutierrez votes aye.
3612 Ms. Bass?
3613 [No response.]
3614 Mr. Richmond?
3615 [No response.]
3616 Mr. Jeffries?
3617 [No response.]
3618 Mr. Cicilline?
3619 [No response.]
3620 Mr. Swalwell?
3621 [No response.]
3622 Mr. Lieu?
3623 Mr. Lieu. Aye.

3624 Ms. Adcock. Mr. Lieu votes aye.

3625 Mr. Raskin?

3626 Mr. Raskin. Aye.

3627 Ms. Adcock. Mr. Raskin votes aye.

3628 Ms. Jayapal?

3629 Ms. Jayapal. Aye.

3630 Ms. Adcock. Ms. Jayapal votes aye.

3631 Mr. Schneider?

3632 Mr. Schneider. Aye.

3633 Ms. Adcock. Mr. Schneider votes aye.

3634 Mr. King. Anyone care to cast or change their vote?

3635 Gentleman from Virginia?

3636 Chairman Goodlatte. No.

3637 Ms. Adcock. Mr. Goodlatte votes no.

3638 Mr. King. Gentleman from Ohio?

3639 Mr. Chabot. No.

3640 Ms. Adcock. Mr. Chabot votes no.

3641 Mr. King. Gentleman from Pennsylvania?

3642 Mr. Marino. No.

3643 Ms. Adcock. Mr. Marino votes no.

3644 Mr. King. Gentleman from Texas?

3645 Mr. Farenthold. No.

3646 Ms. Adcock. Mr. Farenthold votes no.

3647 Mr. King. Gentleman from Rhode Island?

3648 Mr. Cicilline. Aye.

3649 Ms. Adcock. Mr. Cicilline votes aye.

3650 Mr. King. Anyone else care to cast or change their
3651 vote? The gentleman from Texas?

3652 Mr. Gohmert. No.

3653 Ms. Adcock. Mr. Gohmert votes no.

3654 Mr. King. Anyone else care to cast or change their
3655 vote? Hearing none, the clerk will report.

3656 Ms. Adcock. Mr. Chairman, 8 members voted aye; 16
3657 members voted no.

3658 Mr. King. Eight members voted aye, and 16 members
3659 voted no. The Johnson Amendment has failed. The committee
3660 will now recess for votes, and we shall return immediately
3661 after votes.

3662 [Recess.]

3663 Chairman Goodlatte. The Judiciary Committee will
3664 reconvene. When the committee recessed for the last vote
3665 series we were considering amendments to H.R. 2431. Are
3666 there further amendments to H.R. 2431?

3667 Mr. Gutierrez. Mr. Chairman, I have an amendment at
3668 the desk.

3669 Chairman Goodlatte. The clerk will report the
3670 amendment.

3671 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.
3672 Gutierrez. Add at the end of the bill the following --

3673 [The amendment of Mr. Gutierrez follows:]

3674

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

3675 Chairman Goodlatte. Without objection, the amendment
3676 is considered as read and the gentleman is recognized for 5
3677 minutes on his amendment?

3678 Mr. Gutierrez. Thank you so much, Mr. Chairman. My
3679 amendment would allow U.S. citizens who are detained by ICE,
3680 CBP, or by a local police or sheriff's department on
3681 suspicion of being an immigrant in the U.S. illegally to sue
3682 the U.S. government or the State or local authority who took
3683 action on behalf of the Federal Government.

3684 My interest in this stems from the fact that I am
3685 Puerto Rican, born in the United States to parents who were
3686 born in Puerto who were also born in the United States. So
3687 I can go all the way back to my grandfather -- citizen, my
3688 parents -- citizen, I am a citizen. My children are
3689 citizens. But, they never stopped anyone from telling my
3690 parents or telling me that I should just go back to Mexico.
3691 It has never stopped anyone.

3692 Just yesterday, Mr. Chairman, on Twitter, Christie, who
3693 describes herself as a mother and grandmother from
3694 California told me, "Leave our country. Go back to Mexico
3695 where you belong."

3696 So I can tell you from personal experience that a lot
3697 of the anti-Mexican comments that are thrown around these
3698 days are really a shorthand way for saying Latino. When
3699 Donald Trump descended the golden escalators at Trump Tower

3700 and said in announcing his Presidential campaign that
3701 Mexicans are rapists and drug dealers and regardless of
3702 whatever sub-group of Latinos that he meant to denigrate and
3703 slander, what Latinos heard was aimed at not just the
3704 "Mexicans," but all Latinos in the United States of America.

3705 Any Latino, frankly any person of color in this country
3706 can tell you that racial profiling is prevalent in our
3707 country. And furthermore, that racial profiling is often
3708 inaccurate.

3709 Americans are just not very good at determining s
3710 someone else's ethnicity. Ask three people what race Dwayne
3711 "The Rock" Johnson is and you will get three different
3712 answers. And he said it when he announced his bid for the
3713 White House with his running mate Tom Hanks on Saturday
3714 Night Live the other day.

3715 It is even harder to look at someone and determine the
3716 complicated legal matter of whether someone is in full or
3717 complete compliance with immigration law. If all Latinos
3718 are Mexican and all Mexicans are murderers, rapists,
3719 killers, and drug dealers it can get pretty harsh for the
3720 Latino community in the United States of America. Some
3721 Republican members of the House of Representatives say that
3722 you can tell who is undocumented. This is an actual quote,
3723 Mr. Chairman.

3724 Republican members of the house have said they can tell

3725 who is undocumented by looking at someone's shoes as one of
3726 our Republican colleagues argued on national TV saying shoes
3727 were sufficient to identify immigrants as specifically their
3728 immigration status. That they were here illegally in this
3729 country.

3730 Now racial profiling is a problem for several reasons
3731 including that Americans do it a lot. And Americans do not
3732 do it very well. But most importantly, it is just bad law
3733 enforcement. Racial profiling does not yield the law
3734 enforcement results that we need our law enforcement to
3735 achieve in order to keep our schools, our neighborhoods, and
3736 our country safe. We tend to waste resources looking at
3737 classes of people who are not significant threats and do not
3738 focus enough our resources enough on people who pose actual
3739 significant threats.

3740 So as lawmaker, our legislation should be to
3741 disincentive racial profiling whenever possible and my
3742 amendment seeks to do that. We all saw the viral video over
3743 the weekend of a transit cop in Minnesota asking a rider for
3744 his papers -- asking him if he was in the country illegally
3745 or not. It was captured on tape by a bystander who had the
3746 good sense to see what was happening, take out his phone,
3747 record the incident, even challenge the police officer of
3748 whether it was right, or his response to question a subway
3749 rider about his or her immigration status. And, frankly,

3750 based on the clip I saw, the police officer backed off real
3751 quickly.

3752 But that was not the case for Eduardo Carravaio, who
3753 was arrested for petty crime and sent to Cook County Jail in
3754 Chicago where he would have been booked and released. But
3755 the sheriff's office received a detainer request on
3756 Carravaio as a suspected undocumented immigrant and did not
3757 release him and kept him in jail for several days based on
3758 the detainer.

3759 As it turns out, Mr. Carravaio is Puerto Rican, always
3760 has been, always will be. Was an American citizen, his
3761 parents were American citizens. Judging from his rap sheet
3762 he was no saint, but he was an American citizen and still
3763 is. My office called the Cook County Sheriff's Department
3764 and told them they did not have to honor the detainer on any
3765 other Puerto Rican.

3766 And we worked with them to understand that in the
3767 absence of a warrant issued by a judge the sheriff's
3768 department did not have to hold anyone for a Federal
3769 Government on an ICE detainer, which is the genesis of this
3770 updated and effective policy we have in Cook County.

3771 But it is not just Puerto Ricans who are incarcerated
3772 on suspicion of being here illegally. Hector Veloz is a
3773 U.S. citizen and Vietnam veteran who was held for 13 months
3774 in detention so he could prove behind bars his citizenship.

3775 I am told there are a lot of other cases of people detained,
3776 spending days in jail like my Carravaio, a few months in
3777 jail like Mr. Veloz. I want our laws to create a severe
3778 financial disincentive to that happening again and again and
3779 again.

3780 So, I would like to be clear that if your Department of
3781 Homeland Security wants people held and wants private
3782 companies and State and local governments to do that holding
3783 and frankly, that has a lot to do with failed and
3784 demonstrably ineffective processes for racial profiling --
3785 that there will be consequences is what I want U.S. citizens
3786 that are held illegally. Thank you, Mr. Chairman.

3787 Chairman Goodlatte. The chair thanks the gentleman and
3788 recognizes himself in opposition to the amendment.

3789 The amendment certainly serves some good purposes,
3790 however, it is fraught with some difficulties. First of
3791 all, the language notwithstanding any other provision of law
3792 is not clear to me and others as to what other provision of
3793 the law you may be driving at.

3794 Secondly, the knowingly standard is not contained here;
3795 and it is perfectly appropriate for law enforcement at any
3796 level to detain someone and if they are improperly detaining
3797 them there are protections under section 1983 of our U.S.
3798 Code. But, without the protection for law enforcement at
3799 any level to use -- without the use of the word "knowingly,"

3800 that's a problem.

3801 Furthermore, the private right of action already
3802 exists, but I am not sure that the Federal Government can
3803 bestow a private right of action against a State or local
3804 law enforcement officer. So, for those reasons, I must
3805 oppose the amendment. And I am happy to recognize the
3806 gentleman from Idaho.

3807 Mr. Labrador. I just have a quick comment. As the son
3808 of two Puerto Ricans and a Puerto Rican myself, I have been
3809 told by many liberals in Idaho -- especially recently when I
3810 announced that I was running for Governor -- that I need to
3811 go back to my home country. So, I do not think that it
3812 happens on just one side of the aisle, and I think mistakes
3813 happen and people are ignorant sometimes on both sides of
3814 the aisle. So I just wanted to make that comment and I
3815 yield back.

3816 Mr. Gutierrez. Yield to me?

3817 Chairman Goodlatte. I would be happy to yield to the
3818 gentleman.

3819 Mr. Gutierrez. Thank you so much. Perfect point that
3820 the gentleman from Idaho makes. I mean, if I were to think
3821 of somebody and see somebody that was Mormon conservative
3822 from Utah, the last thing I would think is Puerto Rican.
3823 Idaho -- sorry. The last thing I would think is Puerto
3824 Rican, right? Last thing I would think, right? But indeed

3825 you are, right? That is the bad stuff about racial
3826 profiling. It is usually wrong and does not serve a good
3827 public purpose. So, my goal, Mr. Chairman, was to say,
3828 "God, people are held in detention based on racial
3829 profiling. Racial profiling."

3830 And the other point I want to make -- look, in America
3831 today I wish my colleagues could come to my office one day
3832 and hear the phone calls that we get from people saying,
3833 "Send them Back to Mexico," referring to me. And on
3834 Twitter.

3835 All Latinos now are looked at in a suspicious manner
3836 and I think a lot of police officers are going to take that
3837 and violate people's rights. So that is my only point. To
3838 stop racial profiling and to disincentive it. And I thank
3839 the Chairman for allowing me --

3840 Chairman Goodlatte. Reclaim my time. I appreciate the
3841 gentleman's concern and we would all be concerned about
3842 racial profiling. The problem here is that the rule of
3843 construction that you put forward goes beyond that. And
3844 someone could, very unknowingly, and accidentally, and in
3845 good faith detain somebody who is a United States citizen
3846 and should not be prohibited from doing so if they are in a
3847 legitimate way attempting to determine the status of an
3848 individual and have some other reason to believe that they
3849 might not be a United States citizen. So, while I

3850 appreciate the goal of the gentleman and his amendment, I
3851 cannot support the amendment as drafted.

3852 Chairman Goodlatte. For what purpose does the
3853 gentlewoman from California seek recognition?

3854 Ms. Lofgren. Mr. Chairman, I move to strike the last
3855 word.

3856 Chairman Goodlatte. The gentlewoman is recognized for
3857 5 minutes.

3858 Ms. Lofgren. I think that the gentleman's amendment
3859 should be supported. And here is the reason why. We found
3860 that under 287(g), which purported to provide training to
3861 local law enforcement, even in those instances where
3862 training was provided mistakes were made.

3863 Not only that, ICE agents have made serious mistakes and
3864 they are supposed to be experts on immigration law. And I
3865 will just give you -- the Cato Institute as I mentioned
3866 earlier and put into the record did an analysis of this
3867 bill, and I thought that their data was really very
3868 pertinent.

3869 They noted a couple of instances just for example. The
3870 Allentown and Lehigh County Pennsylvania cases where a U.S.
3871 citizen was wrongfully detained as an unauthorized
3872 immigrant. The Clackamas County, Oregon -- they settled a
3873 case after they detained an American citizen for 14 days
3874 based on an ICE request.

3875 Two weeks in jail is not an innocent mistake, a brief
3876 stop. Utah settled a case where they detained an American
3877 citizen for a month and a half at the request of ICE. And a
3878 U.S. citizen in Rhode Island was wrongfully detained by
3879 State police not once, but twice at the request of ICE.

3880 Now it is interesting that there was a lawsuit in Rhode
3881 Island. And Rhode Island is not exactly the most immigrant
3882 prevalent State in the Union. But, ICE issued detainer for
3883 462 people who State police found out later were American
3884 citizens; and that is about 10 percent of all the detainees
3885 that ICE issued and asked for were American citizens.

3886 So the point of civil lawsuits is to deter wrongful
3887 behavior. And if there is no disincentive for agents to
3888 hold Americans in jail because of allegations they are
3889 immigrants. We will see more of it. Whether it is racial
3890 profiling -- and it very well might be -- or just
3891 sloppiness? Who knows?

3892 But it is absolutely wrong for an American citizen to
3893 be held in jail for immigration violations when an American
3894 citizen cannot violate their immigration status. They are
3895 an American. So, I commend Mr. Gutierrez for his amendment
3896 and I intend to vote aye and I would yield.

3897 Mr. Gutierrez. Thank you so much. Mr. Chairman, see
3898 this is really not an American issue that I am raising. I
3899 know it is an immigration bill. It is an American issue.

3900 It is about the right of Americans to be able to walk their
3901 streets, go to their homes, go to church. And the chairman
3902 has admitted that we are going to expand the drag net. That
3903 is what we are doing.

3904 We are making sure that the files where the criminals
3905 are -- all the records are kept that we are putting
3906 immigration information. We want the local police to do
3907 things. What you are doing is inevitably going to harm
3908 people. Because you are expanding the drag net. Lastly,
3909 let me just suggest to the chairman the following -- I would
3910 hope the chairman, instead of saying, "Oh, you are flawed.

3911 Mr. Gutierrez would say, "Hey, you know, I would like
3912 to stop that too. Mr. Gutierrez. Because I want to stand
3913 up for American civil rights and the right to walk and not
3914 be interfered with, and for the Constitution to be protected
3915 that when I come in contact with a police officer they have
3916 reasonable and just cause to interact with me. Not their
3917 suspicion on my immigration status.

3918 Lastly, 1996 is well publicized. I came into the
3919 Congress one day to come and vote. I was held by a Capitol
3920 police officer and denied entry. You know what the last
3921 words she said when the sergeant took her away from her
3922 position? She said to me, "If he and his would just go back
3923 where they came from." You know how many times I have
3924 heard, "Go back where you came from," in my life? Many

3925 times, but, I have had it said by a Capitol Hill Police
3926 Officer. And I just want for the record to show that I
3927 asked the head of the Capitol Hill police not to fire her
3928 because I felt that she was responding to ugly, negative,
3929 political rhetoric in this Congress of the United States,
3930 and that she should somehow be allowed to come back again.

3931 And she did come back as a Capitol Hill police officer,
3932 and she and I became the best of friends. But, it happened.
3933 So I am not out here to punish people. I am out here to
3934 protect Americans.

3935 Chairman Goodlatte. The time of the gentlewoman has
3936 expired.

3937 Mr. Raskin. Move to strike the last word.

3938 Chairman Goodlatte. The gentleman from Maryland is
3939 recognized for 5 minutes.

3940 Mr. Raskin. Mr. Chairman, thank you very much. I
3941 rise in very strong support of Mr. Gutierrez's amendment to
3942 the legislation. And I hope that everybody in this debate
3943 on all sides, whether you consider yourself the most pro-
3944 immigrant person in the country or the most anti-immigrant
3945 person in the country, everyone will read this amendment and
3946 concur that we need to pass it.

3947 All it says is that section 102 of this act may not be
3948 construed to authorize any officer or employee of the United
3949 States, or of any State or political subdivision to detain

3950 or conduct a search of a citizen of the United States. Now,
3951 that is should be embraced by everybody across the country
3952 and have it backed up the ability to sue.

3953 One would think that people on the furthest reaches of
3954 the left and the furthest reaches of the right would agree
3955 that the Federal Government should not use pretext of
3956 immigration authority to be going after the rights of
3957 citizens and to be detaining citizens.

3958 And of course, that has been the history in the
3959 country. Whether you are talking about the Palmer raids or
3960 you are talking about the incarceration and detention of
3961 Japanese American citizens. Originally it started with
3962 going after Japanese foreign nationals, and then they went
3963 after citizens. But this could be a huge leviathan
3964 bureaucracy that goes after the rights of every citizen of
3965 the United States.

3966 So, I would hope that everybody on this panel in the
3967 Judiciary Committee would agree that nothing in this
3968 legislation can be used to detain or conduct a search of a
3969 citizen of the United States under the immigration authority
3970 of Congress. And of course, you have got the right to
3971 appropriate relief if that takes place. We know that.
3972 Under the Bivens decision, the Supreme Court has already
3973 said you can bring a private right of action if your due
3974 process rights are violated.

3975 So, Mr. Chairman, I just hope that all of us would be
3976 able to agree, and we could declare this one unanimously to
3977 be part of the legislation. I yield back.

3978 Chairman Goodlatte. Will the gentleman yield?

3979 Mr. Raskin. By all means.

3980 Chairman Goodlatte. I thank the gentleman for
3981 yielding. First of all, the fact that prior Democratic
3982 administrations engaged in mass detention, as the gentleman
3983 describes, has been addressed under current law in the
3984 Congress already. And this language, which, in some cases,
3985 is surplusage, but, in other cases, goes beyond that because
3986 it does not have a "knowingly" standard, is not the same as
3987 the current law. So, I strongly disagree with the gentleman
3988 that this language is simply confirming existing law. It
3989 goes beyond it. It would make it more difficult for law
3990 enforcement, at every level of government, to enforce the
3991 law. And for that reason, I oppose it.

3992 Mr. Cicilline. Mr. Chairman?

3993 Chairman Goodlatte. For what purpose does the
3994 gentleman from Rhode Island seek recognition?

3995 Mr. Cicilline. Move to strike the last word.

3996 Chairman Goodlatte. The gentleman is recognized for 5
3997 minutes.

3998 Mr. Cicilline. I rise in strong support of Mr.
3999 Gutierrez's amendment. I would first say, at the outset, I

4000 am disappointed that we cannot seem to muster the same
4001 enthusiasm and energy on the other side of the aisle that we
4002 saw to detain and deport immigrants to our country, that
4003 same level of energy and commitment to protecting the
4004 constitutional rights of U.S. citizens. But the amendment
4005 offered by Mr. Gutierrez simply says, "Notwithstanding any
4006 other provision of law, section 102 of this act may not be
4007 construed to authorize any officer employed in the United
4008 States or of any State to detain or conduct a search upon a
4009 citizen of the United States."

4010 This legislation purports to convey or authorizes a
4011 whole bunch of actions by local and State governments. It
4012 frankly invites them to enact and enforce immigration laws.
4013 And it makes perfect sense to say, at the same time,
4014 understand that nothing, although we are conveying all these
4015 rights and inviting you to enact, implement, and enforce
4016 criminal penalties that criminalize the same conduct, that
4017 it may not be construed, in any way, to authorize the
4018 detention or search of a citizen of the United States.

4019 This is a basic constitutional right. It ought to be
4020 explicitly stated in a statute that broadly expands the
4021 category of crimes to status crimes, reduces the level of
4022 due process in a number of ways, accelerates the deportation
4023 proceedings. Does it make sense in that to say, oh, and by
4024 the way, you are not authorized to search or improperly

4025 detain citizens of the United States? I remember a day when
4026 Republicans would stand up proudly and defend such a
4027 suggestion.

4028 Secondly, the private right of action, be sure that
4029 this right can be protected and can be enforced. And with
4030 respect to the suggestion that somehow we are conferring a
4031 cause of action on States, that is simply not the case. It
4032 says, "Any United States citizen who is detained pursuant to
4033 section 102 may bring an action, appropriately, at a court
4034 of competent jurisdiction."

4035 There is much case law that will decide what is an
4036 appropriate court, where jurisdiction is proper. Those
4037 rules will apply. So, the notion that somehow Mr. Gutierrez
4038 is creating some State cause of action is not true on the
4039 face of the amendment. This would be a welcome addition to
4040 a very bad bill that I think does gross violence to our
4041 founding principles, but that at least saves this one kernel
4042 of protection for American citizens, to say, if in the sweep
4043 of all of this you are improperly searched or detained, you
4044 have a right to seek relief and seek compensation for that."

4045 I applaud the amendment of Mr. Gutierrez, and I have a
4046 little time remaining. I was just --

4047 Mr. Conyers. Mr. Chairman?

4048 Chairman Goodlatte. For what purpose does the
4049 gentleman from Michigan seek recognition?

4050 Mr. Conyers. To support this amendment.

4051 Chairman Goodlatte. The gentleman is recognized for 5
4052 minutes.

4053 Mr. Conyers. Without the Gutierrez amendment, we are
4054 saying that it is okay for law enforcement to stop
4055 Americans, American citizens, and demand they show their
4056 papers. It is as simple as that. And I am sure, if you
4057 approach it from this perspective, you will agree with the
4058 Gutierrez amendment.

4059 Mr. Raskin. Would the gentleman yield?

4060 Mr. Conyers. I will yield to Mr. Raskin.

4061 Mr. Raskin. Just to follow up on the point made by the
4062 Ranking Member there, it seems as if we are now in the
4063 business of trying to corner local governments around the
4064 country, commandeer their resources, commandeer their
4065 personnel, conscript them to a Federal battle, to
4066 participate in enforcement of Federal laws, and then we are
4067 willing to empower them to sweep in, with the ambit of their
4068 work, U.S. citizens in the process.

4069 Mr. Conyers. Yeah.

4070 Mr. Raskin. I mean, one can hardly think of a more
4071 direct and honest restatement of basic constitutional
4072 principles than the Gutierrez amendment, where he is simply
4073 saying, if you are going to create this huge dragnet to go
4074 after alleged undocumented immigrants in the country, do not

4075 use it as a power to detain U.S. citizens." And now,
4076 without this amendment, which appears to be on the verge of
4077 defeat, they are going to empower not just the Federal
4078 Government, but the States and the local government, to
4079 interrogate and detain U.S. citizens.

4080 So, I mean, you know, I cannot profess to be that
4081 melancholy because the Supreme Court or a Federal court will
4082 strike this down immediately, but it is hard for me to see
4083 why we would put unconstitutional graffiti all over the
4084 immigration code. I yield to the distinguished gentleman
4085 from New York.

4086 Mr. Conyers. No. I have the time.

4087 Mr. Raskin. Oh, I am sorry. I yield back.

4088 Mr. Conyers. All right. All we want to do here is get
4089 the Gutierrez amendment into this legislation.

4090 Chairman Goodlatte. Will the gentleman yield?

4091 Mr. Conyers. Sure.

4092 Chairman Goodlatte. Will the gentleman from Michigan
4093 yield?

4094 Mr. Conyers. Absolutely.

4095 Chairman Goodlatte. Section 102 of this bill would
4096 allow a State or local government to pass a law to make it a
4097 crime to engage in human smuggling of immigrants. This
4098 amendment would then say that, if that person was a United
4099 States citizen, they could not be detained. This is way

4100 overbroad, and current law covers the protections that have
4101 been demanded on your side of the aisle. So, again, I must
4102 oppose the amendment.

4103 Mr. Conyers. I yield to Mr. Gutierrez.

4104 Mr. Gutierrez. Thank you so much. And I just want to
4105 continue the conversation with the chairman of the
4106 committee. Look, we are expanding, in an unprecedented
4107 manner, enforcement of immigration policies, and we are even
4108 taking the database and adding to where there are drug
4109 dealers, murderers, rapists, and really bad people; we are
4110 adding immigration information. So, we are basically
4111 telling the police departments across the world, across our
4112 Nation, treat them all the same. And we are going to ask
4113 for tens of thousands of additional ICE agents, and Border
4114 Patrol agents, all to go out to do one thing: what the
4115 President of the United States has promised, which is he was
4116 going to deport all 11 million of them.

4117 So, that is the promise. And I want to go back to
4118 something that I think is fundamentally important to this
4119 legislation. This legislation is an outgrowth, and I thank
4120 Mr. Conyers for allowing me this time. It is an outgrowth
4121 of what? The President saying the Mexicans are murderers,
4122 rapists, drug dealers; they are bad people, and we are going
4123 to get rid of them. He said that.

4124 Mr. Conyers. Yeah.

4125 Mr. Gutierrez. And then the only people we ever --

4126 Chairman Goodlatte. Will the gentleman yield?

4127 Mr. Gutierrez. Sure.

4128 Mr. Conyers. It is my time.

4129 Chairman Goodlatte. I thank the gentleman for

4130 yielding. I just want to make the point that this bill was

4131 originally introduced in 2013. It has nothing to do with

4132 the outgrowth of the President's comments or what you think

4133 his objectives are. This is legitimate legislation. It has

4134 passed out of this committee twice before.

4135 Mr. Gutierrez. Thank you for letting me reclaim my

4136 time. But what we are living in right now is President

4137 Trump's time. And so, it makes this bill even worse at this

4138 particular time than any time before because what the

4139 President has said and what he has inculcated in the minds

4140 of Americans, because I want to make sure that you

4141 understand that when he says "Mexicans," it is understood as

4142 Latinos, because all Latinos across this country, regardless

4143 of their country of origin, understand, when he says

4144 "Mexicans," he means Latinos.

4145 And I just want to go back. If we are going to go, in

4146 an unprecedented manner, in this new dragnet, and we know

4147 the target is Mexicans because it is the only ones we have

4148 talked about and he appoints the head of Homeland Security,

4149 we know where his vision is.

4150 And I will end with this, and I thank the chairman.
4151 Just two weeks ago, the Attorney General of the United
4152 States stood at the border. Now, the only border he ever
4153 thinks anybody illegally comes across is the Mexican border.
4154 That has been clearly stated. He said, "I want to stop this
4155 filth."

4156 Chairman Goodlatte. The time of the gentleman from
4157 Michigan has expired.

4158 Mr. Gutierrez. Filth from coming! That is how he
4159 refers to human beings.

4160 Mr. Nadler. Mr. Chairman?

4161 Chairman Goodlatte. For what purpose does the
4162 gentleman from New York seek recognition?

4163 Mr. Nadler. Strike the last word.

4164 Chairman Goodlatte. The gentleman is recognized for 5
4165 minutes.

4166 Mr. Nadler. Mr. Chairman, first of all, I just want to
4167 comment on Mr. Gutierrez's comment: when you say we know the
4168 target is Mexicans, at least after the President's speech in
4169 Saudi Arabia, we presume it is no longer Muslims. So, it
4170 has got to be only Mexicans and other Latinos.

4171 Mr. Chairman, I support this amendment. And all the
4172 amendment does is say that, with respect to detaining or
4173 conducting a search of an American citizen, the law should
4174 remain the same as if section 102 were not enacted. This

4175 does not restrict the ability beyond that. And it should go
4176 without saying that you have nobody, no State enforcement
4177 official, no Federal enforcement official has the authority
4178 to conduct a search or detain American citizens unless they
4179 have probable cause to believe a crime has been committed,
4180 unless they have a reasonable suspicion or probable cause to
4181 detain that person.

4182 We have all seen movies of Europe in the 1930s, where
4183 someone get on a train and says, "Papers, please." We have
4184 all said to ourselves, or at least many of us have, thank
4185 God we do not live in such a society. I do not have to
4186 carry my papers when I go to the corner candy store. If I
4187 am driving a car, I have to have my registration, my
4188 license, but if I am walking down the street, I do not have
4189 to have any papers. And the fact that someone demands
4190 papers is wrong, and the fact that someone could detain or
4191 conduct a search of an American citizen without probable
4192 cause is also wrong and unconstitutional.

4193 And all this says is anybody who wants to read section
4194 102, read it any way you want, but not to do something
4195 obviously unconstitutional and wrong, so as to detain or
4196 conduct a search of a citizen of the United States without a
4197 probable, legal cause to do so. And the private right of
4198 action is a good thing to enforce that. And I presume the
4199 private right of action is against the State or local

4200 government, not against the individual police officer who is
4201 acting within the scope of his employment, unless you can
4202 show that he was not acting in good faith.

4203 So, I think this is an excellent amendment. It puts a
4204 proper limit on what some people might read into this bill
4205 otherwise. I am not sure everybody would, but no one
4206 should. And we do not want to get to a society where, in
4207 the name of enforcing immigration laws, people have the
4208 right to say, "Your papers, please," and certainly not on a
4209 racially or discriminatory basis, which we know is going to
4210 happen, which we know it has happened.

4211 He looks foreign. He looks or sounds Mexican, or
4212 Puerto Rican, or whatever. That should not happen in this
4213 country. So, I commend Mr. Gutierrez for offering this
4214 amendment. It seems the least we should do, if we are
4215 passing this bill, which I hope we are not, but we obviously
4216 are going to. So, I urge the adoption of this amendment. I
4217 yield back.

4218 Chairman Goodlatte. For what purpose does the
4219 gentleman from Illinois seek recognition?

4220 Mr. Schneider. I move to strike the last word.

4221 Chairman Goodlatte. The gentleman is recognized for 5
4222 minutes.

4223 Mr. Schneider. Thank you. I rise to speak in favor of
4224 this amendment. And as I sit here, I reflect, earlier this

4225 afternoon, I had the privilege of speaking to a group in
4226 honor of Jewish American Heritage Month. This was a group
4227 of mostly Orthodox Jews, many of whom dress in traditional
4228 garb, dress very differently, look very differently than I
4229 do. But in each and every way that I am, they are American
4230 citizens.

4231 I could have just as easily been speaking to a group of
4232 Hindu-Americans or Mexican, Latino-Americans, all of whom
4233 share the rights and privileges of American citizenship, as
4234 do I. I support this amendment because it very clearly
4235 states, in support of the right of all Americans, to have
4236 the constitutional protections of not being arrested by an
4237 officer on suspicion of a crime now that has been defined
4238 for being different or being from an outsider is a crime.

4239 So, it is my honor, and I am grateful to my colleague
4240 from Illinois for introducing this amendment. I will
4241 strongly support it. And with that, I would like to yield
4242 my time to Mr. Gutierrez.

4243 Mr. Gutierrez. Thank you so much. Again, Mr.
4244 Chairman, this is not an immigration amendment. This is an
4245 American amendment. My amendment specifically goes to
4246 protecting the rights of American citizens from being abused
4247 by police officers under this legislation. And it is
4248 American because the Founding Fathers wrote it into the Bill
4249 of Rights, into our Constitution, that you have to have

4250 probable cause. And probable cause cannot be that you look
4251 like a Mexican.

4252 It cannot be that, because that is racial profiling.
4253 It has to be something other than what a police officer
4254 determines you to be, by the color of your skin, the accent
4255 of your voice, who you are, the texture of your hair. And
4256 this is what is going to happen with this unprecedented
4257 expansion of police powers into communities.

4258 And let's be honest with one another. They are going
4259 to come into predominantly Latino communities to come and do
4260 the raids. We know from past history. That does not mean
4261 that other communities will not be impacted. But what I
4262 want to do is I want to protect American citizens from being
4263 harmed by police officers.

4264 A couple of last things, because I think it is
4265 important, just personal. I was on an airplane a couple of
4266 weeks ago. I saw this Muslim couple. I was in 2A, and they
4267 were being separated, his wife. And I said to him, "Asalaam
4268 Alaikum. Please have your wife sit here, and we will
4269 exchange seats." Why did I do that? Because I preferred to
4270 be in the first row? Because I figured, given the hostility
4271 in America, we should all try, every instance we get, to
4272 show that people are welcomed in the United States of
4273 America.

4274 And just this past Saturday, I saw three of Chicago

4275 police officers' finest. They took their vests off, their
4276 bulletproof vests off. I walked up. I picked up their
4277 bill. Why? Because all of a sudden I have become a fan of
4278 the Chicago Police Department? No. Because I wanted to
4279 say, "Look" -- they knew who I was. They know my ancestry.
4280 They can identify, you know, my ethnicity.

4281 And I wanted to say, "Hey, police, you know, we want to
4282 have a conversation with you. I want to pick up your bill
4283 because I know you go through dangerous times." I want
4284 those police officers to treat everybody well, whether they
4285 are wearing Muslim garb, or they think they are from Mexico,
4286 or they think they are from any part, and as my friend said,
4287 whether they look like they are Jewish, and how they dress.
4288 You should not be identified by how you dress, how you look,
4289 the texture of your hair, the color of your skin, or your
4290 national origin.

4291 And this is an American amendment that protects
4292 Americans against undue police involvement in their life
4293 without reasonable cause.

4294 Mr. Raskin. Will the gentleman yield?

4295 Mr. Gutierrez. Sure, I will.

4296 Mr. Raskin. So, in American history, it seems as if
4297 attacks on the rights of aliens then ratchets down the
4298 protections afforded to citizens. And I am happy, I am
4299 cheerful to give examples that have taken place not just in

4300 Republican administrations, but in Democratic
4301 administrations. So, we can talk about the Palmer Raids,
4302 and we can talk about what happened during World War II with
4303 the incarceration and detention, not just of foreign
4304 national Japanese individuals, but also Japanese-American
4305 citizens.

4306 Do you think there is reason to believe that, if we do
4307 not have your amendment, that this is going to endanger the
4308 rights of Latino-American citizens, along with undocumented
4309 immigrants?

4310 Mr. Gutierrez. I think adapting this will give further
4311 protections to Americans, and yes, to everybody, but to
4312 Americans. And what it will do is it will lift that
4313 standard that I know Mr. Raskin and I want in America.

4314 Ms. Jayapal. Mr. Chairman?

4315 Chairman Goodlatte. The time of the gentleman has
4316 expired.

4317 For what purpose does the gentlewoman from Washington
4318 seek recognition?

4319 Ms. Jayapal. Move to strike the last word.

4320 Chairman Goodlatte. The gentlewoman is recognized for
4321 5 minutes.

4322 Ms. Jayapal. Thank you, Mr. Chairman. I am not sure
4323 why this amendment would be controversial, quite honestly.
4324 I want to thank Mr. Gutierrez for offering it. I think it

4325 speaks to much of what we have seen not just now, but over
4326 the last 10 years, as we have continued to see people swept
4327 up in raids that are U.S. citizens. And many of us have had
4328 to advocate on behalf of those individuals time, and time,
4329 and time again.

4330 And to me, not only is this amendment common sense,
4331 patriotic, but it is also necessary to send a very important
4332 message, that, as it says here, "Nothing in this Act should
4333 be construed to authorize any officer or employee of the
4334 United States to detain or conduct a search of a citizen of
4335 the United States." That seems, to me, to be pretty simple
4336 and extremely uncontroversial, given everything else we have
4337 been taking about today.

4338 You know, I am not sure that you can just say, mistakes
4339 happen, and let that be the record for the day. Our job
4340 should be to not allow those mistakes to happen and to offer
4341 United States citizens who have been caught up in this, you
4342 know, what it feels like, sometimes, is a frenzy of raids
4343 for people to just identify anybody based on what they look
4344 like. I think we should be offering the opportunity for
4345 those mistakes to be rectified.

4346 We should be taking them seriously. We should take
4347 seriously the concept of citizenship and recognize that, if
4348 there are mistakes, that we should do everything in our
4349 power to prevent them from happening or to afford the

4350 opportunity to correct that. It seems to me that that is
4351 what this amendment is trying to do. And I would hope that
4352 all of my colleagues on both sides of the aisle would
4353 actually support this, because it is about U.S. citizenship.
4354 It is about those who have already been granted the
4355 opportunity to stay here or who are born here and have
4356 citizenship by right of birth.

4357 But it is a protection for the people that we are
4358 supposed to protect. So, I really do not know what is
4359 controversial about it, and I hope that we would all
4360 strongly support it. And I want to thank Mr. Gutierrez for
4361 offering it. I yield back.

4362 Mr. Gutierrez. Will you yield?

4363 Ms. Jayapal. Yes. I will yield.

4364 Mr. Gutierrez. Mr. Chairman, I wish we could spend
4365 some time together in my office after, you know, I do Fox
4366 News. And you could hear the phone calls that come into my
4367 office. And clearly, everybody that knows me knows my dad
4368 is from Puerto Rico. They know how I always stand up for my
4369 little island, and New York City, and the Puerto Rican
4370 community. But I always get called Mexican. Now, I am
4371 happy and proud to assume to be Mexican, but because that is
4372 the way the American public now views stuff.

4373 It is a radical change. And that is why I think it is
4374 very, very important. And it is really, really ugly out

4375 there, Mr. Chairman, really, really ugly out there, the kind
4376 of new, you know, bigotry and prejudice that exists,
4377 particularly, and unfortunately directed by the President of
4378 the United States because of his commentary.

4379 I mean, I have young staffers, Mr. Chairman, that get
4380 called the most vile words that I will not repeat here, the
4381 most vile words. That is how the conversations end after
4382 they say, "Send them back to Mexico."

4383 So, look, we live in a different time, in a different
4384 moment. And if we are going to expand these police powers
4385 and this dragnet, I think it is time to also have different
4386 protections and new protections. I thank the gentlelady.

4387 Ms. Jayapal. Chairman, I yield back.

4388 Chairman Goodlatte. For what purpose does the
4389 gentleman from Iowa seek recognition?

4390 Mr. King. Move to strike the last word.

4391 Chairman Goodlatte. The gentleman is recognized for 5
4392 minutes.

4393 Mr. King. Thank you, Mr. Chairman. I have been
4394 listening to this debate and this dialogue, and there are a
4395 few things that should cap off this discussion before we
4396 come to a conclusion on the Gutierrez amendment, which I
4397 rise to oppose.

4398 And first thing is the characterization of President
4399 Trump's statement about the illegal activities of Mexicans.

4400 He had a clause in there, too, that he said that there were
4401 also many good people among that universe he was talking
4402 about. But it is a fact that there are many murders, many
4403 rapes, and many drug dealers in Mexico and from Mexico. And
4404 I thought I should look at some data, so this committee
4405 would have the record here, and remembered some numbers and
4406 went back and looked at this.

4407 Some of this is very, very tragic. And we ought to be
4408 thinking about the tragedy of the lives that have been lost.
4409 From 2007 to 2014, according to a reporter, Jason Brezler,
4410 that the total deaths in Mexico due to drug wars, 164,000 in
4411 a 7-year period of time: '07 to 2014, 164,000. 2016, he
4412 reports 20,000.

4413 There is another report out there that said 28,000. In
4414 2011, he claims as the peak at 27,000 drug war deaths in
4415 Mexico. I recall a report from 2 or 3 weeks ago that 28,000
4416 drug war deaths in Mexico is second only to the 50,000
4417 deaths in the civil war in Syria.

4418 If we are to draw that into a comparison, from 2007
4419 until 2014, 164,000 Mexican drug war deaths in Mexico,
4420 compared to the total deaths in the combat in Afghanistan
4421 and Iraq for that same period of time, 103,000. So,
4422 somebody killed those people. There were murderers that
4423 killed those people. And among them were other types of
4424 law-breakers, including rapists, and certainly, they were

4425 drug dealers, or they were involved in the drug trade
4426 because that is the war that they were fighting. Some of
4427 them did not tell the truth, as well.

4428 And so, I think the discussion that is being missed
4429 here is the challenge that would be if the Gutierrez
4430 amendment should go on this bill, the challenge that would
4431 be there for U.S. law enforcement officials at all levels:
4432 how do you identify an American citizen? If you guess
4433 wrong, you are liable under this bill. But yet, responsible
4434 law enforcement requires that they profile and draw a
4435 conclusion.

4436 In fact, it says in 8 U.S.C. 1225, if I would read
4437 right here from the code, "If the alien is not clearly and
4438 beyond a doubt entitled to be admitted, the alien shall be
4439 detained for a proceeding under section 1229(a) of this
4440 title." That is requiring to put them in removal
4441 proceedings.

4442 That is the law that directs our law enforcement
4443 officers, and we want a level of responsibility that is
4444 there. But the gentleman from Illinois objects to
4445 profiling. And yet, I will say it is an essential component
4446 of law enforcement. There is no law against profiling. We
4447 could not conduct responsible, legitimate, good-judgment law
4448 enforcement without drawing conclusions or at least
4449 indications by profiling.

4450 It is a legitimate and appropriate thing to do, and the
4451 gentleman from Illinois has made that point himself, by
4452 taking credit for profiling a Muslim couple on an airplane.
4453 We all do these things because it is part of our society.
4454 It is part of good judgment. We are called to decency and
4455 good judgment. Our law enforcement are called to decency
4456 and good judgment, and the alternative is, if we go with the
4457 Gutierrez amendment, we are going to be switched back
4458 around, and we are going to have to ask the American people,
4459 "Prove your citizenship to us." And I do not want to go
4460 down that route.

4461 So, I rise in opposition to this amendment. I urge
4462 that it be defeated, and I yield back the balance of my
4463 time.

4464 Chairman Goodlatte. The question occurs on the
4465 amendment offered by the gentleman from Illinois.

4466 All those in favor, respond by saying aye.

4467 Those opposed, no.

4468 In the opinion of the chair, the noes have it, and the
4469 amendment is not agreed to.

4470 Mr. Gutierrez. I request a recorded vote.

4471 Chairman Goodlatte. A recorded vote is requested, and
4472 the clerk will call the roll.

4473 Ms. Adcock. Mr. Goodlatte?

4474 Chairman Goodlatte. No.

4475 Ms. Adcock. Mr. Goodlatte votes no.
4476 Mr. Sensenbrenner?
4477 [No response.]
4478 Mr. Smith?
4479 [No response.]
4480 Mr. Chabot?
4481 [No response.]
4482 Mr. Issa?
4483 [No response.]
4484 Mr. King?
4485 Mr. King. No.
4486 Ms. Adcock. Mr. King votes no.
4487 Mr. Franks?
4488 Mr. Franks. No.
4489 Ms. Adcock. Mr. Franks votes no.
4490 Mr. Gohmert?
4491 Mr. Gohmert. No.
4492 Ms. Adcock. Mr. Gohmert votes no.
4493 Mr. Jordan?
4494 [No response.]
4495 Mr. Poe?
4496 Mr. Poe. No.
4497 Ms. Adcock. Mr. Poe votes no.
4498 Mr. Chaffetz?
4499 [No response.]

4500 Mr. Marino?
4501 Mr. Marino. No.
4502 Ms. Adcock. Mr. Marino votes no.
4503 Mr. Gowdy?
4504 [No response.]
4505 Mr. Labrador?
4506 Mr. Labrador. No.
4507 Ms. Adcock. Mr. Labrador votes no.
4508 Mr. Farenthold?
4509 [No response.]
4510 Mr. Collins?
4511 Mr. Collins. No.
4512 Ms. Adcock. Mr. Collins votes no.
4513 Mr. DeSantis?
4514 [No response.]
4515 Mr. Buck?
4516 Mr. Buck. No.
4517 Ms. Adcock. Mr. Buck votes no.
4518 Mr. Ratcliffe?
4519 Mr. Ratcliffe. No.
4520 Ms. Adcock. Mr. Ratcliffe votes no.
4521 Mrs. Roby?
4522 Mrs. Roby. No.
4523 Ms. Adcock. Mrs. Roby votes no.
4524 Mr. Gaetz?

4525 [No response.]

4526 Mr. Johnson of Louisiana?

4527 Mr. Johnson of Louisiana. No.

4528 Ms. Adcock. Mr. Johnson votes no.

4529 Mr. Biggs?

4530 Mr. Biggs. No.

4531 Ms. Adcock. Mr. Biggs votes no.

4532 Mr. Conyers?

4533 Mr. Conyers. Aye.

4534 Ms. Adcock. Mr. Conyers votes aye.

4535 Mr. Nadler?

4536 Mr. Nadler. Aye.

4537 Ms. Adcock. Mr. Nadler votes aye.

4538 Ms. Lofgren?

4539 Ms. Lofgren. Aye.

4540 Ms. Adcock. Ms. Lofgren votes aye.

4541 Ms. Jackson Lee?

4542 [No response.]

4543 Mr. Cohen?

4544 [No response.]

4545 Mr. Johnson of Georgia?

4546 [No response.]

4547 Mr. Deutch?

4548 [No response.]

4549 Mr. Gutierrez?

4550 Mr. Gutierrez. Aye.

4551 Ms. Adcock. Mr. Gutierrez votes aye.

4552 Ms. Bass?

4553 [No response.]

4554 Mr. Richmond?

4555 [No response.]

4556 Mr. Jeffries?

4557 Mr. Jeffries. Aye.

4558 Ms. Adcock. Mr. Jeffries votes aye.

4559 Mr. Cicilline?

4560 Mr. Cicilline. Aye.

4561 Ms. Adcock. Mr. Cicilline votes aye.

4562 Mr. Swalwell?

4563 [No response.]

4564 Mr. Lieu?

4565 Mr. Lieu. Aye.

4566 Ms. Adcock. Mr. Lieu votes aye.

4567 Mr. Raskin?

4568 Mr. Raskin. Aye.

4569 Ms. Adcock. Mr. Raskin votes aye.

4570 Ms. Jayapal?

4571 Ms. Jayapal. Aye.

4572 Ms. Adcock. Ms. Jayapal votes aye.

4573 Mr. Schneider.

4574 Mr. Schneider. Aye.

4575 Ms. Adcock. Mr. Schneider votes aye.

4576 Chairman Goodlatte. The gentleman from Ohio?

4577 Mr. Chabot. No.

4578 Ms. Adcock. Mr. Chabot votes no.

4579 Chairman Goodlatte. Has every member voted who wishes
4580 to vote?

4581 The clerk will report. The clerk will suspend.

4582 The gentleman from California?

4583 Mr. Issa. No.

4584 Ms. Adcock. Mr. Issa votes no.

4585 Chairman Goodlatte. The gentleman from Utah?

4586 Mr. Chaffetz. No.

4587 Ms. Adcock. Mr. Chaffetz votes no.

4588 Chairman Goodlatte. The gentlewoman from Texas?

4589 Ms. Jackson Lee. Aye.

4590 Ms. Adcock. Ms. Jackson Lee votes aye.

4591 Mr. Cicilline. Mr. Chairman, may I ask how I am
4592 recorded?

4593 Chairman Goodlatte. The gentleman is recorded as an
4594 aye.

4595 The clerk will report.

4596 The gentleman is recorded as an aye.

4597 Mr. Jeffries. Mr. Chairman? Mr. Chairman, how am I
4598 recorded?

4599 Chairman Goodlatte. The gentleman is recorded as an

4600 aye.

4601 Mr. Raskin. Mr. Chairman, how am I recorded?

4602 Chairman Goodlatte. The gentleman is recorded as an

4603 aye.

4604 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

4605 Chairman Goodlatte. The gentlewoman is recorded as an

4606 aye.

4607 Ms. Adcock. Mr. Chairman, 11 members voted aye; 16

4608 members voted no.

4609 Chairman Goodlatte. And the amendment is not agreed

4610 to.

4611 Are there further amendments to H.R. 2431?

4612 The clerk will report the amendment from the gentleman

4613 from Illinois.

4614 Ms. Adcock. Amendment to H.R. 2431 offered by Mr.

4615 Gutierrez of Illinois: page 147, line 4, insert after the

4616 period at the end of the following: a deportation officer

4617 may not be equipped with a weapon --

4618 [The amendment of Mr. Gutierrez follows:]

4619 ***** COMMITTEE INSERT *****

4620 Chairman Goodlatte. Without objection, the amendment
4621 is considered as read, and the gentleman is recognized for 5
4622 minutes on his amendment.

4623 Mr. Gutierrez. Thank you, Mr. Chairman. This
4624 amendment authorizes ICE agents to carry military-style
4625 assault weapons, and I would like to make sure that the
4626 people to whom we are giving military-grade weapons are
4627 trained and clear to use them and that such weapons do not
4628 fall into the wrong hands.

4629 Therefore, my amendment requires that officers hired by
4630 ICE go through the same rigorous, hiring routine, the
4631 screenings, and the background checks that we put in place
4632 for special agents at the FBI. The special agent selection
4633 system has a proven record of weeding out bad apples and
4634 making sure that the people in whom we place our highest
4635 trust as sworn officers of the law are worthy of that trust.

4636 Quoting from the FBI's employment website, it says,
4637 "The special agent selection system is designed to identify
4638 the best candidate. Please keep in mind that the process
4639 typically takes at least 1 year or longer to complete."

4640 It goes on to outline the education achievement and
4641 physical fitness test that an agent candidate is required to
4642 have completed as part of the application. There is a 3
4643 hour test of cognition, behavior, and logical reasoning, and
4644 an in-person meet and greet that is phase 1.

4645 If you make it to phase 2, the website says there is
4646 more physical fitness training required and a thorough
4647 background check: "The background investigation for special
4648 agents includes a medical examination, drug testing, and a
4649 polygraph test."

4650 So my amendment simply says that we should use the same
4651 high quality and sense of screening process for ICE agents
4652 who will now be armed with the same military-style weapons
4653 at least as vigorous as the FBI. If you are going to give
4654 them the same guns, they should go through the same,
4655 vigorous testing.

4656 There are those on the other side of the aisle who will
4657 count boots on the grounds as the only metric of
4658 enforcement, yet we have seen what happens when standards
4659 are lowered. I do not know all the circumstances
4660 surrounding the shooting of a 53-year-old man in my district
4661 in March, but what I do know is that an ICE special agent
4662 shot someone -- not an immigrant; not someone they were
4663 looking for -- in Chicago after they raided the home.

4664 We have been trying to get more information on this
4665 incident for the family from ICE, both regionally and
4666 nationally, and so far we have not been able to get anyone
4667 to tell us what happened when those ICE agents arrived at
4668 that home at 6:00 in the morning. But I suspect, given how
4669 quickly things are changing and how little control over

4670 citing consistency we are seeing from Washington on any
4671 number of issues, that people are getting shot by ICE in
4672 neighborhoods, an American citizen is more likely to
4673 increase then decrease, and now we are giving them bigger,
4674 heavier weapons.

4675 Remember ICE and Homeland Security constitute the
4676 largest police force we have bigger than the DEA and the FBI
4677 combined and the Secret Service. They are the biggest
4678 police force that we have.

4679 So I think the need for a high quality force of ICE
4680 special agents is at least as important as the quality that
4681 we demand from the FBI, and ICE has a component to establish
4682 a high quality work force and prevent corruption and
4683 policing abuses, DHS must prioritize careful vetting and
4684 training standards, quality over quantity; quantity makes
4685 for good press release, but lowering standards can lead to
4686 tragedy.

4687 So in the end, quality makes for good law enforcement.
4688 If we are going to give them these new assault weapons, they
4689 have never had them before. People who get them are FBI
4690 agents. Should they not have the same standards of training
4691 and background? And should they not make sure they all get
4692 a polygraph test -- we are going to give these people -- we
4693 have already established that they are going to come in
4694 contact -- my colleague and friend from Iowa said it did not

4695 matter. Yeah, American citizens are going to be, but there
4696 is no reason to protect them. That is why my last
4697 amendment.

4698 So we know they are going to come in contact with
4699 Americans; they have come in contact with Americans. We
4700 should make sure that we give them the training. This does
4701 not stop anybody from hiring them; it does not stop the
4702 bill. It simply improves the quality of Americans that we
4703 are going to put to be exchanging with American citizens.

4704 I would think that we all want to protect the American
4705 people and give them the best trained, most highly qualified
4706 ICE agents that we can. If we are going to give them these
4707 guns, we should give them more training. Thank you, Mr.
4708 Chairman.

4709 Mr. King. [Presiding] The gentleman returns his time.
4710 For what purpose does the gentleman from Idaho seek the
4711 floor?

4712 Mr. Labrador. Mr. Chairman, I oppose the amendment.

4713 Mr. King. The gentleman is recognized for 5 minutes.

4714 Mr. Labrador. Again, I will be brief. Deportation
4715 officers receive pretty extensive training at the Federal
4716 Law Enforcement Training Center, including weapons training,
4717 and they will continue to receive that training. And these
4718 officers are sworn to uphold the law, and they are already
4719 subject to stringent requirements, including background

4720 investigations and others, and in fact, our bill, when
4721 section 506 specifically says that the Secretary will
4722 determine the rate at which the additional officers will be
4723 added with due regard to filling the positions and without
4724 making any compromises in the selection or the training of
4725 the additional officers, which means that the standards will
4726 not be lowered. In fact, they should remain as stringent as
4727 always, and with that, I yield back.

4728 Mr. King. The question is on the amendment. For what
4729 purpose does the gentlelady from California seek?

4730 Ms. Lofgren. I move to strike the last word.

4731 Mr. King. The gentlelady is recognized for 5 minutes.

4732 Ms. Lofgren. I think this is a very modest amendment
4733 that really I cannot believe that we cannot come together on
4734 a bipartisan basis to do this. This is not just about
4735 immigrants. This is about everybody, and when you talk
4736 about interior enforcement of the immigration of the laws,
4737 what you are talking about are ICE agents going to
4738 courthouses, to places of employment, to people's homes
4739 early in the morning. Really going into neighborhoods all
4740 over America.

4741 If we are going to give them assault weapons, I think
4742 the minimum we should want is that they have training that
4743 is equivalent to what we have our FBI agents train for.

4744 Recently the Secretary of Homeland Security had a

4745 meeting with me and a few other people, and he made this
4746 assertion: that the ICE agents were as trained as the FBI.
4747 I think Mr. Cicilline was there at the same meeting. That,
4748 in fact, is not the case; for example, the ICE agents are
4749 not required and not hired with a polygraph. So I think
4750 that is something that is severely missing, overall, in the
4751 recruitment, but at least you want the protection if you are
4752 going to send armed agents into neighborhoods where they
4753 could end up shooting people. You want them to be trained.

4754 And that we would not want to do that to protect
4755 American citizens who are in those neighborhoods, I think is
4756 stunning. It is simply stunning that we would not want to
4757 do this. So I do not understand the objection even though
4758 it is reflexive and we have party line votes on most of
4759 these amendments, I just think this is modest.

4760 This does not say "do not give them assault weapons."
4761 It says make sure they are trained to use the assault
4762 weapons. Let's at least have them be the standards, and I
4763 understand that the ICE training is 14 weeks of training.
4764 That is far, far less than the training that the FBI agents
4765 receive. And so I think this is a very sound amendment and
4766 really one we ought to accept.

4767 Mr. Gutierrez. Will the gentlelady yield?

4768 Ms. Lofgren. I would be happy to yield.

4769 Mr. Gutierrez. Thank you. I simply say I cannot

4770 understand why the majority or why Mr. Labrador would not
4771 want the best possible training. So here is the FBI
4772 training at this level, and here is ICE training. All we
4773 are saying: give them the assault weapons. This does not
4774 stop them from getting their assault weapons. It simply
4775 says we want them to be trained like every other law
4776 enforcement officer in the United States that gets at the
4777 Federal level that gets an assault weapon.

4778 You want an assault weapon, you have to be an FBI
4779 agent. We are changing the rules right there, and why would
4780 you not want an ICE agent to get a polygraph? It would seem
4781 to me that you would want to use all the tools that you have
4782 at your disposal to get at the truthful nature of the
4783 applicant. Why would we not want them to have one? I
4784 cannot understand.

4785 FBI agents are required, so why are we not raising the
4786 standards? Raising the standards for being employed as an
4787 ICE agent. I cannot understand. We should be here
4788 protecting the American people. Again, this is not an
4789 immigration amendment; this is an American amendment that is
4790 going to protect Americans and says we want people working
4791 in America, American citizens that are trained to do the job
4792 of law enforcement, and I give the gentlelady back her time.

4793 Ms. Lofgren. Reclaiming my time, I would note that,
4794 actually, the amendment does not raise the employment

4795 standards for all the ICE agents, only for those that are
4796 going to be handed these weapons. I actually think,
4797 although I do not think it is germane necessarily to the
4798 bill -- maybe it is; we'll look at it -- that upgrading the
4799 standards for employment overall would be a good thing. At
4800 least to have a polygraph to have more background checks, so
4801 we are not -- we have had instances in immigration where you
4802 have agents who are corrupt. I am not saying it is most
4803 agents. I am sure it is not. But you certainly want to
4804 prevent that from happening.

4805 You do not want agents that are on the take. You do
4806 not want agents that are of questionable morality. And one
4807 way to do that is to make sure you have got the highest
4808 employment standards, but this is more modest than that. It
4809 is just train the guys that you arm. It is stunning to me
4810 that we would not want to do that, and I yield back the
4811 balance of my time.

4812 Mr. King. The gentlelady returns her time. The
4813 question is on the amendment, the Gutierrez amendment.

4814 All those in favor, signify by saying aye.

4815 All those opposed, nay.

4816 And the noes appear to have it. The noes do have it.

4817 Mr. Gutierrez. I ask for a recorded vote.

4818 Mr. King. The gentleman has requested a recorded vote.

4819 The clerk shall call the role.

4820 Ms. Adcock. Mr. Goodlatte?
4821 [No response.]
4822 Mr. Sensenbrenner?
4823 [No response.]
4824 Mr. Smith?
4825 [No response.]
4826 Mr. Smith?
4827 [No response.]
4828 Mr. Chabot?
4829 Mr. Chabot. No.
4830 Ms. Adcock. Mr. Chabot votes no.
4831 Mr. Issa?
4832 [No response.]
4833 Mr. King?
4834 Mr. King. No.
4835 Ms. Adcock. Mr. King votes no.
4836 Mr. Franks?
4837 Mr. Franks. No.
4838 Ms. Adcock. Mr. Franks votes no.
4839 Mr. Gohmert?
4840 [No response.]
4841 Mr. Jordan?
4842 [No response.]
4843 Mr. Poe?
4844 Mr. Poe. No.

4845 Ms. Adcock. Mr. Poe votes no.
4846 Mr. Chaffetz?
4847 Mr. Chaffetz. No.
4848 Ms. Adcock. Mr. Chaffetz votes no.
4849 Mr. Marino?
4850 Mr. Marino. No.
4851 Ms. Adcock. Mr. Marino votes no.
4852 Mr. Gowdy?
4853 [No response.]
4854 Mr. Labrador?
4855 Mr. Labrador. No.
4856 Ms. Adcock. Mr. Labrador votes no.
4857 Mr. Farenthold?
4858 [No response.]
4859 Mr. Collins?
4860 Mr. Collins. No.
4861 Ms. Adcock. Mr. Collins votes no.
4862 Mr. DeSantis?
4863 [No response.]
4864 Mr. Buck?
4865 [No response.]
4866 Mr. Ratcliffe?
4867 [No response.]
4868 Mrs. Roby?
4869 Mrs. Roby. No.

4870 Ms. Adcock. Mrs. Roby votes no.
4871 Mr. Gaetz?
4872 [No response.]
4873 Mr. Johnson of Louisiana?
4874 Mr. Johnson of Louisiana. No.
4875 Ms. Adcock. Mr. Johnson votes no.
4876 Mr. Biggs?
4877 Mr. Biggs. No.
4878 Ms. Adcock. Mr. Biggs votes no.
4879 Mr. Conyers?
4880 Mr. Conyers. Aye.
4881 Ms. Adcock. Mr. Conyers votes aye.
4882 Mr. Nadler?
4883 Mr. Nadler. Aye.
4884 Ms. Adcock. Mr. Nadler votes aye.
4885 Ms. Lofgren?
4886 Ms. Lofgren. Aye.
4887 Ms. Adcock. Ms. Lofgren votes aye.
4888 Ms. Jackson Lee?
4889 [No response.]
4890 Mr. Cohen?
4891 Mr. Cohen. Aye.
4892 Ms. Adcock. Mr. Cohen votes aye.
4893 Mr. Johnson of Georgia?
4894 [No response.]

4895 Mr. Deutsch?
4896 [No response.]
4897 Mr. Gutierrez?
4898 Mr. Gutierrez. Aye.
4899 Ms. Adcock. Mr. Gutierrez votes aye.
4900 Ms. Bass?
4901 [No response.]
4902 Mr. Richmond?
4903 [No response.]
4904 Mr. Jeffries?
4905 Mr. Jeffries. Aye.
4906 Ms. Adcock. Mr. Jeffries votes aye.
4907 Mr. Cicilline?
4908 Mr. Cicilline. Aye.
4909 Ms. Adcock. Mr. Cicilline votes aye.
4910 Mr. Swalwell?
4911 [No response.]
4912 Mr. Lieu?
4913 [No response.]
4914 Mr. Raskin?
4915 Mr. Raskin. Aye.
4916 Ms. Adcock. Mr. Raskin votes aye.
4917 Ms. Jayapal?
4918 Ms. Jayapal. Aye.
4919 Ms. Adcock. Ms. Jayapal votes aye.

4920 Mr. Schneider.

4921 Mr. Schneider. Aye.

4922 Ms. Adcock. Mr. Schneider votes aye.

4923 Mr. King. Anyone wish to cast or change their vote?

4924 The gentleman from Florida, Mr. DeSantis?

4925 Mr. DeSantis. No.

4926 Ms. Adcock. Mr. DeSantis votes no.

4927 Mr. King. The gentleman from Texas, Mr. Ratcliffe?

4928 Mr. Ratcliffe. No.

4929 Ms. Adcock. Mr. Ratcliffe votes no.

4930 Mr. King. The gentleman from Texas, Mr. Gohmert?

4931 Mr. Gohmert. No.

4932 Ms. Adcock. Mr. Gohmert votes no.

4933 Mr. King. The gentleman from California, Mr. Issa?

4934 Ms. Adcock. Mr. Issa votes no.

4935 Mr. King. Anyone else wish to cast or change their

4936 vote?

4937 Ms. Lofgren. Mr. Chairman, I am wondering how I am

4938 recorded?

4939 Could the clerk please tell me?

4940 Mr. King. You are recorded as an aye. You are

4941 recorded as an aye.

4942 Mr. Gutierrez. Mr. Chairman, Ms. Lofgren's question

4943 has caused me to wonder the same. How am I recorded?

4944 Mr. King. I am stumped again, but I am going to guess

4945 an aye.

4946 Mr. Gutierrez. Thank you.

4947 Mr. King. Gentleman from New York.

4948 Mr. Nadler. How am I recorded?

4949 Mr. King. It is the first time, and you are recorded
4950 as an aye.

4951 Mr. Nadler. Could you check it with the clerk please,
4952 because I am not sure?

4953 Mr. King. Well, I would check with the clerk. How is
4954 Mr. Nadler recorded?

4955 Ms. Adcock. Aye.

4956 Mr. Nadler. Thank you very much for refreshing my
4957 memory.

4958 Mr. King. Mr. Johnson from Georgia?

4959 Mr. Johnson of Georgia. Aye.

4960 Ms. Adcock. Mr. Johnson votes aye.

4961 Mr. King. Anyone else wish to cast or change your
4962 vote? If not, the clerk will report.

4963 Ms. Adcock. Yeah. Mr. Chairman, 11 members voted aye;
4964 15 members voted no.

4965 Mr. King. Eleven members voted aye; 15 members voted
4966 no. The Gutierrez amendment has failed.

4967 Chair would recognize the gentleman from Rhode Island.

4968 Mr. Cicilline. Mr. Chairman I have an amendment at the
4969 desk.

4970 Mr. King. The gentleman has an amendment at the desk.
4971 Clerk will distribute. The gentleman is recognized for 5
4972 minutes to discuss his amendment.

4973 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
4974 would strike section 608 of H.R. 2431 providing that if the
4975 Secretary of Homeland Security makes a submission for
4976 temporary protections status designation, which the
4977 President does not sign in to law within 90 days, the
4978 designation shall be terminated.

4979 This amendment would also remove a provision providing
4980 that holders of temporary protection status may not be
4981 admitted for the purpose of adjusting their status.

4982 Temporary protections status, or TPS, is a temporary
4983 and renewable immigration status that allows for employment
4984 authorization and relief from deportation for immigrants
4985 from countries that are experiencing temporary environmental
4986 security, armed conflict, or extraordinary conditions.

4987 This form of humanitarian relief upholds America's
4988 tradition role as a safe haven for those fleeing oppression,
4989 persecution, and harm.

4990 For example, the country of Liberia suffered through a
4991 14 year Civil War that only ended in 2003. As the conflict
4992 persisted, roughly 250,000 people were killed, and the
4993 infrastructure of the country fell into ruins. In the early
4994 1990s, thousands of Liberians fleeing this brutal Civil War

4995 sought refuge in the United States and were allowed to live
4996 here legally under temporary protected status, many of whom
4997 now live in my district.

4998 And, more recently, Liberia as well as Guinea and
4999 Sierra Leone, are rebuilding their countries after suffering
5000 through massive outbreaks of Ebola lasting from 2014 through
5001 2016. Temporary protected status for Liberians has extended
5002 much needed humanitarian relief, protecting them from forced
5003 repatriation to a country with a greatly weakened medical
5004 infrastructure and a still lingering deadly disease.

5005 More than that, in many cases, refugees protected by
5006 TPS raise children in America who become integral members of
5007 their local communities, contributing to the local economy
5008 and culture.

5009 Any provisions that undermine TPS would truly be
5010 shortsighted, as we would lose the contributions these
5011 immigrants make every day to our country. For example,
5012 ending TPS for people from just 3 countries, Honduras,
5013 Haiti, and El Salvador, would cost taxpayers \$3.1 billion
5014 and would result in a \$6.9 billion reduction to Social
5015 Security and Medicare contributions over a decade.

5016 I am extremely concerned that this legislation's
5017 provision on TPS is an extension of the current
5018 administration's cruel and draconian policies towards the
5019 most vulnerable immigrants. In his short time in office,

5020 President Trump has tried to limit the admission of refugees
5021 into the United States and entirely halt the admission of
5022 Syrian refugees.

5023 In doing so, he knowingly sought to turn away women and
5024 children fleeing unspeakable brutality at the hands of
5025 President Bashar al-Assad and individuals who have been
5026 displayed by a perpetual, violent conflict. Although this
5027 inhumane and unconstitutional Executive Order has struck
5028 down in court time after time, the Trump administration is
5029 still unwilling to allow Syrian refugees into the United
5030 States.

5031 At the same time, the administration was defending the
5032 refugee ban, the Secretary of the Department of Homeland
5033 Security proposed to separate the families at the southern
5034 border in order to deter asylum seekers migrating from El
5035 Salvador, Honduras, and Guatemala.

5036 Well-known threats of gang violence and economic
5037 desperation in this region have driven entire families to
5038 seek safety in other countries, and mainly the United
5039 States. Policies which undermine protections for vulnerable
5040 people seeking safe havens, such as those in the bill before
5041 us, and those set forth by the Trump administration are
5042 profound betrayal of the values that define us as a Nation.

5043 And I urge my colleagues to adopt this amendment to
5044 assure that we preserve protections for holders of temporary

5045 protected status and recommit to our proud and long history
5046 of humanitarian protection, and with that I yield back the
5047 balance of my time.

5048 Mr. King. The gentleman returns his time. For what
5049 purpose does the gentleman from Idaho seek recognition?

5050 Mr. Cicilline. To oppose the amendment.

5051 Mr. King. The gentleman is recognized for 5 minutes.

5052 Mr. Labrador. Congress has granted the Secretary of
5053 Homeland Security the authority to grant temporary refuge to
5054 aliens, usually illegal aliens, from particular countries
5055 under temporary protective status. If the Secretary finds
5056 that there is an ongoing armed conflict, then the return of
5057 nationals would pose a serious threat to their security, if
5058 there has been a natural disaster resulting in a substantial
5059 but temporary disruption of living conditions, or if there
5060 exists extraordinary and temporary conditions that prevent
5061 aliens from returning in safety, he can grant TPS status to
5062 a country's nationals for as long as 18 months.

5063 The Secretary can later extend the designation for
5064 additional periods of as long as 18 months. Congress
5065 intended TPS to provide temporary refuge during temporary
5066 periods of crisis in a country. Unfortunately, it has
5067 become all too apparent that DHS has utilized TPS as a
5068 defacto amnesty for many aliens.

5069 For instance, TPS was granted to Honduras and Nicaragua

5070 in 1988 following Hurricane Mitch. The administration has
5071 extended these designation numerous times, the latest until
5072 2018, long after any temporary dislocations caused by the
5073 hurricane have ended.

5074 Let me cite the example of Nicaragua. DHS granted its
5075 latest extension because Hurricane Mitch and subsequent
5076 environmental disasters have substantially disrupted living
5077 conditions in Nicaragua. Nicaragua remains unable
5078 temporarily to able handle adequately the return of its
5079 nationals.

5080 The INA provides that an initial designation of TPS can
5081 only be extended if there the condition for such designation
5082 continue to be met. The conditions refer to the conditions
5083 that led to the original designation. This latest extension
5084 was clearly an illegitimate exercise of DHS authority.

5085 First, DHS did not extend TPS for Nicaragua because the
5086 original conditions continued to be met. DHS stated that
5087 TPS was extended because of Hurricane Mitch and subsequent
5088 environmental disasters. There is no substantial basis for
5089 extending a country's designation of TPS because of events
5090 not the basis for the initial designation. The only
5091 legitimate basis is that the conditions for the original
5092 designation continue to be met.

5093 Second, TPS is based on a nation being able to
5094 temporarily to adequately handle the return of its

5095 nationals. Congress did not create TPS as a remedy for
5096 nations who are permanently unable to handle the return of
5097 their nationals for economic, political, cultural, or other
5098 reasons. It is difficult to make the case that when TPS is
5099 extended 2 decades after the landfall of a hurricane, the
5100 beneficiary nation can still be said to be unable to handle
5101 the return of its nationals.

5102 Third, even if DHS had found a disruption of living
5103 conditions in Nicaragua caused by Hurricane Mitch still
5104 existed, it is not plausible that Nicaragua is unable to
5105 temporarily to handle adequately the return to the state of
5106 its nationals.

5107 There are about 2,500 Nicaraguans benefiting from TPS.
5108 This represents a miniscule percentage of Nicaragua's
5109 population of almost 6 million people. For Nicaragua not to
5110 be able handle the return of persons representing such a
5111 small percentage of its population 18 years after a
5112 hurricane seems pretty dubious.

5113 Additionally, this number is dwarfed by the 1.3 million
5114 international tourists who visited Nicaragua in 2014. It
5115 seems inconceivable that Nicaragua could handle over 1
5116 million tourists in a year while being unable to handle the
5117 return of a few thousand persons following the termination
5118 of TPS.

5119 Therefore, section 608 provides that, if DHS believes

5120 an extension of an original TPS designation is appropriate,
5121 it may make such a recommendation to Congress. Congress can
5122 then pass legislation implementing the recommendation. If
5123 90 days after a recommendation is submitted, the President
5124 has not signed implementing legislation into law, then the
5125 designation will and should expire.

5126 Given the irresponsible manner in which DHS has
5127 administered TPS over many years, it is time for us to
5128 engage in some supervision. I should note that section 608
5129 only affects extensions of future TPS designation. It does
5130 not apply to extensions of designations made by DHS or INS
5131 before the date of enactment. And I yield back.

5132 Mr. King. The gentleman returns his time. For what
5133 purpose does the gentlelady from California seek the floor?

5134 Ms. Lofgren. To strike the last word.

5135 Mr. King. The lady is recognized for 5 minutes.

5136 Ms. Lofgren. I think this is a really important
5137 amendment that Mr. Cicilline has offered. The way 608 is
5138 crafted, it would really end TPS as a tool in the tool box
5139 of the United States.

5140 I cannot think of very many immigration measures that
5141 have been signed into law by the President in 90 days. We
5142 had a bipartisan bill sent over from the Senate that never
5143 even got a vote in the House. We do not do immigration laws
5144 in this Congress, so to provide that the TPS needs to be

5145 signed into law by 90 days or this status expires basically
5146 just says we are not going to have TPS.

5147 Now, we can argue the humanitarian impact of this, and
5148 I can. I mean, for example, among the countries -- there
5149 are 13 countries; there are 300,000 people who have, over
5150 the years, received this TPS status, which allows them to
5151 legally stay in the U.S., to get work authorization, and to
5152 work and become taxpayers.

5153 These individuals are from El Salvador, Guinea, Haiti,
5154 Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia,
5155 Sudan, South Sudan, Syria, and Yemen. They all have
5156 different stories, different reasons why that occurred, but
5157 let's just talk about Haiti for a minute.

5158 Haiti, we had 46,000 Haitians on TPS status after that
5159 monstrous earthquake, which Haiti has still not been
5160 rebuilt. We now have a cholera outbreak in Haiti, and
5161 there's really no indication whatsoever that Haiti could
5162 accommodate the rapid influx of 46,000 Haitians.

5163 There are 9,000 Nepalis who are in TPS status after a
5164 monstrous earthquake in Nepal that killed 8,000 of its
5165 citizens. That earthquake destroyed more than 500,000
5166 homes. The country has not recovered yet.

5167 To send 9,000 Nepalis home right away, they could not
5168 handle that. But let's talk about the economic implications
5169 for the United States. Mass deportation of the 300,000 TPS

5170 recipients would have a substantial, adverse impact.

5171 Let's just take a look at the Salvadorans, the
5172 Hondurans, and the Haitians. The analysis is that this
5173 would trigger a \$45 billion decline in GDP over the next 10
5174 years. It would reduce \$6.9 billion of payments into Social
5175 Security and Medicare. It would have a turnover cost of
5176 laid off employees and of \$1 billion, and it would cost \$3.1
5177 billion to the taxpayers to deport them.

5178 The economies of Texas, Florida, Virginia, who would be
5179 particularly hard hit, and for what reason -- I think that
5180 this is heartless, economically unwise, and not in keeping
5181 with the American tradition. I strongly support Mr.
5182 Cicilline's amendment.

5183 Mr. King. The gentlelady returns her time, and the
5184 chair would recognize himself to oppose the amendment. And
5185 I will keep it very brief.

5186 I wanted to make the point that the underlying bill
5187 grandfathers in all of the circumstances that have been
5188 discussed by the gentlelady from California on temporary
5189 protective status, and it only addresses any circumstances
5190 going forward, and so those circumstances going forward
5191 would be under the full knowledge that Congress would have
5192 to approve the extensions of the temporary protective
5193 status. And so I oppose the amendment, and I would urge
5194 that it be defeated.

5195 Seeing there is no further debate coming forward on the
5196 Cicilline debate, the committee will stand in recess for the
5197 day. The committee will resume consideration of this bill
5198 tomorrow morning at 10:00. We are not going to vote on the
5199 amendment.

5200 So the committee will stand in recess. We will resume
5201 consideration of this bill tomorrow morning, 10:00 a.m.

5202 [Whereupon, at 3:29 p.m., the committee recessed, to
5203 reconvene at 10:00 a.m., Wednesday, May 24, 2017.]