

1 NATIONAL CAPITOL CONTRACTING
2 RPTS HASKELL
3 HJU172000

4 MARKUP OF: H.R. 495; H.R. 2826;
5 AND H.R. 1096
6 Wednesday, June 21, 2017
7 House of Representatives,
8 Committee on the Judiciary,
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:28 a.m., in
11 Room 2141, Rayburn House Office Building, Hon. Bob Goodlatte
12 [chairman of the committee] presiding.

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

20 Staff Present: Shelley Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Zach Somers, Parliamentarian
22 and General Counsel; Andrea Loving, Deputy Chief Counsel,
23 Subcommittee on Immigration and Border Security; Joe Edlow,
24 Counsel, Subcommittee on Immigration and Border Security;
25 John Coleman, Counsel, Subcommittee on the Constitution and
26 Civil Justice; Alley Adcock, Clerk; Danielle Brown, Minority
27 Chief Legislative Counsel; David Shahoulian, Minority Chief
28 Counsel, Subcommittee on Immigration and Border Security;
29 Maunica Sthanki, Minority Counsel, Subcommittee on
30 Immigration and Border Security; Matthew Morgan, Minority
31 Counsel; and Rosalind Jackson, Minority Professional Staff.

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

35 Pursuant to notice, I now call up H.R. 495 for purposes
36 of markup and move that the committee report the bill
37 favorably to the House. The clerk will report the bill.

38 Ms. Adcock. H.R. 495, to amend the William Wilberforce
39 Trafficking Victims Protection Reauthorization Act of 2008
40 to provide for the expedited removal of unaccompanied alien
41 children who are not victims of a severe form of trafficking
42 in persons and who do not have a fear of returning to their
43 country of nationality or last habitual residence and for
44 other purposes.

45 [The bill follows:]

46 ***** INSERT 1 *****

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

50 The past 4 years have witnessed the phenomenon of
51 unaccompanied alien minors arriving at our borders in
52 unprecedented numbers. Central American minors, largely
53 teenagers, are making the perilous journey through Mexico
54 and then walking miles across a hostile border environment,
55 assisted or abandoned by smugglers, as the case may be, with
56 the intent of entering the United States illegally.

57 In fiscal year 2011, the number of unaccompanied minors
58 apprehended at the border was a little over 6,000. Between
59 2012 and 2016, the total number caught at the border surged
60 to almost a quarter million. The Obama administration
61 claimed that generalized violence and economic depression in
62 Central America was the reason for this influx. However, a
63 2014 intelligence report illustrated that the previous
64 administration's policies of lax immigration enforcement
65 played the key role in enticing parents, already in the U.S.
66 illegally, to hire coyotes to smuggle their children into
67 the country.

68 Word apparently spread throughout Central America that,
69 even if apprehended, minors would not only be not removed,
70 they would be turned over to the parents who placed them at
71 risk in the first place by attempting to smuggle them into

72 the U.S.

73 The Trump administration is making strong efforts to
74 resuscitate immigration enforcement. After only a month in
75 office, the administration reported a 40 percent drop in
76 border apprehensions. While enforcement is clearly having a
77 big impact, in this fiscal year so far, over 31,000
78 unaccompanied minors have already been apprehended at our
79 southern border. That is five times the number in 2011.

80 The statutory loopholes exploited by aliens and by
81 statutorily-required disparate treatment of apprehended
82 minors based simply on their countries of nationality cannot
83 be fixed, even by a well-meaning administration, but must be
84 corrected by Congress. Only in this manner can we
85 conclusively end these systemic problems.

86 Judge John Carter's bill does the job. It sends the
87 urgently-needed message to parents in or from Central
88 America, who are considering smuggling their children into
89 the U.S., that once apprehended, these minors will not be
90 released into our communities. Rather, they will be swiftly
91 and safely returned to their home countries.

92 The Carter bill modifies the Trafficking Victims
93 Reauthorization Act of 2008. That legislation created 2
94 distinct sets of rules regarding unaccompanied minors, one
95 for minors apprehended from contiguous countries, such as
96 Mexico, and one for minors from noncontiguous countries.

97 Minors from contiguous countries can be immediately
98 returned if they consent, have not been trafficked, and do
99 not have a credible fear of persecution. However, minors
100 from other countries must be placed in lengthy removal
101 proceedings before the immigration courts, during which they
102 are usually released into the United States, often to the
103 very parents who attempted to smuggle them into the United
104 States.

105 Mr. Carter's bill eliminates the conflicting rules and
106 subjects all minors to expeditious return if they have not
107 been trafficked and do not have a credible fear of
108 persecution.

109 The bill also provides authority for the Secretary of
110 State to negotiate agreements with foreign countries
111 regarding unaccompanied minors, including protections for
112 minors who are returned to their country of nationality. As
113 for those unaccompanied minors who will be awaiting
114 immigration court proceedings, Judge Carter's bill provides
115 for greater transparency and safety.

116 It requires the Department of Health and Human Services
117 to finally take steps to provide DHS with biographical
118 information regarding the sponsors or family members to whom
119 they are released. With no requirement currently in place,
120 minors have been lost in the system, or worse, delivered
121 into the hands of criminals or child abusers. They are

122 easily targeted for recruitment by street gangs, and we have
123 witnessed many so-called unaccompanied minors joining
124 vicious, transnational gangs such as MS-13.

125 The bill also mandates that DHS follow up with the
126 sponsors with whom the minors are placed to verify their
127 immigration status and issue notices for them to appear in
128 immigration court where appropriate, and it ensures that
129 unaccompanied minors get the same number of bites at the
130 apple for asylum as other aliens.

131 I want to thank Judge Carter for championing such a
132 critical issue and introducing a bill that will curb illegal
133 immigration, disincentivize dangerous smuggling practices,
134 and ultimately protect children. I urge my colleagues to
135 support this bill. We must prevent another mass influx of
136 minors along our southern border and the suffering that
137 inevitably comes along with it.

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

141 [The prepared statement of Chairman Goodlatte follows:]

142 ***** COMMITTEE INSERT *****

143 Mr. Conyers. Thank you, Chairman Goodlatte. Members
144 of the committee, the Protection of Children Act, contrary
145 to its name, does nothing to protect children. Instead, it
146 strips crucial protections from unaccompanied children, who
147 are fleeing trafficking and persecution in their home
148 countries. Let me be clear: this legislation will lead to
149 the victimization and endangerment of children at the hands
150 of the United States Government.

151 First, this legislation would authorize lengthy
152 detention of children in Department of Homeland Security
153 facilities that are not suitable for children at all. Why
154 do I say that? Because it extends the length of time that
155 unaccompanied children can be held in Border Patrol stations
156 from 72 hours up to 30 days. Actually, for unaccompanied
157 children who do not pass the cursory screening performed by
158 Border Patrol agents, the bill establishes no time limit for
159 their detention.

160 We have long held that children deserve heightened
161 care. This standard should be no different for immigrant
162 children. Incarcerating children for long periods of time
163 in Border Patrol stations and DHS facilities, no less, is
164 not the American way.

165 Secondly, this legislation would return children to a
166 parent in their home country who has abandoned, abused, or
167 neglected them. It does this by changing a crucial

168 eligibility requirement for Special Immigrant Juvenile
169 Status. Under the guise of protecting children, this
170 legislation says that, if you are a child who is abused,
171 neglected, or abandoned, the United States Government will
172 return you to your abuser.

173 Finally, this bill will send children back, who are
174 fleeing persecution and trafficking, back to the terror from
175 which they fled without an opportunity to make their case
176 for protection.

177 During the summer of 2014, I had the opportunity to
178 hear the stories of immigrant refugee children at a
179 Congressional Progressive Caucus hearing. These children
180 spoke bravely and honorably about their experiences in their
181 home countries, about the journey north, and about what they
182 had experienced in our country. They spoke of being
183 assaulted and having witnessed murders in their home
184 countries, having witnessed murders in their home countries.

185 The decision to leave their homes was often made
186 because it was the last choice they had when their countries
187 were unable to provide them with safety. While not all
188 immigrant children will qualify for legal relief, do we not
189 have a responsibility to give them a fair opportunity to
190 pursue their claims under our refugee protection laws?

191 In closing, this legislation strikes me as particularly
192 mean-spirited and short-sighted. Our immigration system is

193 broken, but instead of working on comprehensive solutions to
194 meet the needs of American families, businesses, and our
195 economy, we are considering legislation to target children
196 for swift deportation. I yield back the balance of my time,
197 and I thank the chairman.

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

199 ***** COMMITTEE INSERT *****

200 Chairman Goodlatte. Thank you, Mr. Conyers. I would
201 now like to recognize the ranking member of the Subcommittee
202 on Immigration and Border Security, the gentlewoman from
203 California, Ms. Lofgren, for her opening statement.

204 Ms. Lofgren. Mr. Chairman, as Mr. Conyers has
205 mentioned, the Protection of Children Act actually does not
206 protect children. Instead, it will result in increased
207 child sex trafficking, the return of children to violence,
208 the denial of legal counsel, and the prolonged detention of
209 children. I think it is very sad that today we are amending
210 the Wilberforce Act, which was really a triumph of
211 bipartisanship, coming together across ideological divides
212 to say, "We are going to take a stand against slavery and
213 sex trafficking." This bill would weaken that magnificent
214 effort.

215 To argue that the bill protects children because it
216 discourages them from making the journey to the U.S. misses
217 the point. These kids, many of them, are fleeing from
218 violent and desperate situations, including forced sexual
219 slavery, gang recruitment, and extortion. Some have labeled
220 these children, many of them under 12 years of age, as gang
221 members and violent criminals, but this ignores that these
222 children are escaping the brutality, not embracing it. And
223 as Catholic Bishop Mark Seitz testified before this
224 committee in 2014, proposals like this "is akin to sending

225 these children back into a burning building they just fled.”

226 We all know the stories of children escaping
227 unspeakable violence to seek refuge, and others who were
228 brutally murdered before having a chance to do so. Many of
229 these children reach us after escaping from human
230 trafficking for sex or labor. Now, the majority has argued
231 that, in some cases, that this violence is no different than
232 the violence of some of our own American cities, and no one
233 disputes that violence in our cities is a problem.

234 But there are crucial differences. Most importantly is
235 that the violence in Central America is not localized, but
236 instead pervades the entire region. Gangs control every
237 aspect of children's lives, including the police, the
238 government, public transportation, street corners, even
239 schools. The truth is that many of these children simply
240 cannot find safety within their borders. They have no
241 choice but to seek safety outside. And in fact, they are
242 fleeing not only to the United States, but to Mexico,
243 Nicaragua, Belize, and other countries as well.

244 Under the guise of protection, this bill particularly
245 harms disabled and younger children. The bill removes the
246 provision in the Trafficking Victims Protection
247 Reauthorization Act that requires a DHS official to
248 determine whether a child is able to make an independent
249 decision to waive her application for admission and thus any

250 right to seek protection under our laws. Now, this
251 provision was intended to protect, and it was bipartisan, to
252 protect younger children and those with reduced mental
253 capacities.

254 In practice, CBP officers transfer children under the
255 age of 14 to DHS custody because it is understood that such
256 children lack the capacity to make informed decisions about
257 their own cases, particularly in the presence of enforcement
258 officers. Transfer to Health and Human Service custody
259 allows these younger children or mentally-disabled children
260 to undergo a longer screening process with HHS social
261 workers, as well as the opportunity to have a hearing before
262 an immigration judge.

263 If this bill were actually intended to protect
264 children, this provision would not be stricken. Instead,
265 the proposal is a short-term solution that would result in
266 rapid deportation of vulnerable, younger, and disabled
267 children. It is really, I think, Orwellian to argue that
268 this could possibly protect children.

269 Now, it has been argued that there is a loophole in the
270 TVPRA that allows children from noncontiguous countries,
271 now, mainly, from Central America, to be treated better than
272 children from contiguous countries, who are mostly from
273 Mexico, not Canada. The majority argues that children from
274 all countries should be subjected to the same expedited

275 screening mechanism as Mexican children, but this ignores
276 what we know about expedited screening practices.

277 At our government's request, the United Nations
278 reviewed our screening practices and concluded that we are
279 returning Mexican children to face trafficking and
280 persecution. The GAO conducted a similar review a year
281 later and also found that the CBP failed to properly screen
282 Mexican children. Given how broken this practice of
283 expedited removal is, it should be ended, not expanded to
284 other children.

285 H.R. 495 also extends DHS's ability to detain
286 unaccompanied children for up to 30 days. Remarkably, it
287 even authorizes the indefinite detention of those who pass
288 the screening. Now, we all saw heartbreaking photos of
289 children in Border Patrol stations several years ago. Some
290 of us, including me, traveled to the border to personally
291 assess the situation. The Border Patrol agents at the time
292 did their very best in a difficult situation, but we should
293 never force these officers to care for children for such
294 lengthy periods of time. They would be the very first to
295 tell us that a Border Patrol station is no place for a
296 child, and certainly not for 30 days or more. This change
297 in the law makes no sense.

298 Now, I am always willing to consider commonsense
299 solutions to our broken immigration system, but this bill is

300 not that. This proposal will harm the most vulnerable:
301 unaccompanied children fleeing violence, trafficking, and
302 abuse. It is not good policy, and it is not in line with
303 our American values of freedom and protection. And I yield
304 back.

305 Mr. Conyers. Mr. Chairman?

306 Chairman Goodlatte. For what purpose does the
307 gentleman from Michigan seek recognition?

308 Mr. Conyers. I have an amendment at the desk, sir.

309 Chairman Goodlatte. I am going to recognize myself
310 first --

311 Mr. Conyers. All right.

312 Chairman Goodlatte. -- for the purposes of offering an
313 amendment.

314 Well, he can be recognized during the consideration of
315 my amendment.

316 I now recognize myself for the purposes of offering an
317 amendment. The clerk will report the amendment.

318 Ms. Adcock. Amendment to H.R. 495, offered by Mr.
319 Goodlatte of Virginia. Add, at the end of the bill, the
320 following.

321 [The amendment of Chairman Goodlatte follows:]

322 ***** COMMITTEE INSERT *****

323 Chairman Goodlatte. Without objection, the amendment
324 will be considered as read, and I will recognize myself to
325 explain the amendment.

326 The Protection of Children Act will improve and
327 streamline the way our government addresses the continued
328 influx of unaccompanied minors at our borders. It will
329 expedite the initiation of removal proceedings in our
330 immigration courts and ensure those minors, who can be, are
331 expeditiously and safely returned.

332 Without any method to measure its impact, however, it
333 would be impossible for Congress to evaluate the success of
334 such an important piece of legislation. Thanks to Customs
335 and Border Protections recordkeeping, Congress has rapid
336 access to statistics on all aliens apprehended at our
337 borders, including unaccompanied minors. Once an individual
338 is apprehended, however, the recordkeeping becomes
339 significantly less specific.

340 There are no clear metrics on how many unaccompanied
341 minors fail to appear for their immigration court hearing or
342 how many are granted asylum, either before USCIS or the
343 immigration court. These are crucial pieces of information
344 that presently we only receive anecdotally and without the
345 veracity that hard numbers provide.

346 This manager's amendment provides a quarterly reporting
347 requirement mandating that the Department of Justice and the

348 Department of Homeland Security keep better records and
349 provide Congress with a long-overdue snapshot of
350 unaccompanied minors not immediately returned.

351 In keeping these children safe, we must get a better
352 sense of the outcome of their cases, exercise our oversight
353 authority, and ensure that the system is operating as
354 intended. I urge my colleagues to join me in supporting
355 this amendment.

356 For what purpose does the gentlewoman from California
357 seek recognition?

358 Ms. Lofgren. I have an amendment to the amendment.

359 Chairman Goodlatte. The clerk will report. We need to
360 get it.

361 Ms. Lofgren. Would the staff hand the amendment to the
362 clerk, please?

363 Ms. Lofgren. While this is being distributed, maybe I
364 can --

365 Chairman Goodlatte. Let me have the clerk report.

366 Ms. Lofgren. All right.

367 Chairman Goodlatte. She now has it. The clerk will
368 report the amendment.

369 Ms. Adcock. Amendment to H.R. 495, offered by Ms.
370 Lofgren. Strike section 2 --

371 Chairman Goodlatte. Without objection, the amendment
372 is considered as read, and the gentlewoman is recognized for

373 5 minutes on her amendment.

374 Ms. Lofgren. First, I think the underlying amendment -

375 -

376 Chairman Goodlatte. Would the gentlewoman yield?

377 Ms. Lofgren. Yes.

378 Chairman Goodlatte. My amendment is not a substitute.

379 It is a freestanding amendment. So I think we should finish

380 consideration of that, and then we can consider your

381 amendment.

382 Ms. Lofgren. Procedurally, my amendment to your

383 amendment is --

384 Chairman Goodlatte. Your amendment does not amend my

385 amendment.

386 Ms. Lofgren. Well, I think it does. Did they

387 distribute the wrong amendment?

388 Chairman Goodlatte. If you have an amendment that

389 amends the amendment I just introduced --

390 Ms. Lofgren. I do.

391 Chairman Goodlatte. -- we should distribute that.

392 Ms. Lofgren. Where is the amendment?

393 Chairman Goodlatte. All right. The clerk will report

394 the amendment to the amendment offered by the chair.

395 Ms. Adcock. Amendment to the amendment offered by Mr.

396 Goodlatte to H.R. 495, offered by Ms. Lofgren. Amend the

397 amendment as follows.

398 [The amendment of Ms. Lofgren follows:]

399 ***** COMMITTEE INSERT *****

400 Chairman Goodlatte. Without objection, the amendment
401 is considered as read, and the gentlewoman is recognized for
402 5 minutes on her amendment.

403 Ms. Lofgren. Thank you, Mr. Chairman. The amendment
404 that you have offered, I think, is unlikely to yield very
405 much information because we do not have enough judges to
406 actually adjudicate these matters within a 3-month time
407 period. I mean, we can find that out if you wish, but I
408 think one of the pertinent pieces of information, and why I
409 have offered an amendment to your amendment, is to find out
410 what the implications are for children who are represented
411 by counsel as compared to children who are not represented
412 by counsel. Do the children who are represented by counsel
413 show up more often? Are they granted asylum or other forms
414 of relief? Are they removed instead? For children who are
415 not represented by counsel, what is the impact in those
416 cases?

417 Now, it is obviously not a scientific study. But if
418 you take, you know, 300 children, who are 12, who have fled
419 from Central America, and who are making claims of asylum,
420 and most of the children who are represented by counsel get
421 relief, and most of the children who are not represented by
422 counsel do not, I think certain conclusions can be reached:
423 that there is a due process problem involved here. And I
424 think that is something that the Judiciary Committee, which

425 is dedicated to defending the Constitution, including the
426 Due Process Clause, should know.

427 As a matter of fact, we have had immigration judges
428 defend the practice of 5-year-olds appearing in immigration
429 court and defending themselves, that they would have the
430 opportunity and the capacity to make their claims
431 understood. I personally think that is preposterous, and
432 the immigration judge who asserted that was widely
433 criticized for that assertion. But let's find out, and as I
434 mentioned, I do not think your amendment is likely to reveal
435 much information.

436 I do not object to the amendment, but I think, if we
437 accept my amendment, we might get some very useful
438 information, Mr. Chairman. And that is why I offer it in a
439 spirit of comity to you. And with that, I would yield back
440 the balance of my time.

441 Chairman Goodlatte. The chair recognizes himself in
442 opposition to the amendment to the amendment. The William
443 Wilberforce Act provides for and encourages the American
444 Immigration Lawyers Association and others to provide pro
445 bono counsel to children who are unaccompanied minors, and I
446 do not support the taxpayers of the United States paying for
447 counsel for these children. So I think, while this
448 amendment does not provide for that, I think the objective
449 of the amendment is to gather data to make the case for

450 doing that, and I do not support doing that in and of
451 itself.

452 Ms. Lofgren. Would the gentleman yield?

453 Chairman Goodlatte. I would be happy to yield.

454 Ms. Lofgren. As the chairman has recognized, this
455 amendment does not suggest the provision of counsel to
456 children at taxpayers' expense or at private expense. But
457 we do have a Due Process Clause in the Constitution, and it
458 seems to me getting this information would be a useful thing
459 for us. And I would hope the chairman would reconsider his
460 opposition because there is nothing in here about the
461 provision of counsel.

462 But we should all be concerned if the due process
463 rights of people in our system are not being respected. And
464 I would hope that the chairman might accept this amendment
465 in the spirit in which it is being offered, which is to
466 improve your amendment, not to oppose your amendment. And I
467 thank the chairman for yielding.

468 Chairman Goodlatte. Well, reclaiming my time, I would
469 simply say that the information gathered here is not related
470 to whether or not due process is being provided these
471 children, but whether or not they are provided with counsel.
472 And there are plenty of opportunities for people to be
473 provided with counsel, just as it is true for almost any
474 kind of proceeding in any kind of court. And in the nature

475 of these proceedings, we do not provide counsel. I do not
476 think we need to know the information that is requested
477 here. And therefore, I am opposed to the amendment.

478 Mr. Nadler. Mr. Chairman?

479 Chairman Goodlatte. For what purpose does the
480 gentleman from New York seek recognition?

481 Mr. Nadler. Strike the last word.

482 Chairman Goodlatte. The gentleman is recognized for 5
483 minutes.

484 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, I
485 rise in support of Ms. Lofgren's amendment. It is
486 interesting to hear that we support due process, but we have
487 no need, in fact, do not want to know, the impact of counsel
488 or lack of counsel on this kind of proceeding. It seems to
489 me it is essential information. If it turns out, and maybe
490 it does, and maybe it does not; that is what the amendment
491 is designed to ascertain. If it turns out that the outcomes
492 of a proceeding for children are vastly different depending
493 on whether they have counsel or not, then that would
494 certainly indicate a certain result as to due process.

495 If the presence of counsel changes the outcome of a
496 proceeding of this type, that would indicate that due
497 process requires the presence of counsel. If it turns out
498 that the presence of counsel does not really change the
499 mathematics, then that would indicate that due process does

500 not require the presence of counsel.

501 The wish not to know, I think, is really a fear of what
502 the information might show and a desire to remain in public
503 ignorance, lest we see that unrepresented children have much
504 worse outcomes than represented children, and lest we
505 decide, or lest there be then pressure, intellectual,
506 political, other pressure, to decide that unrepresented
507 children should, in fact, be represented.

508 Now, we do not have the facts. We have assertions by
509 certain people that there is a great difference and
510 assertions that it does not make a difference by other
511 people. Why not know the facts? How can we assert that due
512 process is served either way, when we do not know?

513 The chair asserts that due process does not require
514 counsel, and maybe he is right. And maybe he is wrong.
515 Getting to this --

516 Chairman Goodlatte. Will the gentleman yield?

517 Mr. Nadler. Yes.

518 Chairman Goodlatte. The Supreme Court has ruled that
519 taxpayer-funded counsel is not required for due process.

520 Mr. Nadler. Reclaiming my time, the Supreme Court has
521 ruled that due process, as a legal requirement, does not
522 require this. But as a practical matter, if we were to find
523 out that unrepresented children have vastly different
524 outcomes from represented children, then some people would

525 say, I would say, I assume Ms. Lofgren would say, others
526 would say, that, as a practical matter, the data indicates
527 that due process is not served. And maybe our judicial
528 understanding of due process is not sufficient, but due
529 process is not served without representation. Now, the data
530 may indicate differently. But we should know the data, and
531 opposition to this amendment is saying we should remain
532 willfully ignorant, lest data show what we do not want to
533 see.

534 Chairman Goodlatte. Would the gentleman yield?

535 Mr. Nadler. Sure.

536 Chairman Goodlatte. Your party was in the majority.
537 Mr. Conyers was chairman of the committee when the William
538 Wilberforce Act was adopted. There was no provision made
539 for this at that time. I am just amazed that you think
540 that, somehow, something has changed that requires that this
541 data be gathered or that counsel be provided, as you
542 suggest, data would suggest that it be provided. I am
543 opposed to taxpayer-funded counsel for people who are not
544 lawfully present in the United States.

545 Mr. Nadler. Let me just answer that. Well, first of
546 all, what my party did or did not do, what was it? Eight
547 years ago, 6 years ago? Whenever. I am not here to defend
548 everything we did or did not do then. Right now --

549 Chairman Goodlatte. Will the gentleman yield? Nor are

550 we.

551 Mr. Nadler. Okay. Fine. That is not the question.
552 We are not debating who did what then, nor should we. We
553 are trying to figure out how to improve the law, presumably.
554 In any event, to answer your question, I have not asserted
555 that due process is not served without counsel. My
556 suspicion is that it is not. But this amendment is to find
557 out. This amendment is to find out.

558 And we should know. We should not legislate in
559 ignorance, and we should not act in ignorance. And that is
560 all this amendment says. Now, the chairman says he is
561 opposed to a provision of taxpayer-funded counsel. Fine.
562 That is his position. But that does not mean we should not
563 know what, in fact, we are dealing with, and how necessary
564 that is or is not, whatever your preconceived notion, pro or
565 con. I yield back.

566 Ms. Jayapal. Mr. Chairman, would --

567 Chairman Goodlatte. For what purpose does the
568 gentlewoman from Washington seek recognition?

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

570 Chairman Goodlatte. The gentlewoman is recognized for
571 5 minutes.

572 Ms. Jayapal. Thank you, Mr. Chairman. I wanted to
573 rise in strong support of Ms. Lofgren's amendment to your
574 amendment. And I do so thinking about what exactly it is

575 that this bill is trying to do. And I am in opposition to
576 the bill itself, the underlying bill itself.

577 But it seems to me that the bill is asserting that
578 certain things are or are not happening; for example, that
579 children are coming over the border, that they are somehow
580 being released, that they do not show up for their hearings.
581 And I think your amendment, then, is saying, "Let's get the
582 data around who exactly is showing up and whether, you know,
583 the total number of asylum cases and the number of
584 unaccompanied alien children who fail to appear," this is
585 from your amendment, Mr. Chairman, "who fail to appear for
586 any proceeding."

587 So, it seems to me that if you are going to ask for the
588 data about how many kids are not showing up, then it is
589 relevant, very relevant, and in fact, necessary, that you
590 find out why they are not showing up. I think Mr. Lofgren's
591 amendment is saying, "If you are going to ask for that
592 information, then let's find out exactly why they are not
593 showing up." And, you know, the reality is that we know
594 certain things.

595 The National Association of Immigration Judges, these
596 are the folks who sit in those courtrooms, say that legal
597 representation is absolutely essential to ensure that
598 children have meaningful access to asylum or other
599 protections. And they say that it also improves the

600 efficiency of the courts. Now, the reason that they say it
601 improves the efficiency of the courts is because there have
602 been some studies showing that, if somebody has an attorney
603 to navigate these complex procedures, particularly for young
604 children, then they will show up to court. They will know
605 exactly what recourse they have or do not have, and that
606 there will be much less burden on the court.

607 So, I understand that we are not, at this point,
608 arguing whether or not people should have legal
609 representation that is provided for by the taxpayer. But it
610 is important to know what having that legal representation
611 does or not do, in terms of the consequences. And your
612 amendment is getting at, "What are the consequences?" So, I
613 think it is appropriate that we would then add in the fact
614 that we are asking for the information about how legal
615 representation affects those consequences.

616 That is something that I think the American people
617 should know, because I think a lot of people out there do
618 not understand that the immigration system is a civil
619 system, that 98 percent of people are pro se; they are
620 unrepresented. They think that this is actually a criminal
621 system and that everyone gets an attorney. That is not the
622 case. You are provided an attorney if you can pay for one.
623 But that does affect the consequences of how people
624 understand the law and whether or not they should show up in

625 court.

626 Certainly, in the context of children, it seems like we
627 should understand what the impact is if a child does not
628 have legal representation. And it is about the efficiency
629 of the courts, and it is, fundamentally, about, I think, the
630 information that you are trying to get to, because, if the
631 reality is that we find, for example, incorporating Ms.
632 Lofgren's amendment, that people are not showing up because
633 they do not have representation, then the solution to that
634 is going to be very different than if that is not the case.

635 The solution for that is not actually a harsh
636 enforcement-only bill. The solution to that might be some
637 other ways of making sure that, even if taxpayers are not
638 paying for representation, that we do a better job of making
639 sure that they get pro bono representation. There are lots
640 of solutions that do not involve the government paying for
641 representation, which I would not be opposed to, let me make
642 that clear, but I also think that we are trying to get the
643 information that is at the base of, in some ways, what the
644 underlying bill is asserting.

645 So, I really hope that we incorporate Ms. Lofgren's
646 amendment, because I think it provides very important backup
647 information to the very information that you are seeking.
648 What is the point of knowing that kids do not show up if you
649 do not know why it is that they do not show up? So --

650 Ms. Lofgren. Would the gentlelady yield?

651 Ms. Jayapal. I would yield.

652 Ms. Lofgren. I would just thank her for her support.

653 And it is important to get this information from the
654 government. Now, the Lutherans and some other groups did a
655 study. And their report is that, in a 6-month period in
656 2014, 94 percent of the unaccompanied children who were
657 ordered removed did not have an attorney and that over 7,000
658 of the kids who were ordered removed did not show up in
659 court. Now, they indicate that there was an increase in the
660 problems with the Notices to Appear; in fact, the children
661 were not receiving the notice of the hearings. And as you
662 will recall, we repealed the requirement for actual notice
663 in 1996.

664 So, it just seems to me, getting this information from
665 a reliable source, the government itself, would inform us,
666 because it costs money if you have to continue cases. As I
667 mentioned, I mean, it is one thing if you are 17. I mean,
668 not that that is acceptable; 17-year-olds are probably not
669 able to defend or make their case. But you were a very
670 young child, 7 or 8 years old, and you are appearing
671 unrepresented, I think that is something we ought to know
672 about. And to say we do not want to know about this, I
673 think, is inexplicable. And I thank the gentlelady for
674 yielding.

675 Ms. Jayapal. I thank you for your comments, and I will
676 yield back and just say, again, that from the National
677 Association of Immigration Judges, they say that children
678 are vulnerable and lack full competency. And therefore,
679 Immigration Court cases must be conducted in a manner
680 different than that of adults. I thank you and yield back,
681 Mr. Chairman.

682 Ms. Jackson Lee. Mr. Chairman?

683 Chairman Goodlatte. The time of the gentlewoman has
684 expired.

685 For what purpose does the gentlewoman from Texas seek
686 recognition?

687 Ms. Jackson Lee. Mr. Chairman, I rise to strike the
688 last word.

689 Chairman Goodlatte. The gentlewoman is recognized for
690 5 minutes.

691 Ms. Jackson Lee. I am not sure whether the offer of
692 the amendment Ms. Lofgren offered to indicate that both of
693 us, a year, or 2, or 3, were at the border in my State, and
694 watched as young children, babies, some in mother's arms,
695 fled the extreme, horrific persecution and violence of the
696 countries of which they were fleeing from.

697 I do not think, if anyone had a chance to see that,
698 that they would oppose an amendment of commonsense that the
699 gentlelady has offered. And I rise with great concern that

700 this is not an amendment that is accepted, which indicates
701 the number of children who are not represented by counsel
702 are ordered removed. These children fled because they were
703 in fear of their lives. And therefore, this simple
704 addition, I believe, Mr. Chairman, is a worthy one.

705 But I want to speak to what I think is the larger
706 breach, and that is the broken promise that have been made
707 by several Republican Presidents, from President Reagan in
708 his immigration reform efforts, President Bush, who, for 8
709 years as a Texan, sought to have this Congress pass
710 comprehensive immigration reform, a broken promise that
711 literally destroys and undermines the goodness of this
712 country.

713 I just came from a national security briefing, where we
714 were discussing how the unraveling of the greatest
715 Democracy, because what we stand for is a refuge for those
716 who want to do good. As I have listened to my colleagues,
717 we have not that, but we have the deportation, this morning,
718 of a woman from El Salvador, who has a husband and two
719 children. And even with the pardoning by the Governor of
720 Virginia of a lousy traffic ticket, which generated her
721 deportation; she is now gone. Where is the moral compass
722 that I ask about?

723 Tragically, we lost seven sailors. One of those were
724 from Texas, who came from Guatemala. I do not know his

725 status, and I offer my sympathy to those families, but he
726 came from Guatemala. Wanted to serve this Nation.

727 We are breaching the basic tenets of dignity and
728 humanity and the recognition of what this country is all
729 about. At the same time, we are dealing with this kind of
730 legislation. Mr. Chairman, you know that we have worked
731 together on a number of issues. We have sent a letter to
732 you, Mr. Chairman, that I wish to hand to you at this time,
733 that indicates every day we are going down a perilous route.

734 And this committee is absent from the discussion. Our
735 colleagues in the Senate, on the Judiciary Committee, have
736 crafted an investigation on obstruction of justice. The way
737 they have done it is a sensible one. They have jurisdiction
738 over the Department of Justice. They have jurisdiction over
739 the FBI. And these allegations deal with the FBI and the
740 Department of Justice. Last month, President Trump took to
741 Twitter to threaten Mr. Comey, cautioning that, "He better
742 hope that there are no tapes of our conversations" before he
743 starts leaking to the press.

744 That is a direct attack, comment about the Department
745 of Justice. We have expressed, this committee, its
746 unwillingness to debate these questions because
747 investigations into these matters are ongoing. We
748 acknowledge the sensitivity, but there is no bar or
749 prohibition from the Judiciary Committee of the House to

750 take its rightful responsibilities of oversight, dealing
751 with the Department of Justice and the FBI, and of course,
752 the question of the obstruction of justice.

753 I beg of my good friends, Republicans and Democrats,
754 that we are adult enough to be able to handle this
755 investigation as the oversight committee. I fear that,
756 although we may have a purpose in what we are doing, which
757 is to quash any investigation here in the House, that we are
758 yielding to a non-courageous journey, and as well, we are
759 allowing detestable actions to go without the House voice.
760 And it is the people's House.

761 I am extremely concerned, and I believe that courage
762 calls upon us to put aside political concerns and to not
763 allow the seething, if you will, feeling that people have
764 about their government to continue. We cannot cede
765 jurisdiction, Mr. Chairman. We are ceding jurisdiction, not
766 only to other committees in this body, but we are ceding it
767 to the other body.

768 And I would ask that you have due deliberation between
769 you and Mr. Conyers on moving forward on at least minimally
770 getting our documents that we requested; we have never seen.
771 It looks like a conspiracy against it, and as well to hold
772 these oversight hearings as quickly as possible.

773 And I thank the gentleman. I want to give this to the
774 chairman. And I yield, Mr. Chairman.

775 Chairman Goodlatte. The time of the gentlewoman has
776 expired.

777 For what purpose does the gentleman from Florida seek
778 recognition?

779 Mr. Deutch. I move to strike the last word.

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

782 Mr. Deutch. Thank you, Mr. Chairman. Mr. Chairman, I
783 support my friend from California's amendment to your
784 amendment, but I wanted to follow-up on what my friend from
785 Texas said, and ask a simple question, which is, when will
786 we have a real conversation on this committee about what is
787 going on in the White House?

788 Will we, the members of the House Judiciary Committee,
789 take a serious look at the evidence before the American
790 public that the President may have obstructed justice? It
791 is simple.

792 As chair, this is your job, Mr. Chairman. As members
793 of this committee, this is our job. We do not operate in a
794 vacuum. The White House is only a few blocks away. And
795 while we sit here, the President and his team are working to
796 block the American people's access to real answers. They
797 are closing the doors to the press. They are making them
798 turn off their camera. They refusing to give answers to
799 even basic policy questions. Why? Because they do not want

800 to be held accountable to their own statements.

801 The President's newest lawyer refused to be held
802 accountable to his own statements when he first said that,
803 "President Trump is under investigation," and then refused
804 to admit that he had just said it. And the reporters, who
805 are doing the hard work of trying to get even the most basic
806 answers from this White House, are left to Tweet out
807 pictures of their socks in briefings with the White House
808 Press Secretary, when they are prohibited from using their
809 cameras to give the American people a look into this
810 administration.

811 In this court, Mr. Chairman, the job of holding the
812 government accountable is not limited to the free press.
813 Let's go back to first principles here. Let's go back to
814 the Constitution. Let's go back to Article I, which
815 establishes the Congress, the people's branch of government.
816 The check on the executive powers of the president. We make
817 the rules on behalf of those people back home who use their
818 vote to send us here.

819 We make sure that the President and his administration
820 are following the rules that this Congress has set. And
821 this committee has, under its jurisdiction, the
822 responsibility to assure that our system of laws is
823 functioning. We have the responsibility of ensuring that no
824 one man or woman is above the law.

825 We have the responsibility of verifying the facts that
826 have contributed to the nationwide discussion about the
827 possible obstruction of justice by the President of the
828 United States. The public testimony, sworn under oath,
829 under penalty of perjury, from a public servant who has
830 honorably served this country, hints pretty strongly that
831 the President intimidated him, asked for his loyalty above
832 his honesty, and asked him to let Mike Flynn go because he
833 is a good guy, and to lift the cloud from his
834 administration, and that the President went on national
835 television and said that he fired that same public servant
836 for an investigation into the President's campaign ties to
837 Russia.

838 The public has been debating the evidence of
839 obstruction of justice. Now, it is up to us whether or not
840 we are going to engage in that same debate and do anything
841 with that evidence, whether the House Judiciary Committee
842 will examine the evidence on behalf of the American people.
843 Every year, we sit up here and exercise oversight over the
844 criminal justice system, including the Department of
845 Justice. And now, here is something that screams out for us
846 to focus that oversight responsibility on. So, I would ask,
847 Mr. Chairman, we had asked, as my friend from Texas pointed
848 out, 16 members of this committee have asked, that we start
849 to ask some tough questions.

850 I would ask that we not let the administration close us
851 out like they are trying to close out the press. Let's give
852 the American people what they deserve, above all else, from
853 this committee, the House Judiciary Committee. Let's use
854 this committee the way it has always been used throughout
855 its history: to provide oversight, to investigate, and to
856 seek the truth. I thank the chairman for the time, and I
857 yield back.

858 Chairman Goodlatte. The question occurs on the
859 amendment offered by the gentlewoman from California to the
860 amendment offered by the chair.

861 All those in favor, respond by saying aye.

862 Those opposed, no.

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

864 Ms. Lofgren. I would like a recorded vote.

865 Chairman Goodlatte. A recorded vote is requested, and
866 the clerk will call the roll.

867 Ms. Adcock. Mr. Goodlatte?

868 Chairman Goodlatte. No.

869 Ms. Adcock. Mr. Goodlatte votes no.

870 Mr. Sensenbrenner?

871 [No response.]

872 Mr. Smith?

873 Mr. Smith. No.

874 Ms. Adcock. Mr. Smith votes no.

875 Mr. Chabot?
876 [No response.]
877 Mr. Issa?
878 Mr. Issa. No.
879 Ms. Adcock. Mr. Issa votes no.
880 Mr. King?
881 Mr. King. No.
882 Ms. Adcock. Mr. King votes no.
883 Mr. Franks?
884 [No response.]
885 Mr. Gohmert?
886 [No response.]
887 Mr. Jordan?
888 Mr. Jordan. No.
889 Ms. Adcock. Mr. Jordan votes no.
890 Mr. Poe?
891 [No response.]
892 Mr. Chaffetz?
893 [No response.]
894 Mr. Marino?
895 Mr. Marino. No.
896 Ms. Adcock. Mr. Marino votes no.
897 Mr. Gowdy?
898 [No response.]
899 Mr. Labrador?

900 [No response.]
901 Mr. Farenthold?
902 [No response.]
903 Mr. Collins?
904 [No response.]
905 Mr. DeSantis?
906 [No response.]
907 Mr. Buck?
908 [No response.]
909 Mr. Ratcliffe?
910 Mr. Ratcliffe. No.
911 Ms. Adcock. Mr. Ratcliffe votes no.
912 Mrs. Roby?
913 [No response.]
914 Mr. Gaetz?
915 Mr. Gaetz. No.
916 Ms. Adcock. Mr. Gaetz votes no.
917 Mr. Johnson of Louisiana?
918 Mr. Johnson of Louisiana. No.
919 Ms. Adcock. Mr. Johnson votes no.
920 Mr. Biggs?
921 Mr. Biggs. No.
922 Ms. Adcock. Mr. Biggs votes no.
923 Mr. Rutherford?
924 [No response.]

925 Mr. Conyers?
926 Mr. Conyers. Aye.
927 Ms. Adcock. Mr. Conyers votes aye.
928 Mr. Nadler?
929 Mr. Nadler. Aye.
930 Ms. Adcock. Mr. Nadler votes aye.
931 Ms. Lofgren?
932 Ms. Lofgren. Aye.
933 Ms. Adcock. Ms. Lofgren votes aye.
934 Ms. Jackson Lee?
935 Ms. Jackson Lee. Aye.
936 Ms. Adcock. Ms. Jackson Lee votes aye.
937 Mr. Cohen?
938 [No response.]
939 Mr. Johnson of Georgia?
940 Mr. Johnson of Georgia. Aye.
941 Ms. Adcock. Mr. Johnson votes aye.
942 Mr. Deutch?
943 Mr. Deutch. Aye.
944 Ms. Adcock. Mr. Deutch votes aye.
945 Mr. Gutierrez?
946 Mr. Gutierrez. Yes.
947 Ms. Adcock. Mr. Gutierrez votes yes.
948 Ms. Bass?
949 [No response.]

950 Mr. Richmond?

951 Mr. Richmond. Yes.

952 Ms. Adcock. Mr. Richmond votes yes.

953 Mr. Jeffries?

954 [No response.]

955 Mr. Cicilline?

956 [No response.]

957 Mr. Swalwell?

958 [No response.]

959 Mr. Lieu?

960 [No response.]

961 Mr. Raskin?

962 Mr. Raskin. Aye.

963 Ms. Adcock. Mr. Raskin votes aye.

964 Ms. Jayapal?

965 Ms. Jayapal. Aye.

966 Ms. Adcock. Ms. Jayapal votes aye.

967 Mr. Schneider?

968 Mr. Schneider. Aye.

969 Ms. Adcock. Mr. Schneider votes aye.

970 Chairman Goodlatte. Mr. Rutherford is recognized.

971 Ms. Adcock. Mr. Rutherford votes no.

972 Mr. Lieu. Aye.

973 Ms. Adcock. Mr. Lieu votes aye.

974 Chairman Goodlatte. The gentleman from Idaho, Mr.

975 Labrador?

976 Mr. Labrador. No.

977 Ms. Adcock. Mr. Labrador votes no.

978 Chairman Goodlatte. The gentleman from Georgia, Mr.

979 Collins?

980 Mr. Collins. No.

981 Ms. Adcock. Mr. Collins votes no.

982 Chairman Goodlatte. The gentleman from Colorado, Mr.

983 Buck?

984 Mr. Buck. No.

985 Ms. Adcock. Mr. Buck votes no.

986 Chairman Goodlatte. The chairman from Arizona, Mr.

987 Franks?

988 Mr. Franks. No.

989 Ms. Adcock. Mr. Franks votes no.

990 Chairman Goodlatte. Has every member voted who wishes

991 to vote?

992 The clerk will report.

993 Ms. Adcock. Mr. Chairman, 12 members voted aye; 15

994 members voted no.

995 Chairman Goodlatte. And the amendment is not agreed

996 to. The question now occurs on the amendment offered by the

997 chair.

998 All those in favor, respond by saying aye.

999 Those opposed, no.

1000 In the opinion of the chair, the ayes have it, and the
1001 amendment is agreed to.

1002 Are there further amendments to H.R. 495?

1003 Mr. Conyers. I have an amendment at the desk, sir.

1004 Chairman Goodlatte. The clerk will report the
1005 amendment offered by the gentleman from Michigan.

1006 Ms. Adcock. Amendment to H.R. 495, offered by Mr.
1007 Conyers. In section 2A of the bill:

1008 [The amendment of Mr. Conyers follows:]

1009 ***** COMMITTEE INSERT *****

1010 Chairman Goodlatte. And without objection, the
1011 amendment is considered as read, and the gentleman is
1012 recognized for 5 minutes on his amendment.

1013 Mr. Conyers. Mr. Chairman and colleagues, under
1014 current law, unaccompanied children from Mexico and Canada
1015 receive fewer procedural protections than children from
1016 other countries. While children from other countries are
1017 transferred to Health and Human Services and placed in
1018 removal proceedings, almost all Mexican children are quickly
1019 screened before being returned without any real process at
1020 all.

1021 Now, the majority says this bill simply eliminates this
1022 disparate treatment to treat unaccompanied children the
1023 same. They are right that this bill will treat them the
1024 same. Children fleeing violence and persecution from
1025 Honduras, El Salvador, and Guatemala will now be treated the
1026 same as children from Mexico. But the bill would actually
1027 treat all children, Mexican and otherwise, far worse than
1028 any child is treated today.

1029 The law currently requires the Department of Human
1030 Services to evaluate whether a child from Mexico is capable
1031 of making an independent decision to forgo possible legal
1032 protection under our laws by withdrawing his or her
1033 application for admission and simply agreeing to return to
1034 the home country.

1035 In practice, this provision ensures greater protection
1036 for children who are 13 years old or younger, who are
1037 presumed to be incapable of making such an independent
1038 decision. It also protects children with reduced
1039 intellectual capacities for whatever reason.

1040 This bill eliminates that requirement for all children.
1041 I do not understand why the majority believes we should stop
1042 evaluating the ability of children to make independent
1043 decisions about whether they should pursue relief or give up
1044 on the protections our laws allow, particularly when in the
1045 custody of enforcement officers. Why is it a good policy
1046 decision to strip a very basic protection from younger
1047 children and those with intellectual disabilities?

1048 My amendment would preserve this crucial protection.
1049 The amendment would continue to require the Department of
1050 Human Service officers to decide whether a child is
1051 independently able to make a decision that will allow the
1052 child to be transferred to HHS custody, where trained child
1053 welfare professionals would be able to conduct a screening
1054 and provide child-appropriate services.

1055 In a letter on the treatment of unaccompanied children,
1056 law professors specializing in child welfare law, explained
1057 that our legal system is rooted in the philosophy that,
1058 "Children are vulnerable and need to be protected, and that
1059 we, as a society, have an obligation to do so."

1060 They explain that this protection is even more crucial
1061 when children, arriving at our border, present signs of past
1062 trauma, violence, or abuse.

1063 I ask unanimous consent to enter that letter into the
1064 record.

1065 Chairman Goodlatte. Without objection, the letter will
1066 be made a part of the record.

1067 [The information follows:]

1068 ***** COMMITTEE INSERT *****

1069 Mr. Conyers. Thank you. We have all heard many of the
1070 terrible stories of Central American youth fleeing violence
1071 and arriving at our southwest border. And I hope that we
1072 can all agree that we should not remove those provisions
1073 that protect the most vulnerable within this group. I plead
1074 with and urge my colleagues to support my amendment. I
1075 thank the chairman, and I yield back any balance of the time
1076 remaining.

1077 Chairman Goodlatte. The chair recognizes himself in
1078 opposition to the amendment. This amendment goes in exactly
1079 the wrong direction of what was intended by Judge Carter,
1080 who represents a district in the State of Texas, a border
1081 State that has experienced much of the difficulty that has
1082 arisen, backed that unaccompanied minors have increased by
1083 945 percent at its apex in the past few years. In fact, the
1084 survey of those minors indicates that they come here because
1085 they understood and believed that there was a change in law
1086 or policy that will allow them to stay, and in point of
1087 fact, the Carter bill provides for protection for those
1088 minors who have expressed fear or are victims of
1089 trafficking. So, minors who are apprehended at the border
1090 should be returned expeditiously and safely to their home
1091 countries so long as they do not have a credible fear of
1092 persecution and have not been trafficked. This is the only
1093 way dissuade minors from making the perilous journey to the

1094 United States.

1095 It should not be up to the minor to decide whether to
1096 accept being returned safely and expeditiously. Expeditious
1097 and safe return should be a matter of policy, so long as
1098 they do not have a credible fear of persecution and have not
1099 been trafficked. Therefore, it is irrelevant whether the
1100 minor can make an independent decision to accept return to
1101 their home country. We must send the message that minors
1102 will be returned. I urge my colleagues to oppose the
1103 amendment.

1104 Mr. Issa. Would the gentleman yield?

1105 Chairman Goodlatte. I would be happy to yield.

1106 Mr. Issa. Thank you. I appreciate your comments. I
1107 think they are right on. I would hope that all of us would
1108 recognize that each time we try to say we will not do
1109 something, such as this amendment, what we are really saying
1110 is we do not trust Mexico. We do not trust Guatemala. We
1111 do not trust Honduras.

1112 Do they care less about their children? Do they love
1113 theirs less? And yet, we make that assumption that only
1114 child custody-type decisions made in America are right for a
1115 child coming from Honduras. Why would we think that we have
1116 that right to make the decision rather than the government?
1117 Is it that we think those governments are somehow unfair on
1118 human rights? I know of none that have been adjudicated,

1119 and I thank the chairman for yielding.

1120 Mr. Nadler. Mr. Chairman?

1121 Ms. Jackson Lee. Does the chairman yield?

1122 Mr. Nadler. Mr. Chairman?

1123 Chairman Goodlatte. I would be happy to yield to the
1124 gentlewoman from Texas.

1125 Ms. Jackson Lee. Mr. Chairman, I am from Texas. I
1126 know Judge Carter, a great deal of respect, but that was at
1127 least 3 years ago when it was peaking. Those numbers are
1128 drastically much lower, first of all, and I think we can
1129 document that.

1130 Secondly, to my good friend from California: No, you
1131 are not informed, if I might say so, with great respect.
1132 Those countries do not have the capacity. Those countries
1133 are enormously poor. Honduras has been known to have the
1134 highest murder rate almost in the world, and they are
1135 extremely vulnerable. I would venture to say that they have
1136 no children's protective service, period. And as well, they
1137 do not have an infrastructure that can protect those
1138 children while they watch bloody gang wars in the streets.
1139 So, the idea of Mr. Conyers' amendment is most timely and
1140 appropriate.

1141 And I think the question is not what Honduras,
1142 Guatemala, El Salvador will do. We wish them well. It is
1143 what the morality of this country will cause it to do. That

1144 is the standard by which we are operating in this room, no
1145 the standard of Guatemala and El Salvador; and again, I wish
1146 them well. Travel the streets of Honduras and tell me
1147 whether or not you think it is suitable for a child of the
1148 age Mr. Conyers is talking about. So, I support the
1149 gentleman --

1150 Chairman Goodlatte. But reclaiming my time --

1151 Ms. Jackson Lee. -- but Mr. Chairman, I just want to
1152 explain that those numbers are down. Thank you for
1153 yielding.

1154 Chairman Goodlatte. I understand, but I want to point
1155 out to you the numbers are still dramatically higher
1156 comparable to at the apex. For example, in 2011, a little
1157 over 6,000 unaccompanied minors presented themselves and
1158 were apprehended at our border. This year, this fiscal
1159 year, which began last October 1st, we are already at 31,000
1160 people. That is five times the number, and we still have a
1161 few months to go before we reach the end of this year. So,
1162 this problem has perhaps abated a little from its apex, but
1163 it is still multiple times greater than it was before this
1164 border surge began.

1165 I would also suggest to the gentlewoman that it is not
1166 safe, we do not have statistics on how unsafe it is, but it
1167 is not safe for a child of any age to travel, accompanied by
1168 human smugglers or not, from a Central American country all

1169 the way up through Mexico, across our border illegally, and
1170 into the United States and perhaps arriving at some of our
1171 cities in the United States which have very high murder
1172 rates and rates of violence as well. So, I just simply do
1173 not agree that the judge's approach here, of safely
1174 returning these children to their home countries which are
1175 the responsibility of the governments of those countries, is
1176 not a good idea; it is a good idea. We should support this
1177 bill.

1178 Mr. Nadler. Mr. Chairman?

1179 Chairman Goodlatte. For what purpose does the
1180 gentleman from New York seek recognition?

1181 Mr. Nadler. Strike the last word.

1182 Chairman Goodlatte. The gentleman is recognized for 5
1183 minutes.

1184 Mr. Nadler. Mr. Chairman, I think it was you who asked
1185 a few minutes ago, "Do we trust the governments of Honduras
1186 and Guatemala and so forth?" The answer is no, we do not
1187 trust those governments. No one who reads the newspapers
1188 can trust those governments; it is not their intent, but as
1189 was said by the gentlelady from Texas, their capacity.

1190 And yes, whatever the numbers may be, we do not want
1191 unaccompanied kids traveling through this country. But we
1192 must recognize the desperation that makes them do so. No
1193 parents send their kids unaccompanied to another country

1194 unless they are desperate. We saw Jewish parents in Germany
1195 in the 1930s send kids unaccompanied on Kindertransports.
1196 They did not do that because they thought that England was a
1197 nice place or the United States was a great place. They did
1198 that because they were desperate for the lives of their
1199 children, and they were right.

1200 When these kids are coming here, somebody was
1201 desperate. Their parents were desperate for the safety and
1202 wellbeing of the kids. Now, the question is, "Should we
1203 look at the situation for each kid?" That is all Mr.
1204 Conyers wants us to do. It is all we want to do, and say,
1205 "Look at the situation. Do not assume the situation." Do
1206 not assume a) that the situation is safe when we know
1207 perfectly well that most of the time it is not. Do not
1208 assume that a 10-year-old can represent himself and convince
1209 a judge that he has a credible fear of persecution, as if he
1210 knows what that even is. Do not assume a 3-year-old can do
1211 that.

1212 Take a look individually and make a determination
1213 whether we want to send these kids back to be murdered.
1214 That is what we are really talking about. Are we moral?
1215 That is what we are really talking about. This bill is
1216 immoral because it will subject many children to death, and
1217 calling the Children's Safety Act inverts it exactly. So, I
1218 support Mr. Conyers' amendment.

1219 And now, since I have some time, I also want to support
1220 the gentlelady from Texas in her comments that this
1221 committee is shirking its responsibility by not doing
1222 oversight of the Justice Department in the question of
1223 possible obstruction of justice. Now, we have jurisdiction
1224 over the FBI, not the House Intelligence Committee. We have
1225 jurisdiction over the Department of Justice, not the House
1226 Intelligence Committee. This is clearly a subject of
1227 intense public interest, and not just public interest, but
1228 of intense necessity to look into. The fact that there is a
1229 special prosecutor who may or may not be looking into this
1230 is not relevant. It does not take away our responsibility
1231 to do oversight when serious allegations have been made.

1232 Now, we know the Senate Judiciary Committee, which has
1233 a similar jurisdiction to ours, is apparently going to be
1234 looking in to this. I understand -- well, maybe I do not
1235 understand the reluctance to look in to this, and I
1236 certainly do not understand why we would permit or even
1237 invite another committee to invade our own committee's
1238 jurisdiction, which is what is being suggested by some
1239 people in the House Intelligence Committee at the moment.
1240 It is our responsibility to the people of the United States
1241 to exercise our oversight jurisdiction, and the fact that
1242 there is a special prosecutor who may or may not be looking
1243 in to this is irrelevant because we have oversight

1244 responsibility. A special prosecutor looks for crimes.

1245 Our responsibility is not to look for crimes, it is to
1246 do oversight over the proper conduct of affairs by the
1247 Department of Justice, by the FBI, and by other agencies
1248 subject to our jurisdiction. That is our duty, and not to
1249 look in to this, not to hold hearings, is shirking our duty,
1250 completely shirking our duty. So, I urge that we reexamine
1251 this question and not shirk our duty.

1252 In coming back to the bill, the bill ought to be
1253 defeated and the amendment certainly ought to be adopted
1254 because we do not want -- I hope -- we do not want to
1255 endanger children's lives and we do not trust the capacity -
1256 - we know better than to trust the capacity -- of countries
1257 ridden by gangs and murder and everything that these kids
1258 are fleeing, that these desperate parents are sending their
1259 kids to flee. We know they cannot handle it and to assert
1260 they can is contrary to all the evidence and all the
1261 knowledge, and is complicity in the deaths of kids we would
1262 send back. I yield back.

1263 Mr. Jordan. Mr. Chairman?

1264 Chairman Goodlatte. For what purpose does the
1265 gentleman from Ohio seek recognition? The gentleman is
1266 recognized for 5 minutes.

1267 Mr. Jordan. Thank you, Mr. Chairman. I heard a couple
1268 speakers from the other side now talk about the American

1269 people deserve answers. The previous speaker, a gentleman
1270 from New York, talked about we need to have hearings. Let
1271 me say this: I am for hearings if we actually bring in the
1272 right people. We learned 2 weeks ago that James Comey
1273 misled the American people at the direction of the Attorney
1274 General. The Justice Department misleading Americans, that
1275 should not happen, and should the Judiciary Committee look
1276 in to that? Of course we should.

1277 Loretta Lynch told James Comey to portray the
1278 investigation as a matter when in fact it was an
1279 investigation; and he did it willfully, he did it
1280 intentionally, he did it at the direction of the Attorney
1281 General. That should not happen in the United States.

1282 This year, Mr. Comey furthered the perception that
1283 President Trump was under investigation when in fact he was
1284 not and had been told three times by Mr. Comey he was not
1285 under investigation. But he allows that perception to
1286 exist.

1287 So, if we are going to have these hearings that the
1288 other side wants, we have got to have the right people in
1289 here answering those kind of questions, why they did that.
1290 Then Mr. Comey orchestrates a leak through a friend to the
1291 New York Times with his stated goal of creating momentum for
1292 a special counsel, and not just any special counsel, but his
1293 good friend, his mentor, Bob Mueller. Right?

1294 So, if we are going to have hearings, let's talk about
1295 those things. Should the former FBI Director be giving
1296 agency information, agency memos, to the New York Times? I
1297 do not think so. A few years ago, Mr. Chairman, this
1298 committee called for a special counsel in the IRS
1299 investigation. The Justice Department said, "No." The
1300 Justice Department said, "No, we cannot do that," even
1301 though the lead agent on the case was a max-out contributor
1302 to the President's campaign, they said, "No, no we cannot do
1303 that," even though people's fundamental liberties, First
1304 Amendment liberties, were attacked by the agency with the
1305 power that the Internal Revenue Service has, they said,
1306 "No." Several people last year called for a special counsel
1307 in the Clinton email investigations, the Justice Department
1308 said, "No." But when it involves someone in the Justice
1309 Department, when it involves James Comey's reputation, oh,
1310 we have got to have a special counsel.

1311 So, if we are going to have hearings, like the other
1312 side suggests, let's ask the right questions. Let's get Mr.
1313 Comey in here and ask him some questions that the American
1314 people deserve answers to, like my colleague from Florida
1315 mentioned earlier.

1316 Ms. Jackson Lee. Would the gentleman yield?

1317 Mr. Jordan. With that, I yield back. I would be
1318 happy, well --

1319 Chairman Goodlatte. Would the gentleman yield to the
1320 Chair?

1321 Mr. Jordan. I yield to the chair, sure.

1322 Chairman Goodlatte. I thank the gentleman for
1323 yielding, and I appreciate, very much, his comments. I want
1324 to respond briefly to the remarks made by the gentleman from
1325 New York about the issue that is before us and subjecting
1326 these children to unsafe circumstances because the mere fact
1327 that they travel all the way across Mexico, often in the
1328 hands of people who are not only engaged in human smuggling
1329 but also drug trafficking and weapons trafficking and other
1330 things, would indicate that we should be doing everything we
1331 can to discourage them from ever undertaking that journey.

1332 But the idea that somehow these countries are less safe
1333 places than places in the United States is not necessarily
1334 true either. El Salvador has a very high murder rate:
1335 93.09; Guatemala, 70.66; Honduras, 36.03; Venezuela, 47.04;
1336 Trinidad, 43.38. But in the United States, the city of St.
1337 Louis, 59.0; the city of Detroit, 43.0. The city of
1338 Chicago's murder rate has spiked up. I do not have the most
1339 recent number for that, but it is said to be perhaps the
1340 highest in the United States now.

1341 So, the argument that somehow these children are coming
1342 here because of murder rates in their own countries where
1343 their parents were illegally present in the United States

1344 are sponsoring human smugglers to bring them all the way
1345 across Central America and Mexico to enter the United States
1346 is simply not true, and they are far better off if they are
1347 discouraged from making that journey to come to the United
1348 States and their parents are encouraged to go home and take
1349 care of their children where they are supposed to be.

1350 So, I very strongly disagree with the gentleman from
1351 New York, and I urge my colleagues to oppose the amendment
1352 offered by the gentleman from Michigan.

1353 Mr. Conyers. Mr. Chairman?

1354 Chairman Goodlatte. For what purpose does the
1355 gentlewoman from California seek recognition?

1356 Ms. Lofgren. Mr. Chairman, I would like to speak in
1357 favor of Mr. Conyers amendment.

1358 Chairman Goodlatte. The gentlewoman is recognized for
1359 5 minutes.

1360 Ms. Lofgren. There has been a lot of discussion, but I
1361 want to talk about the Wilberforce Act and why we came
1362 together across party lines to enact that. A lot of it was
1363 about sex trafficking of people, and especially children.
1364 And I will give you an example of what this bill would do
1365 and why Mr. Conyers' amendment fixes it.

1366 For children from contiguous countries, there is
1367 expedited removal, and the exception is for very young
1368 children or even non-children, people who are mentally

1369 disabled, who cannot really make a decision or they are not
1370 capable, that there is going to be a secondary review of
1371 their situation. At the request of the United States, the
1372 U.N. took a look at how the border patrol interviews
1373 children, and then the GAO, at our request, followed up with
1374 that same inquiry, and what they found is not encouraging.
1375 They found that we are turning children away who have been
1376 sex trafficked.

1377 That is what is happening, and the prevention of that
1378 is to take -- well, we actually should expand this -- but
1379 certainly, you do not want to just summarily turn vulnerable
1380 children who have been trafficked away. And this is
1381 primarily children from Mexico. I have a great deal of
1382 sympathy for little kids who have come thousands of miles,
1383 but the population we are talking about here that the bill
1384 would specifically target are children who have been sex
1385 trafficked from Mexico. If Mr. Conyers' amendment is not
1386 approved, we will be sending these trafficking victims back
1387 to their pimps to be further trafficked. I do not think
1388 that is what we want to do.

1389 You know, we have a situation here where all the
1390 Republicans vote one way, all the Democrats vote another;
1391 that is not a smart way to approach this, and it is not the
1392 way we used to approach this. We used to say, and we were
1393 led by the religious community, that "No, we are going to

1394 take a stand across party lines against trafficking," and
1395 now we are not doing that. It is a huge disappointment to
1396 me that we have come off that bipartisan effort.

1397 I think a step forward would be to approve Mr. Conyers'
1398 amendment, and I would like also to ask unanimous consent to
1399 put in to the record the report from the U.N. that was done
1400 at our request, and the report from the Government
1401 Accountability Office, also at our request, on how the
1402 current procedure, absent the removal the HHS is working at
1403 the border. It is not an encouraging situation, and I would
1404 further like to ask, Mr. Chairman, unanimous consent to put
1405 into the record the following statements: the Friends
1406 Committee on National Legislation, the Statement on World
1407 Services, the Hebrew Immigration group, the Immigrant Legal
1408 Resources Center, the Refugee Counsel, the Juvenile Law
1409 Center, the Tahirih Justice Center, the American Immigration
1410 Lawyers Association, the Center for Migration Studies, and
1411 the U.S. Conference of Catholic Bishops Committee.

1412 And I will just note that when you think back to what
1413 we did a number of years ago on the Wilberforce Act, and the
1414 fact that the Friends Committee and Church World Services
1415 and the Catholic bishops are saying, "Please do not do
1416 this," we ought to stop. And you know, actually, it would
1417 be great if we could adjourn and have a discussion with each
1418 other about why this approach -- I have a great deal of

1419 respect for Judge Carter, I like him personally, we work
1420 together a lot -- but I think his effort, this bill, is
1421 mistaken. And if we could have a collaborative approach as
1422 we did during the Wilberforce Act, it would be much likelier
1423 to yield a result that protects victims of child sex
1424 trafficking, which this bill does not. You know, I would
1425 hope we could support Mr. Conyers amendment -- but it would
1426 be even better if we could adjourn to a discussion about
1427 what we are doing here that is not just along party lines.
1428 And with that, Mr. Chairman, I would yield back with my
1429 unanimous consent request on these documents.

1430 Chairman Goodlatte. Without objection the documents
1431 submitted will be made a part of the record.

1432 [The information follows:]

1433 ***** COMMITTEE INSERT *****

1434 Chairman Goodlatte. For what purpose does the
1435 gentleman from Georgia seek recognition?

1436 Mr. Johnson of Georgia. I move to strike the last
1437 word.

1438 Chairman Goodlatte. The gentleman is recognized for 5
1439 minutes.

1440 Mr. Johnson of Georgia. I yield to the gentlelady from
1441 Texas.

1442 Ms. Jackson Lee. I thank the gentleman very much. I
1443 want to build on the spirit of Congresswoman Lofgren, but I
1444 want to give a historical perspective, and I made the
1445 comment that I, too, respect Judge Carter and know the
1446 conditions in Texas.

1447 But I would take issue with the comparisons of crime
1448 rates in our American cities; yes, that is the case, but the
1449 point that I made about the countries cited, and the
1450 gentleman from California was citing them as some beacons of
1451 opportunity, is that it does not compare with respect to the
1452 infrastructure that we have in the United States that we
1453 attempt to continue to improve that is protecting children.

1454 So, we know that we have had violence. We have had
1455 children who have been the victims of violence in the United
1456 States. There is no doubt. But we have a circumstance in
1457 the countries from upon which they are fleeing where the
1458 entire country is caught up in the level of violence and

1459 there is no space of peace or opportunity to protect the
1460 children. So, it is not an unusual phenomenon. We may not
1461 be familiar with it as the most developed Nation in the
1462 world, the leading democracy, the country that is the leader
1463 of the world, as we have been at least in recent years.
1464 That is a distinctive difference.

1465 And then if I can take you down the historical pathway,
1466 if you read any of the historical essays and books on
1467 immigration in the United States, as people migrated from
1468 Europe, it was not uncommon in the 18th and 19th century
1469 that children traveled alone on ships across the ocean to
1470 flee persecution or starvation, or their families may have
1471 thought that this was a better route, this beacon of light,
1472 this shining city on the hill.

1473 They came here and many people in this Congress may be,
1474 in fact, descendants of those children. Now we have coming
1475 from a different region where the children of a different
1476 ethnic background, racial background; and I do not think we
1477 can make the distinction to not protect these children, as
1478 the historical essays will dictate that children were
1479 funneled to a different area and tested and determined what
1480 their health condition was. Maybe there were relatives
1481 waiting to pick them up on shore. But I really think that
1482 that is a problem in the comparisons.

1483 Finally, let me accept -- I knew that the gentleman

1484 from Ohio had intended to yield to me, so I thank him for
1485 his intentions, but I am certainly both challenged and
1486 willing to accept his offer. There is no reason why
1487 Director Comey cannot be in front of us, or the acting FBI
1488 Director, or General Sessions, and those questions can be
1489 raised. There is no bar to the questioning that would come.
1490 What happened previously, determinations were made and I am
1491 sure that the gentleman had his say in the last session when
1492 he was dealing with other leaders of the DOJ. Well, we need
1493 to have our say, if you will, but I am not going to -- and
1494 would not think that this committee would bar anyone from
1495 asking questions.

1496 What we are here to do is get the facts and engage in
1497 oversight, and I think maintain and develop and create a
1498 system of integrity that seems to be unraveling at the
1499 edges. One person after another is attacking the other
1500 person in the administration of who said what and who is
1501 agreeing with what and what confusion is occurring, what is
1502 the level of the Russian collusion and who impacted the
1503 elections. All of those potentially are issues that can be
1504 raised as they impact and deal with the Department of
1505 Justice.

1506 So, I am not in any way intimidated by the questions
1507 that the gentleman has offered. Let's get at it in the
1508 professional way in which we need to do so, and that is that

1509 the witnesses come and the members of this committee engage
1510 in the appropriate oversight that I think is our duty and
1511 obligation as members of this august committee that holds in
1512 the highest responsibility as the protectors of the
1513 Constitution and as well in making sure that the Rule of Law
1514 is followed. It is obviously not being followed, and it
1515 certainly is our obligation to ensure that it is.

1516 Mr. Conyers. Would the gentlelady --

1517 Ms. Jackson Lee. I would be happy to yield to the
1518 gentleman.

1519 Mr. Conyers. I want to thank her for --

1520 Chairman Goodlatte. Time is controlled by the
1521 gentleman from Georgia. He can yield to --

1522 Mr. Conyers. Oh, yes. The gentleman yields?

1523 Mr. Johnson of Georgia. Yes, sir.

1524 Mr. Conyers. Thank you very much. I wanted to
1525 congratulate her on the very appropriate way that the
1526 Judiciary Committee of the House of Representatives might be
1527 able to move under that kind of a plan. I congratulate you
1528 and thank you.

1529 Ms. Jackson Lee. I yield back to the gentleman and I
1530 thank the gentleman from Georgia.

1531 Mr. Johnson of Georgia. And with that, I yield back.

1532 Chairman Goodlatte. For what purpose does the
1533 gentleman from Louisiana seek recognition?

1534 Mr. Richmond. Mr. Chairman, I move to strike the last
1535 word.

1536 Chairman Goodlatte. The gentleman is recognized for 5
1537 minutes.

1538 Mr. Richmond. And I will say what I am going to say
1539 because I thought that Congresswoman Lofgren had a great
1540 substantive suggestion of backing up, finding if there were
1541 middle ground, because we do not want to send victims of
1542 human trafficking back to the traffickers. And I thought
1543 that she made that suggestion in good will, and I do not
1544 want my frustration or anything to hamper her genuine and
1545 sincere effort to find middle ground.

1546 But as chair of the CBC, I still find some obligation
1547 to voice concern or hurt by your comparison, just as I did
1548 with the President of the United States when he compared
1549 many of our urban cities to Baghdad. Your comparison of
1550 urban cities to Guatemala and other areas with almost twice
1551 the murder rate is hurtful, and I would just ask that you
1552 think of it in this way: In those communities, there are a
1553 lot of mothers waking up every day to make sure that their
1554 kid, who is doing the right thing, is protected. In those
1555 communities, there are a bunch of kids like me when I was
1556 young, who were catching hell from the thugs but also scared
1557 of the police, a whole bunch of parents who are trying to do
1558 right by their kids and provide them with opportunity, who

1559 may be listening to this hearing today because their parents
1560 want to educate them on the civil process or civics or U.S.
1561 Government or how it works. And we just had a moment where
1562 we decided that we would tone down what we say and how we
1563 say it.

1564 I can only speak for me, and I think we are all a
1565 product of our life experiences, but I am from New Orleans
1566 that has a high murder rate unfortunately, and it is all
1567 caused by drugs and lack of economic opportunity, similar to
1568 the other cities, similar to the other countries. But for
1569 someone who has fought my entire life not to go down that
1570 round, to get compared to Guatemala is hurtful. And I just
1571 think that if we are going to be the leaders of this country
1572 and we are going to set the tone, we have to be very careful
1573 about the comparison.

1574 And I am not saying that you want the kids listening to
1575 feel any inferior because I do not believe that is who you
1576 are, but I do think that words have meanings and sometimes
1577 they hurt. And I would just caution us about how quickly we
1578 can make those comparisons when they are not our
1579 communities, and I would just remind you I live there and I
1580 have a 3-year-old son who lives in what would be one of
1581 those communities; and I just think that it sends a message
1582 to the people who live in those communities that they are no
1583 better than the people in Guatemala or that their

1584 circumstances are the same, and I think that is unfortunate.
1585 I am not going to ask you to do anything -- you are the
1586 chairman, you do whatever you want to do -- but I think that
1587 when people use words that hurt it is oftentimes good to
1588 acknowledge that that was not the sentiment, or acknowledge
1589 that it was a mistake, or just say I am sorry. I do not
1590 know, but I am just telling you that I thought that we were
1591 working to get to a better place in this body, and I just do
1592 not feel it right now. With that, I yield back.

1593 Chairman Goodlatte. Who seeks recognition? For what
1594 purpose does the gentleman from Illinois seek recognition?

1595 Mr. Gutierrez. I move to strike the last word.

1596 Chairman Goodlatte. The gentleman is recognized for 5
1597 minutes.

1598 Mr. Gutierrez. I just want to follow up on my
1599 colleague's comments from New Orleans, Mr. Richmond. And to
1600 me, this is simply a continuation of what we heard.
1601 Mexicans are murderers, rapists, drug dealers. There might
1602 be a few good ones, but for the most part, that is who they
1603 are.

1604 And that is kind of my life experience in the United
1605 States of America. I am a little older than a lot of
1606 members of this committee, so I was born in 1953, when
1607 separate but equal was the law of the land. Now I lived in
1608 the North, not in the South. They did not have a sign that

1609 said "Negroes drink here" and "Whites drink there." But I
1610 knew which swimming pools not to go to. I knew which
1611 schools I was not going to be enrolled in, in the city of
1612 Chicago. I knew what parks not to play baseball in.

1613 And so, sorry, but it is part of a continuation of
1614 using race and, at the same time, criminalization of a
1615 community, to combine to create fear and to create a
1616 politicization which you benefit from. That is not new in
1617 America. I have been living that experience all of my life,
1618 and I was born and raised in Chicago, Illinois, which, by
1619 the way, Martin Luther King said, when he came to my city in
1620 1967, he said he never saw such hate in people's eyes
1621 anywhere in the South when he came to visit my city.

1622 So segregation and the use of it and the use of racism
1623 is pretty old. So now we are dealing with children,
1624 children under the age of 14. I do not know. I have a
1625 grandson that is 14. He is a child. He thinks about
1626 soccer; he thinks about playing his Xbox; he thinks about
1627 what 14-year old kids think about: the latest hip-hop song
1628 that he, you know, compares to some reggaeton music because
1629 he combines them all together, because he is 14 years old.

1630 I was into the Beatles, right, when I was 14 years old.
1631 That is what kids are about. And you are asking kids to
1632 make decisions about life and death circumstances, and take
1633 away protections about kids, at that very tender age.

1634 But they are kids from Central America. They are from
1635 Honduras. And remember that, when you say, in America,
1636 Mexicans are murderers, rapists and drug dealers, here is
1637 what America understands: Latinos are murderers, drug
1638 dealers, because, I have got to tell you, you have got to be
1639 quite an expert to be able to tell the difference between a
1640 Dominican, a Puerto Rican, a Colombian, a Mexican, a
1641 Salvadorian, or by the same rate, an African American that
1642 comes from Jamaica or Africa or from the South. I would not
1643 venture to tell the difference if I just saw them or their
1644 country of origin. Or someone that is white, whether they
1645 came from, I do not know, Ukraine or Poland or Ireland; I
1646 would probably have a hard time. So I understand.

1647 So people understand that. And that, sadly, is part of
1648 what we are confronting here today because we are going to
1649 be able to take away the protections for children that come
1650 from these countries fleeing not just abject poverty,
1651 because that would be one thing; abject poverty would be one
1652 thing because, you see, they could get a job, and they could
1653 maybe not have everything nutritional that they need. But
1654 that is not really what the case is.

1655 It is a case of whether they are going to live or die,
1656 not whether they are going to have a job or not there that
1657 pays better here. And that is really what we are going to
1658 take the protection away from, those kids because remember,

1659 the majority of refugees are what? Children. I know that
1660 you tend to look at the news, and they will talk to you,
1661 "Oh, those jihadists are coming; those hardline, they are
1662 coming." And they will show you the ami quince (?), and the
1663 gangbangers are coming.

1664 But really, they are kids. They are kids coming,
1665 fleeing. And that is what we are having here today. So I
1666 understand this conversation in that context, that we are
1667 going to continue to have this conversation in that context,
1668 because unfortunately, that is the context in which I have
1669 learned. My friend, Mr. Jeffery, he is from New York, so he
1670 knows a little bit about the history of the Puerto Rican
1671 community.

1672 My mom and dad came to this country because they were
1673 poor, because they had a bad education. And in 1952, they
1674 came, and they came to New York, Mr. Jeffrey's city. And
1675 they did not have a banner that says, "Oh, what a good idea
1676 that all you hundreds of thousands of Puerto Ricans just
1677 showed up." They came as citizens of the United States. You
1678 know what they said about my mom and dad? They were
1679 murderers; they were criminals, that they wanted to be on
1680 welfare. Oh, and that they were bringing tropical diseases
1681 from the island of Puerto Rico.

1682 And all the elected officials in New York tried to stop
1683 people like my mom and dad from coming. Now, they were

1684 citizens. What did they have in common with the people
1685 today? The color of their skin, and the language that they
1686 speak, and the origin of the world that they come from. And
1687 I think that is unfortunate that history has to continue to
1688 repeat itself. But maybe there was not anybody to stand up
1689 for my mom and dad. But I am going to stand up for people
1690 who are just like my mom and dad today.

1691 Ms. Jayapal. Mr. Chairman.

1692 Chairman Goodlatte. For what purpose does the
1693 gentlewoman from Washington seek recognition?

1694 Ms. Jayapal. Move to strike the last word.

1695 Chairman Goodlatte. The gentlewoman was recognized.

1696 Ms. Jayapal. Thank you, Mr. Chairman. I wanted to
1697 rise in strong support for the Conyers amendment, and go
1698 back to something that Ms. Lofgren was talking about in
1699 terms of the root causes of why kids and people are coming
1700 across the border, and specifically wanted to talk about
1701 sexual and gender-based violence in these countries, because
1702 I think that we really have to focus on what the situation
1703 is and why kids are coming across the border. And I would
1704 like to ask unanimous consent, Mr. Chairman, to introduce
1705 into the record the Kids in Need of Defense report, called
1706 "Neither Security nor Justice."

1707 Chairman Goodlatte. Without objection, it will be made
1708 a part of the record.

1709 [The information follows:]

1710 ***** COMMITTEE INSERT *****

1711 Ms. Jayapal. Thank you, Mr. Chairman. And I quote
1712 from this report about the lack of protection and services
1713 for victims of gang-related sexual violence and gender-based
1714 violence. And this is from a police officer in El Salvador;
1715 he says, "There are no viable options in this country for
1716 victims of gang violence. If you report, the gang will come
1717 after you, and the State cannot protect you. Even if the
1718 gang member goes to jail, there is a network in place to
1719 harm you."

1720 Mr. Chairman, in Central America, the Northern Triangle
1721 countries are among the top five countries in the world with
1722 the worst female homicide rates. If you go to Honduras,
1723 from 2005 to 2012, murders of Honduran women and girls
1724 increased 346 percent. In El Salvador, the Center for
1725 Gender and Refugee Studies found that El Salvador had the
1726 highest rate of femicide, or gender-motivated killing of
1727 women, in the world.

1728 In 2012 alone, groups reported that 731 Guatemalan
1729 women and girls were murdered, and only 2 percent of those
1730 murdered were investigated. Violence against women rose 17
1731 percent in 2013. In El Salvador, there were organized armed
1732 criminal actors targeting women and girls, using rape as an
1733 intimidation tactic in communities. And from 2010 to 2012,
1734 an average of 461 rapes per year, Mr. Chairman, 461 rapes
1735 per year reported.

1736 I think this is really important, because we are
1737 talking about why kids are coming across the border. Why do
1738 parents send their children, unaccompanied, through the
1739 dangers that you rightly pointed out of getting to the
1740 United States? Because there are no other options. It is
1741 not because they are just sending kids over for the heck of
1742 it, because the United States is a great country; of course
1743 we are a great country.

1744 But you do not send your kids through that kind of
1745 trauma, separation, and danger unless there is a real need.
1746 And the specific angle of sexual and gender-based violence
1747 has to be considered in this context. And Mr. Conyers'
1748 amendment, I think, gets at that, and assures that we are
1749 looking at these situations, assessing them, and really
1750 making a determination that should be made in order to
1751 provide for due process, but more importantly, in order to
1752 preserve the tradition that this country has of being a
1753 place of refuge and a place of protection for people who are
1754 seeking that kind of asylum.

1755 So I hope, Mr. Chairman, that we will accept Mr.
1756 Conyers' amendment, and that we continue to think about and
1757 articulate not some false facts about why people are coming
1758 here, and what would cause a mom to send her kid here, or
1759 what would cause a child to decide to come here on their
1760 own, but in fact look at the circumstances in these

1761 countries.

1762 And I also just wanted to say thank you to my colleague
1763 from Louisiana for an incredibly articulate, personal
1764 perspective about the problems with comparing what is
1765 happening in our cities to what is happening in these
1766 countries. I just think that comparison is harmful; it is
1767 detrimental; and I think it is actually not accurate at all.
1768 So thank you, Mr. Chairman, and I yield back.

1769 Chairman Goodlatte. The question occurs on the
1770 amendment offered by the gentleman from Michigan.

1771 All those in favor, respond by saying "Aye."

1772 Those opposed, no.

1773 In the opinion of the chair, the noes have it.

1774 Mr. Conyers. A record vote is requested.

1775 Chairman Goodlatte. A recorded vote is requested, and
1776 the clerk will call the roll.

1777 Ms. Adcock. Mr. Goodlatte?

1778 Chairman Goodlatte. No.

1779 Ms. Adcock. Mr. Goodlatte votes no.

1780 Mr. Sensenbrenner?

1781 [No response.]

1782 Mr. Smith?

1783 Mr. Smith. No.

1784 Ms. Adcock. Mr. Smith votes no.

1785 Mr. Chabot?

1786 [No response.]
1787 Mr. Issa?
1788 Mr. Issa. No.
1789 Ms. Adcock. Mr. Issa votes no.
1790 Mr. King?
1791 [No response.]
1792 Mr. Franks?
1793 [No response.]
1794 Mr. Gohmert?
1795 [No response.]
1796 Mr. Jordan?
1797 [No response.]
1798 Mr. Poe?
1799 [No response.]
1800 Mr. Chaffetz?
1801 [No response.]
1802 Mr. Marino?
1803 Mr. Marino. No.
1804 Ms. Adcock. Mr. Marino votes no.
1805 Mr. Gowdy?
1806 [No response.]
1807 Mr. Labrador?
1808 Mr. Labrador. No.
1809 Ms. Adcock. Mr. Labrador votes no.
1810 Mr. Farenthold?

1811 [No response.]
1812 Mr. Collins?
1813 [No response.]
1814 Mr. DeSantis?
1815 Mr. DeSantis. No.
1816 Ms. Adcock. Mr. DeSantis votes no.
1817 Mr. Buck?
1818 Mr. Buck. No.
1819 Mr. Buck votes no.
1820 Mr. Ratcliffe?
1821 [No response.]
1822 Mrs. Roby?
1823 Mrs. Roby. Nay.
1824 Ms. Adcock. Mrs. Roby votes no.
1825 Mr. Gaetz?
1826 [No response.]
1827 Mr. Johnson of Louisiana?
1828 [No response.]
1829 Mr. Biggs?
1830 Mr. Biggs. No.
1831 Ms. Adcock. Mr. Biggs votes no.
1832 Mr. Rutherford?
1833 Mr. Rutherford. No.
1834 Ms. Adcock. Mr. Rutherford votes no.
1835 Mr. Conyers?

1836 Mr. Conyers. Aye.

1837 Ms. Adcock. Mr. Conyers votes aye.

1838 Mr. Nadler?

1839 Mr. Nadler. Aye.

1840 Ms. Adcock. Mr. Nadler votes aye.

1841 Ms. Lofgren?

1842 Ms. Lofgren. Aye.

1843 Ms. Adcock. Ms. Lofgren votes aye.

1844 Ms. Jackson Lee?

1845 Ms. Jackson Lee. Aye.

1846 Ms. Adcock. Ms. Jackson Lee votes aye.

1847 Mr. Cohen?

1848 [No response.]

1849 Mr. Johnson of Georgia?

1850 Mr. Johnson of Georgia. Aye.

1851 Ms. Adcock. Mr. Johnson votes aye.

1852 Mr. Deutch?

1853 [No response.]

1854 Mr. Gutierrez?

1855 [No response.]

1856 Ms. Bass?

1857 [No response.]

1858 Mr. Richmond?

1859 Mr. Richmond. Aye.

1860 Ms. Adcock. Mr. Richmond votes aye.

1861 Mr. Jeffries?

1862 Mr. Jeffries. Aye.

1863 Ms. Adcock. Mr. Jeffries votes aye.

1864 Mr. Cicilline?

1865 [No response.]

1866 Mr. Swalwell?

1867 [No response.]

1868 Mr. Lieu?

1869 Mr. Lieu. Aye.

1870 Ms. Adcock. Mr. Lieu votes aye.

1871 Mr. Raskin?

1872 Mr. Raskin. Aye.

1873 Ms. Adcock. Mr. Raskin votes aye.

1874 Ms. Jayapal?

1875 Ms. Jayapal. Aye.

1876 Ms. Adcock. Ms. Jayapal votes aye.

1877 Mr. Schneider?

1878 Mr. Schneider. Aye.

1879 Ms. Adcock. Mr. Schneider votes aye.

1880 Chairman Goodlatte. The gentleman from Florida?

1881 Mr. Gaetz. No.

1882 Ms. Adcock. Mr. Gaetz votes no.

1883 Chairman Goodlatte. The gentleman from Iowa?

1884 Mr. King. No.

1885 Ms. Adcock. Mr. King votes no.

1886 Chairman Goodlatte. The gentleman from Arizona?

1887 Mr. Franks. No.

1888 Ms. Adcock. Mr. Franks votes no.

1889 Chairman Goodlatte. The gentleman from Ohio?

1890 Mr. Jordan. No.

1891 Ms. Adcock. Mr. Jordan votes no.

1892 Chairman Goodlatte. Hand waving is a positive

1893 indicator. The gentleman from Florida?

1894 Mr. Deutch. Aye.

1895 Ms. Adcock. Mr. Deutch votes aye.

1896 Chairman Goodlatte. Has every member voted who wishes

1897 to vote?

1898 The clerk will report.

1899 Ms. Adcock. Mr. Chairman, 12 members voted aye; 14

1900 members voted no.

1901 Chairman Goodlatte. The amendment is not agreed to.

1902 Are there further amendments to H.R. 495?

1903 Mr. King. Mr. Chairman, to your right?

1904 Chairman Goodlatte. For what purpose does the

1905 gentleman from Iowa seek recognition?

1906 Mr. King. Thank you, Mr. Chairman. I have an

1907 amendment at the desk.

1908 Chairman Goodlatte. The clerk will report the

1909 amendment.

1910 Ms. Adcock. Amendment to H.R. 495 offered by Mr. King

1911 of Iowa. Add at the end of the bill, the following: section
1912 6, biannual report to Congress.

1913 [The amendment of Mr. King follows:]

1914 ***** COMMITTEE INSERT *****

1915 Chairman Goodlatte. Without objection, the amendment
1916 is considered as read, and the gentleman is recognized for 5
1917 minutes on his amendment.

1918 Mr. King. Thank you, Mr. Chairman. I have been
1919 listening to the debate here, and I know there is a
1920 disagreement on what kind of recidivism that we have, and
1921 what the impact is on crime in the United States when we
1922 import people from high-crime countries. And I was looking
1923 at the numbers that show 227,149 unaccompanied alien
1924 children have been brought into the United States from these
1925 countries in the past 6 years.

1926 So one wonders, how many crimes were committed by that
1927 universe of people that come from the most violent places in
1928 the world? And what this amendment does is, it requires,
1929 every 6-month increment, a report from the Attorney General
1930 on each crime for which an unaccompanied alien child is
1931 charged or convicted during the previous 6-month period,
1932 following their release from the custody of the U.S.
1933 Department of Homeland Security. And many of them are being
1934 released, you know, on their own recognizance, and I heard
1935 the chairman's statements on the violent crime rates within
1936 the countries that many of them are coming from. And I am
1937 just summarizing some of that data that I heard from the
1938 chairman, and it comes out this way.

1939 That shocking number in El Salvador, 93.09 violent

1940 deaths per 100,000. Shocking, until I looked up the data
1941 that was delivered to this committee from a former member,
1942 and a stellar member, Randy Forbes of Virginia, who had gone
1943 to New Orleans to examine the violent death rate and the
1944 crime rates in New Orleans, this was post-Katrina. And
1945 there, the violent death rate, that was actually
1946 characterized as a homicide rate, in New Orleans, was 90 per
1947 100,000. Very close to the 93.09 out of El Salvador.

1948 Mr. Richmond. Mr. Chairman? Mr. Chairman? Mr.
1949 Chairman?

1950 Chairman Goodlatte. For what purpose does the
1951 gentleman from Louisiana seek recognition?

1952 Mr. Richmond. We just had a conversation about this.
1953 We are going to lose all civility in this committee if he
1954 thinks it is appropriate to compare New Orleans to
1955 Guatemala. Now --

1956 Chairman Goodlatte. The gentleman will suspend. The
1957 gentleman from Iowa has the right to make a statistical
1958 comparison between two locations.

1959 Mr. Richmond. Well, you are comparing the people in
1960 the locations. That would be like me comparing them to
1961 somebody in the Klan. I do not have a basis to do that.

1962 Chairman Goodlatte. When the gentleman has completed
1963 his remarks, I will be happy to recognize the gentleman from
1964 Louisiana to make his arguments to the contrary. But he is

1965 entitled to make those remarks.

1966 Mr. Richmond. We just had a conversation about
1967 civility in this United States Congress. Now, I wear badges
1968 of bipartisanship because I actually take up and stand up
1969 for principles. I am not going to sit here and let him do
1970 that. Now, the people I love, the people I respect, and I
1971 live in New Orleans. Now, if the gentleman persists on it,
1972 then let us go in the back and have the conversation about
1973 New Orleans. But I am not going to sit here and do that.
1974 And if it takes walking across over there, then I am
1975 prepared to do that, too. But it is not appropriate; it is
1976 insensitive; and it is nothing more than traditional white
1977 privilege of, "Let me criticize a minority city." Now, take
1978 it how you want. I am telling you how I feel.

1979 Chairman Goodlatte. Look, the gentleman is entitled to
1980 express how he feels. But so is the gentleman from Iowa.
1981 And these remarks from both sides are within -

1982 Mr. Richmond. And words and actions have consequences,
1983 and we just saw it days ago. And we promised to do better,
1984 because words have consequences.

1985 Chairman Goodlatte. Words have consequences. So do
1986 statistics, and so do arguments. This is the place to do
1987 it, under the rules of the House. And under the rules of
1988 the House, he is entitled to proceed. The gentleman from
1989 Iowa may resume his arguments.

1990 Mr. King. Thank you, Mr. Chairman. And I suggest
1991 that, if the gentleman cannot participate in an open
1992 discussion on this, then it might be better for one of us,
1993 and that would be directly to you, the gentleman from
1994 Louisiana, then, to remove himself from the room if he
1995 cannot restrain himself.

1996 Chairman Goodlatte. We will suspend. That remark is
1997 not appropriate. And the gentleman has offered to have this
1998 discussion in private. You can choose to do that or not do
1999 that. You are entitled to have a discussion regarding the
2000 statistics related to murder rates in various communities in
2001 various countries, but the issue of whether or not the
2002 gentleman can be here or not is his business, not yours. So
2003 the gentleman is recognized, but --

2004 Mr. King. Mr. Chairman, in reclaiming my time, I am
2005 simply reciprocating in this regard, but I will go back to
2006 the data, and I will not be intimidated by this kind of
2007 thing. It is important that we look at data. In fact, it
2008 is more important that we look at the data than it is we
2009 listen to the rhetoric that surrounds the data.

2010 And these are bodies that are going to the morgue, Mr.
2011 Chairman. That is something that is offensive to me. And
2012 it has gone on in this country for a long, long time. And I
2013 have listened to these debates about the violent death rate
2014 in the countries that the people are coming in, that are

2015 unaccompanied alien minors coming into the United States.

2016 I have listened to that death rate, and I have heard
2017 the members on the other side of the aisle say, "We have got
2018 to get them out of those countries. We have got to get them
2019 out of there because they are subjected to these high death
2020 rates: 93.09 in El Salvador; 70.66 per 100,000 in Guatemala;
2021 Venezuela at 47; Trinidad-Tobago, 43; Belize, 43; Lesotho,
2022 there is one outside of south of the Rio Grande River, 41.9;
2023 Colombia, back in there, number seven in the world, 37;
2024 Honduras, number eight in the world, 36; and then Haiti, 35;
2025 Panama, 34; Brazil, 30. You take the top 13 countries in
2026 the world, and 11 of them are not just south of the Rio
2027 Grande; they are south of Mexico.

2028 And we are talking about having sympathy in our hearts
2029 to remove people from those violent areas? All right, that
2030 is a point that, statistically, I recognize that statistic.
2031 But you also must recognize the statistic of the violent
2032 death rates in the inner cities in the United States of
2033 America, of which New Orleans is not the highest anymore.
2034 In fact, that 90 has gone down substantially in New Orleans
2035 since Katrina, and that is a legitimate point, too, that I
2036 intended to make in the flow of this conversation.

2037 But East St. Louis is not so good, with that 70 per
2038 100,000. St. Louis itself, 49.99, call that 50. This city
2039 here, in Washington, D.C., used to be 53 violent deaths per

2040 100,000.

2041 There was a time when it was safer for someone who was
2042 a typical citizen, uninformed, in Iraq, than it was to live
2043 in Washington, D.C. That is the data we are talking about
2044 here. When is this committee going to come around to
2045 reducing the crime rates within our inner cities? Within
2046 Detroit, for example, and the chairman, the ranking member
2047 knows, I have gone to Detroit; I have met with the Chief of
2048 Police; I am very impressed with him. I think they are
2049 making some good moves there, and they have dropped down
2050 from number one to second or third in the Nation. It is a
2051 long ways to go where Detroit needs to get, but we need to
2052 have those kind of conversation, and we need to get to the
2053 point where we understand the real data.

2054 That is what this amendment is about, is the real data
2055 on the recidivism rate. These kids coming in here, 13, 14,
2056 15, 16, 17 years old, and they may not be telling the truth
2057 on that, prime gang recruitment age. Young men, 81 percent,
2058 prime gang recruitment age. We need to know the data, Mr.
2059 Chairman, and I urge the adoption of my amendment, and I
2060 yield back the balance of my time, even though I lost a
2061 minute or so in the exchange.

2062 Chairman Goodlatte. The time of the gentleman has
2063 expired. For what purpose does the gentleman from Louisiana
2064 seek recognition?

2065 Mr. Richmond. Mr. Chairman, I would just go --
2066 Chairman Goodlatte. The gentleman is recognized for 5
2067 minutes.

2068 Mr. Richmond. I would just go to the data and the
2069 point that the gentleman made when talking about violence in
2070 inner city communities. We always talk about it, but we
2071 never talk about the role that government has played in
2072 that. We decided that we would have a war on drugs, and I
2073 am not saying it is Democrats versus Republicans. I am
2074 saying, the United States Congress, as a body, decided that
2075 they wanted to have a war on drugs, which has caused real
2076 pain and has caused the violent inner cities to emerge,
2077 based on this war on drugs.

2078 Now, you take the same crack epidemic, you change who
2079 is the primary victims and perpetrators, and let's call it
2080 opioids, and all of a sudden, we have the warm and fuzzy,
2081 loving approach to how we are going to tackle it. We are
2082 going to treat it as a mental health crisis. We are going
2083 to treat it as substance abuse addiction. We are going to
2084 wrap our arms around it, and we are going to treat it in a
2085 different fashion.

2086 By the way, the way we are approaching opioid addiction
2087 and abuse in this country is the right way to do it. And I
2088 applaud Congress for realizing that it is the right way.
2089 But our response to crack cocaine was the wrong way. What

2090 it became was a war on inner city communities, where the
2091 same addictive drug was found, but you removed so many
2092 people from the community. You did not treat the substance
2093 abuse part of the problem. And then drugs kept coming in,
2094 so it became this highly profitable market.

2095 Now, we are treating the substance abuse that we did
2096 not treat the first time. So yes, we play a role in it,
2097 because our response to crack cocaine was the opposite to
2098 what we are doing for opioids. Not to mention, if you got
2099 caught with crack cocaine, for the same amount as powder
2100 cocaine, you were sentenced to 100 times longer.

2101 Now, people who had crack cocaine were primarily young,
2102 African American males. People who had powder cocaine were
2103 not young, African American males. We now realize that that
2104 approach was wrong, which is why Newt Gingrich, which is why
2105 Heritage, which is why Koch Brothers, which is why NAACP,
2106 ACLU, and others have said that we need real criminal
2107 justice reform to make it make sense, just like we are doing
2108 with opioids.

2109 So we have a role. We get some of the credit for how
2110 the response to crack cocaine has added and contributed to
2111 the violence in a lot of these inner cities, not to mention
2112 the lack of funding for public education, economic
2113 opportunity, and all those other things that would play a
2114 role in it. So if we are going to talk about those things,

2115 at least do it in a fair way that compares apples to apples
2116 and tells more of the complete story. With that, Mr.
2117 Chairman, I yield back.

2118 Mr. Nadler. Mr. Chairman?

2119 Chairman Goodlatte. For what purpose does the
2120 gentleman from New York seek recognition?

2121 Mr. Nadler. Strike the last word.

2122 Chairman Goodlatte. The gentleman is recognized for 5
2123 minutes.

2124 Mr. Nadler. Thank you, Mr. Chairman. I agree with the
2125 gentleman from Louisiana, in his observations about the
2126 history of our fighting drugs and of the war on drugs, and
2127 of the results of that. In fact, we have run the same play
2128 twice. We are still doing it. We created, to a large
2129 extent, organized crime in this country by prohibition,
2130 prohibition of alcohol. We generally recognize that that
2131 created the large criminal syndicates, because we could not
2132 enforce that law, and people wanted liquor, whether
2133 prohibition existed or not. So we repealed prohibition, but
2134 we did not learn our lesson.

2135 In the 1970s, you started the war on drugs, with the
2136 same result, with the same result. Large organized crime,
2137 not only in the United States. Why do you have all these
2138 murderous drug cartels in Mexico and Central America? To
2139 supply the U.S. market. To supply our market, we are the

2140 customers. If there were no drug problem in the United
2141 States, you would not have the drug cartel problem in
2142 Mexico. And that is the causation, not the other way
2143 around. The supply, the demand, demands the supply. So we
2144 have still not learned that lesson.

2145 Now, on the opioids, maybe we have learned a lesson; we
2146 are following a more intelligent policy, although we still
2147 have not really repealed the war on drugs, which is still
2148 creating murderous gangs and criminal activity. So I hope
2149 we have learned our lesson in that. And we have inflicted
2150 immense harm in this country and in Latin America, and for
2151 that matter, in Afghanistan, through our drug policies,
2152 through our prohibition drug policies, which we should have
2153 learned, and maybe we are beginning to learn, as the
2154 gentleman from Louisiana said.

2155 Having said that, I do not see anything wrong with Mr.
2156 King's amendment. He wants more information. He thinks, I
2157 presume, I should not say what he thinks, a great calumny, a
2158 great libel has been spread by the administration, by the
2159 President, by others, that immigrants to this country commit
2160 crimes at a greater rate than non-immigrants. The
2161 statistics tell us the opposite.

2162 The President said that at the State of the Union
2163 address. The statistics tell us the exact opposite. I
2164 presume this amendment is intended to show that

2165 unaccompanied alien children, you know, will be committing a
2166 lot of crimes. I think the amendment will show, if enacted,
2167 that that is not the case. I do not have any opposition to
2168 gathering facts. I wish the other side of the aisle had
2169 supported our other amendment today, to gather facts, that
2170 was offered a while ago, with regard to representation in
2171 court of unaccompanied minors and whether, in fact, that has
2172 a real effect on the decisions.

2173 I would like to know that, I have my own opinion on
2174 that. I think it does; some other people think it does not;
2175 it would be useful to know those facts.

2176 Mr. Raskin. Would the gentleman yield?

2177 Mr. Nadler. Who asked me to yield? Sure.

2178 Mr. Raskin. Thank you very much. I have a similar
2179 reaction, Mr. Nadler, to Mr. King's amendment. He is just
2180 looking for facts gathering, but would it not also be
2181 equally as important to assemble information about children
2182 who are denied entry to the country under this legislation?
2183 What their future holds, how many of them become victims of
2184 prostitution, child sex trafficking, child abuse, murder and
2185 so on? Would you think that that would be a logical
2186 amendment to add to Mr. King's amendment?

2187 Mr. Nadler. I would think that would be a very logical
2188 amendment. If, in fact, we are sending kids back, as I
2189 think is the case, to some extent, as I mentioned

2190 previously, to be murdered, and we are, therefore, complicit
2191 in that result, that would be something very useful to know
2192 on a more systematic basis, so that we could act
2193 appropriately.

2194 As I said, I think that the facts, if this amendment
2195 were to pass, will show the contrary to what Mr. King thinks
2196 it would show, but it will show whatever it shows. I think
2197 I would like to know the information that was in the
2198 amendment before; I think it was either the gentlelady from
2199 Texas or the gentlelady from California offered it on the
2200 effects of counsel. And certainly, I would think that what
2201 the gentleman from Maryland raises is also appropriate.

2202 So again, let me just say that I have no opposition to
2203 gaining facts, but we should recognize that the basic
2204 purpose of the bill, which is to send more kids back,
2205 probably will result in more kids being murdered and
2206 subjected to unspeakable violence. And we should not do
2207 that without looking into it and having an opportunity, on
2208 an individual basis, to look into it, which is what previous
2209 amendments were talking about. The bill is a terrible bill.
2210 I do not see that this amendment makes it any worse. I
2211 yield back.

2212 Ms. Jackson Lee. Mr. Chairman? Mr. Chairman?

2213 Chairman Goodlatte. For what purpose does the
2214 gentlewoman from Texas seek recognition?

2215 Ms. Jackson Lee. Strike the last word.

2216 Chairman Goodlatte. The gentlewoman is recognized for
2217 5 minutes.

2218 Ms. Jackson Lee. I think it is important to make a
2219 general statement that we would be contradictory if we did
2220 not allow members to seek information. And so the aspect of
2221 the gentleman from Iowa's amendment that causes the need for
2222 information is certainly what the role of this body is all
2223 about.

2224 But I think Mr. Richmond made a very appropriate
2225 intervention in terms of how we use numbers to make a point
2226 that may be valid. Now, I know Lesotho. It is a country in
2227 Africa. We have not assessed, in those numbers, the
2228 infrastructure or the level of poverty or the governmental
2229 structure in Lesotho that may impact, or what those deaths
2230 may be about. It may be conflict, certainly is far
2231 different from circumstances of gang violence, general
2232 street crime, which we know, over the years, have gone down.

2233 I think my good friend from Iowa misses the whole
2234 element. Race is still a very sensitive issue in this
2235 nation. There are members on the other side of the aisle
2236 that have a difficulty in understanding that. There are
2237 some --

2238 Mr. Richmond. Would the gentlelady yield?

2239 Ms. Jackson Lee. I will not yield at this moment, and

2240 I thank the gentleman for his courtesies. There are some
2241 cities that are associated, terminology, "inner city,"
2242 "ghetto," with people of color. Growing up, I did not
2243 realize that I may have lived in a neighborhood that was
2244 predominantly of one color. It was a different era, of
2245 course. We just happened to live in a neighborhood. But as
2246 one moves into the land of sociological studies and
2247 analysis, you begin to understand, if you read late Senator
2248 Moynihan's work and all of the assessments of what makes
2249 people of color tick, why they live in these conditions,
2250 high crime rates.

2251 I know that, during the historical time of the Great
2252 Society, when LBJ indicated that, "I am going to invest in
2253 people," between Pell Grants and Labor Department,
2254 Department of Education; there was a whole surge of
2255 opportunity for people of color. Crime was different, may
2256 have been isolated, and people had opportunity.

2257 Moving through the skinny budgets of a number of
2258 Republican Presidents, those hopes and dreams were dashed,
2259 and they were, in fact, substituted by bad laws, regarding
2260 drugs and rounding up folk and institutionalizing people,
2261 who happen to be people of color, and creating added
2262 criminals coming back in the streets. Compound that with no
2263 jobs. Compound that with the sequester. Compound that with
2264 constant policies that continue to undermine opportunities

2265 for young African Americans, young Hispanics, young Anglos,
2266 young immigrants.

2267 So I would hope that the gentleman would join me in
2268 eliminating the sequester and fully providing for funding
2269 for opportunities that, in fact, quash the bad pathway that
2270 some young people are relegated to doing. But to sit here
2271 and associate a data collection document or amendment with a
2272 whole litany of statistics calling on cities that population
2273 is dominated by people of color, yes, it is offensive,
2274 because I still live in an America that is divided by color.

2275 I do not teach my children that. They do not live by
2276 that. I do not live by that. But the gentleman knows how
2277 to raise the buzzwords. He has done it consistently, and
2278 that is just not the pathway in which we should go. And I
2279 would simply ask the gentleman to join me on lifting the
2280 sequester, begin to look at the landscape, and I ask my
2281 colleagues: there is a subcommittee tomorrow, Criminal
2282 Justice Committee, on reforming the juvenile justice system.
2283 You are not on the committee. Come join us and be part of
2284 the solution.

2285 But if the gentleman wants to have this amendment on
2286 data, why does he not amend his amendment and provide the
2287 funding for the Department of Justice and ICE and the FBI
2288 that each unaccompanied child have a Federal agent that
2289 walks around with them from the time they arrive in the

2290 United States through the moment that they apply for asylum?
2291 When they receive asylum or status, continue walking with
2292 them when they go through high school. Make sure you
2293 continue with them through college. If they go into the
2294 United States military, continue that Federal officer, so
2295 they do not create a crime. Let's put funding in there, so
2296 they will have that kind of criminal --

2297 Chairman Goodlatte. The time of the gentlewoman has
2298 expired.

2299 Ms. Jackson Lee. -- protection of the United States.
2300 All I can say is the gentleman should be careful in how we
2301 debate these questions. Getting information, sir, is
2302 relevant. But the argument is not relevant.

2303 Chairman Goodlatte. The time of the gentlewoman has
2304 expired.

2305 Ms. Jackson Lee. And I am particularly sensitive as an
2306 African American woman. I yield back.

2307 Chairman Goodlatte. The question occurs on the
2308 amendment --

2309 Ms. Jayapal. Mr. Chairman?

2310 Mr. Johnson of Georgia. Mr. Chairman?

2311 Ms. Jayapal. Mr. Chairman?

2312 Mr. Johnson of Georgia. Mr. Chairman?

2313 Chairman Goodlatte. For what purpose does the
2314 gentleman from Georgia seek recognition?

2315 Mr. Johnson of Georgia. I move to strike the last
2316 word.

2317 Chairman Goodlatte. The gentleman is recognized for 5
2318 minutes.

2319 Mr. Johnson of Georgia. Mr. Chairman, I rise in
2320 support of the gentleman's amendment. He would like to
2321 determine, through this amendment, how many children,
2322 refugees end up committing crimes in the United States of
2323 America. I think that is a fair question, just as the other
2324 amendments that have come before his, which I supported,
2325 present fair questions.

2326 I must take the time to talk about the statistics that
2327 the gentleman from Iowa cited from 11 countries of the top
2328 15 for murder throughout the world. And I would opine that
2329 those high murder rates are not because those people, who
2330 happen to be south of our border, are not Americans, or they
2331 are, you know, somehow racially inferior. You know, I mean,
2332 it is not from where they come that caused the crime rate
2333 and the murder rates to be so out of line with the rest of
2334 the world. Could it be conditions that exist in those
2335 countries as opposed to the people themselves? Because why
2336 would we punish innocent children? That is what this bill
2337 is directed towards, H.R. 495, misnamed the Protection of
2338 Children Act.

2339 I do not know who named it the Protection of Children.

2340 This is actually kicking out protections of children
2341 entering this country as refugees. Now, refugees are people
2342 coming into the country, trying to escape violence, trying
2343 to escape war, persecution, the fear of imminent death.
2344 That is why a mother would send her children over a perilous
2345 6,000-mile route from Central America through Mexico to get
2346 to the shores of the U.S. for safety. That is a problem.
2347 Why are the conditions south of our border so perilous that
2348 it would prompt a mother to do that?

2349 It is oftentimes the war on drugs that this country is
2350 waging south of the border that promotes violence. It is
2351 also economic persecution that corrupts those governments,
2352 so that multinational corporations can come in and rape and
2353 pillage the land for natural resources, displacing people,
2354 killing people who disagree politically and who are
2355 protesting these actions by multinational corporations.

2356 So you have drug violence. You have violence by right-
2357 wing militias that are sponsored by governments. You have
2358 no protection for children. And so people want their
2359 children to be safe, to be able to live, so they send them
2360 to a place where they think that they can get some
2361 protection. And that is what refugees have done for many
2362 years, and this legislation seeks to close the door on those
2363 refugees.

2364 And this is another example of our society paying

2365 attention to divisive issues for political gain. This comes
2366 at a time when there is important things happening in this
2367 country, on this Judiciary Committee, which is responsible
2368 for overseeing the Justice Department. We have got the head
2369 of the Justice Department recusing himself from an
2370 investigation, which is so important to our Democracy, the
2371 Russian investigation and any collusion that may exist
2372 between the Russians and the Trump administration, and then
2373 allegations that the Trump administration has tried to cover
2374 up and obstruct the investigation by firing the FBI
2375 Director.

2376 And then the Director of the Department of Justice has
2377 to recuse himself from that investigation because he failed
2378 to report his meetings with the Russians. And so if that is
2379 not a whole lot for this committee to be investigating, I do
2380 not know what else is. Perhaps the prevention of child
2381 refugees into this country is more important than a cover-
2382 up.

2383 Chairman Goodlatte. The time of the gentleman has
2384 expired.

2385 Mr. Cicilline. Mr. Chairman?

2386 Mr. Johnson of Georgia. With that, I will yield.

2387 Chairman Goodlatte. For what purpose does the
2388 gentleman from Rhode Island seek recognition?

2389 Mr. Cicilline. I move to strike the last word.

2390 Chairman Goodlatte. The gentleman is recognized for 5
2391 minutes.

2392 Mr. Cicilline. Mr. Chairman, I associate with myself
2393 with the remarks of my colleagues, who have expressed their
2394 willingness to gather information to make important
2395 decisions in the area of refugees and immigration. I would
2396 just note two things. One is children, in most
2397 jurisdictions in this country, are actually not convicted of
2398 crimes. They are adjudicated. So the answer to this
2399 question is likely to be zero. I would just raise that in
2400 terms of drafting, and the author may want to consider that.

2401 But I would suggest that if the intention is to try to
2402 gather information to make informed decisions, this
2403 resolution or this amendment is premised on a notion about
2404 the criminality of unaccompanied children. I think we all
2405 will learn that the overwhelming majority of these children
2406 do not commit crimes. They are fleeing violence and war,
2407 conflict, and in fact, come to this country and make
2408 tremendous contributions.

2409 So I would ask the gentleman from Iowa, so that we
2410 really get a complete sense of information, whether he would
2411 be amenable to a friendly amendment to his amendment, which
2412 would add after U.S.C. 1232, "and a report detailing the
2413 contributions, achievements, and successes of the same group
2414 of unaccompanied alien child." I think if he agrees to

2415 that, then we can get a full picture, and I have the
2416 language to give him if he would like to look at it.

2417 Mr. King. If the gentleman would yield? Thank you.

2418 Okay.

2419 Voice. And a report detailing the contributions,
2420 achievements --

2421 Chairman Goodlatte. Does the gentleman yield back?

2422 Voice. -- and successes of the same group.

2423 Mr. Cicilline. No. I am giving Mr. King an
2424 opportunity to look at the language. I have offered a
2425 friendly amendment to add, after 1232, so that it is a
2426 complete accounting, the following words: "and a report
2427 detailing the contributions, achievements, and successes of
2428 the same group of unaccompanied alien child."

2429 Mr. King. If the gentleman would yield?

2430 Mr. Cicilline. Sure.

2431 Mr. King. I would just say, in a quick read of that
2432 amendment, I appreciate the spirit that you deliver it in.
2433 It is complex, and I think it is unquantifiable to measure
2434 achievements and contributions, in a way, in this dialogue
2435 that we are in today. I think it is important to have those
2436 discussions, but when I look, also, at the gentleman's
2437 critique of the language on what we might miss with crimes
2438 committed by minors, we say, within my amendment, "submit a
2439 report on each crime for UACs charged or convicted." So I

2440 believe "charged" will cover the minors on that. I think we
2441 are going to get that data. But I would like to look at
2442 this after the committee, and it is something we could
2443 submit as an amendment to the floor if we need to clean up
2444 this language in my amendment. So I do not --

2445 Mr. Cicilline. Reclaiming my time. I would just ask
2446 the gentleman, if the intention is to give this committee
2447 and this Congress a full understanding of what the
2448 implications are of unaccompanied children coming into the
2449 United States, part of that story is, what percentage of
2450 them commit crime? The other, larger part of that story is,
2451 what is the nature of the successes and achievements of
2452 these? I think we can certainly rely on the Department of
2453 Homeland Security to make commonsense determinations. What
2454 is a success? High school graduation. What is a success?
2455 Honor roll.

2456 Chairman Goodlatte. Would the gentleman yield?

2457 Mr. Cicilline. I mean, there are a number of
2458 indicators that I think would quantify as a contribution,
2459 achievement, or success that would give us at least some
2460 context for evaluating the real impact of unaccompanied
2461 children in this country. Unless this is just simply an
2462 effort to continue a false narrative that these children
2463 come in and all commit crimes and significantly undermine
2464 the well-being and safety of our country, then it seems to

2465 me we ought to have a full picture of what they do, and I
2466 think --

2467 Chairman Goodlatte. Would the gentleman yield?

2468 Mr. Cicilline. Sure.

2469 Chairman Goodlatte. The gentleman's point is well
2470 taken. But I think the advice would be that it needs to be
2471 more quantifiable than the language that he has put in his
2472 amendment. So if he wanted to specify certain things that
2473 were easily statistically gatherable, like the crime rate is
2474 attainable, such as high school graduation or college
2475 graduation or something else like that, I would not oppose
2476 that amendment to the amendment. But I think this is too
2477 vague, too unspecific, too unquantifiable to gather
2478 information that would be useful to the committee. So I
2479 would just suggest either that we vote on this, I would not
2480 support it, or you can withdraw it, and we can work with you
2481 on some specific measures that we could insert as we move
2482 the bill to the floor.

2483 Mr. Cicilline. I would just ask, reclaiming my time,
2484 if that is acceptable to the author of the amendment and if
2485 we could hold this until after the vote. I will work on it
2486 right now, and maybe before we adjourn today, I can have
2487 very specific language.

2488 Mr. King. And if the gentleman would yield. I would
2489 suggest, instead, we follow the chairman's recommendation on

2490 this. Either vote on it, or I politely ask you if you would
2491 withdraw it. And I think that the topic that you raise is
2492 an important one, and we should look at this more broadly
2493 and take some time to dig into it. But I would like to be
2494 able to move forward today.

2495 Mr. Cicilline. Yeah, no, no. What I am suggesting is
2496 --

2497 Mr. King. Now.

2498 Mr. Cicilline. -- vote on it, but hold this amendment,
2499 if we could, until the conclusion of our business today, and
2500 I can, perhaps, present you with language before we leave
2501 today that might be acceptable.

2502 Mr. King. I am going to say, and if you could yield,
2503 that I want to have a vote on these amendments and on this
2504 bill as we follow through and edge through on this.

2505 Mr. Cicilline. No, no. I am not disagreeing.

2506 Mr. King. I am open to having the discussion after the
2507 bill passes committee.

2508 Chairman Goodlatte. Let me intervene here. If the
2509 gentleman would withdraw his amendment, if he has something
2510 ready before the bill is through the committee --

2511 Mr. Cicilline. That is fine.

2512 Chairman Goodlatte. -- we can do that. But I would
2513 assure the gentleman that, if it is not ready by the end of
2514 whatever amount of time it takes to finish this bill today,

2515 I would still work with the gentleman to add it.

2516 Mr. Cicilline. Thank you, Mr. Chairman. With that, I
2517 will withdraw the amendment.

2518 Mr. Raskin. Mr. Chairman?

2519 Chairman Goodlatte. For what purpose does the
2520 gentleman from Maryland seek recognition?

2521 Mr. Raskin. I have an amendment at the desk. And this
2522 is an amendment to Mr. King's amendment.

2523 Chairman Goodlatte. All right. The clerk will report
2524 the amendment to the amendment.

2525 Mr. Raskin. And also, I hope the sponsor of the
2526 amendment will consider a friendly amendment to his, and it
2527 is extremely quantifiable. In fact, it is based on the
2528 structure of the underlying amendment itself.

2529 Chairman Goodlatte. The clerk will report the
2530 amendment.

2531 Mr. Raskin. The --

2532 Chairman Goodlatte. The clerk will report the
2533 amendment.

2534 Ms. Adcock. Amendment to the amendment to H.R. 495,
2535 offered by Mr. Raskin. Strike --

2536 [The amendment of Mr. Raskin follows:]

2537 ***** COMMITTEE INSERT *****

2538 Chairman Goodlatte. Without objection, the amendment
2539 will be considered as read, and the gentleman is recognized
2540 for 5 minutes on his amendment.

2541 Mr. Raskin. Thank you, Mr. Chairman. The last
2542 amendment, which we have decided to set to the side for the
2543 moment just because of its quantifiability, focused on what
2544 might be the positive outcomes for children who are
2545 admitted, and this focuses, instead, on, what are the
2546 criminal harms that are suffered by children who are denied
2547 entry to the United States under this act?

2548 And so it would simply strike the period and add a new
2549 report, and it says, "And a report on any criminal harm
2550 suffered by children denied entry to the United States and
2551 returned to their countries under this act, including
2552 murder, rape, sexual assault, sex trafficking, assault, or
2553 child abuse." I hope that the offerer of the amendment
2554 would agree that this is something that is very quantifiable
2555 and obviously relevant to what we are doing. Nobody --

2556 Chairman Goodlatte. Would the gentleman yield on that
2557 point?

2558 Mr. Raskin. Yes.

2559 Chairman Goodlatte. How is it quantifiable?

2560 Mr. Raskin. Well, these are crimes that are committed.
2561 So we would collect from, you know, the countries that the
2562 children are returned to, reports of crimes committed and

2563 who the victims are.

2564 Chairman Goodlatte. And how would we get that? Do
2565 these other countries --

2566 Mr. Raskin. Well, the Department of Homeland, I mean,
2567 presumably, we are in touch with them and have law
2568 enforcement relationships with these governments.

2569 Chairman Goodlatte. And they would keep records that
2570 are separate with regard to children who are returned to
2571 countries and children who are not?

2572 Mr. Raskin. Yes. Well, these governments are
2573 obviously keeping the statistics that the gentleman from
2574 Iowa has been invoking, so that we know the number of
2575 murders that are taking place and the number of rapes and --

2576 Chairman Goodlatte. I would question whether they keep
2577 those statistics.

2578 Mr. Raskin. The State Department has the ability to
2579 access this information from those governments. And if not,
2580 that is something that we would want to know as well. But I
2581 mean, assuming --

2582 Chairman Goodlatte. The government would have to break
2583 out the statistics regarding children first, but then
2584 secondly, children who stayed in Guatemala or whatever
2585 country and children who did not. And I do not believe that
2586 any of these countries have those statistics, nor do I think
2587 it is the jurisdiction of the Judiciary Committee to compel

2588 them to put them together.

2589 Mr. Raskin. Well, if we are going to be in the
2590 business of keeping statistics on children who are in the
2591 United States who have come here, why would we not want to
2592 keep statistics and access them through the State Department
2593 or through the United Nations --

2594 Chairman Goodlatte. Because we have control --

2595 Mr. Raskin. -- of the children that we return when we
2596 are trying to develop a refugee policy that is consistent
2597 with the values and the ideals that the United States was
2598 founded on? Tom Payne said that America would be a haven of
2599 refuge for people fleeing religious and political repression
2600 all over the world. But I am assuming everybody here is
2601 operating in good faith. I assume nothing but the best of -
2602 -

2603 Chairman Goodlatte. If the gentleman would yield, the
2604 information that he desires would be desirable in a whole
2605 host of circumstances around the world. But the United
2606 States does not have the ability to gather that information
2607 because it is not within the purview of the United States
2608 Government to gather it; whereas what the gentleman from
2609 Iowa is asking for is well within the purview of the United
2610 States Government. So --

2611 Mr. Raskin. But I find it unfathomable that the
2612 government of Guatemala or Mexico does not have access to

2613 information about children who are victims of serious
2614 criminal offenses.

2615 Chairman Goodlatte. There would be absolutely nothing
2616 to stop the gentleman from asking for that data.

2617 Mr. Raskin. And that is precisely what I am doing with
2618 this amendment. I think it is something that is of public
2619 concern to everybody in America under our refugee policies
2620 to make sure that they are consistent with the values of our
2621 country.

2622 Chairman Goodlatte. I disagree. I do not believe that
2623 this information is readily available, and --

2624 Mr. Raskin. Well, would you agree that, if it were
2625 readily available, it would be relevant to us?

2626 Chairman Goodlatte. It would be of interest to this
2627 debate. I am not sure that it has the same impact on United
2628 States citizens as crimes committed in the United States.

2629 Mr. Raskin. In other words, you think the American
2630 people are not equally interested whether or not our refugee
2631 policy is returning children to a situation where they are
2632 sex trafficked, or they are raped, or they are murdered? I
2633 think the American people would want to know that, just like
2634 we would want to know whether some children get in who get
2635 involved with gangs. I mean, we want information in both
2636 contexts.

2637 Chairman Goodlatte. I think people would be interested

2638 in knowing all kinds of information, but it is not within
2639 the purview of the United States Government to gather that
2640 information.

2641 Mr. Raskin. Let's try it out. I have got faith in our
2642 government and our ability to do it.

2643 Chairman Goodlatte. I am sorry. I cannot support it
2644 unless it is in a fashion that is truly quantifiable, and I
2645 do not believe the amendment that the gentleman has offered
2646 is quantifiable in that fashion.

2647 Mr. Raskin. I would ask the offerer of the amendment
2648 whether he would accept it as a friendly amendment.

2649 Mr. King. If the gentleman will yield?

2650 Mr. Raskin. By all means.

2651 Mr. King. I would like a little more time, and I may
2652 ask for some, and your clock runs down of the gentleman, but
2653 the thing I am thinking about is this. My amendment
2654 addresses recidivism. It does not address the number of
2655 crime victims or where they might be or who are the victims
2656 of them. But when I listen to the gentleman from Maryland
2657 speak of this, I think of the data that I have gathered and
2658 that has been picked up along the trail from Central America
2659 to the United States by those who are migrating into
2660 America; 100 percent of the girls get a contraceptive coming
2661 out of their hometown, delivered to them by their parents,
2662 because they expect that they will be raped on the way.

2663 And when I go into the transfer centers in places like
2664 Texas and near McAllen, and I ask the people that are
2665 working with those unaccompanied alien minors that are
2666 housed in there by HHS temporarily, actually, they have
2667 said, we had seven different sources from different
2668 locations said that 100 percent are victims of sex violence.

2669 Now, I do not accept 100 percent. Some of them have to
2670 get here and not be violated. But when they give me that
2671 consistent number, I think the victims on the way to the
2672 United States to illegally enter America are probably in
2673 greater percentage than those that are being sent home. So
2674 I think we have got a bigger topic here that we should
2675 address in a different forum and try to do this broadly, so
2676 we can see all sides of this.

2677 Mr. Raskin. Just reclaiming whatever time I have left.
2678 I agree with you completely that many of the children who
2679 are trying to get into America are fleeing horrific
2680 conditions and terrible gang violence and rape, even as a
2681 kind of gang ritual. We know that that is taking place. So
2682 they are fleeing that kind of situation. The fact that you
2683 know that and that there are statistics available suggests
2684 that our government has it within its means and within its
2685 enormous budget to access the information about children who
2686 become victims when they go back to Mexico or Guatemala or
2687 Honduras. If the information is not available, it is not

2688 available.

2689 Mr. King. I think it is not.

2690 Chairman Goodlatte. The time of the gentleman has
2691 expired. The chair recognizes himself for 5 minutes on this
2692 amendment and yields to the gentleman from Maryland. Before
2693 I yield, though, let me just say that I do not think the
2694 gentleman from Iowa is talking about children fleeing the
2695 violence of these countries. I think he is talking about
2696 what they experience once they flee that. They run into
2697 these dangers in the other countries they pass through,
2698 including Mexico, as well as what may occur when they enter
2699 the United States. So again, I have serious doubts about
2700 whether this information is quantifiable. But be that as it
2701 may, I will yield to the gentleman from Maryland.

2702 Mr. Raskin. Thank you. Well, I mean, I do think that
2703 we are advancing, somewhat, the dialogue here because we are
2704 talking about extremely dangerous conditions that nobody on
2705 this committee would ever want to subject a daughter or a
2706 son or anybody in our family to. And if they go through
2707 that on the way up, we return them back, and we send them
2708 back in the other direction, presumably they are going to be
2709 subjected to the exact same kind of situation, which is,
2710 perhaps, why there is a lot of skepticism about tightening
2711 the standards to the point where it is impossible for kids
2712 to get a fair shake once they are in the country.

2713 But it seems to me that there are law enforcement
2714 authorities north of the border and south of the border who
2715 can work to try to figure out the fate of these kids.
2716 Otherwise, we are just consigning them to a terrible
2717 destiny. We are basically saying, "You might be subject to
2718 rape. You might be subject to sex trafficking. You might
2719 be subject to abuse. You might be subject to gang violence.
2720 But it is not our problem. And not only do we take no
2721 responsibility for what happens to you, we do not even care
2722 to ask whether statistics are available." And I just think
2723 that is an unconscionable posture for the United States of
2724 America to be in.

2725 We are the country that was founded on the idea of the
2726 rights of men and women and children. That is who we are.
2727 We are not an authoritarian country. We are not a despotic
2728 country. I think the reason why so many of my colleagues on
2729 this side of the aisle reacted strongly to the comparison is
2730 because we try to hold ourselves to a higher standard than
2731 failed States that have lapsed into right-wing,
2732 authoritarian government with lawlessness for the people.
2733 That is not who we are.

2734 So I think that anybody who comes into contact with
2735 America should expect the highest ideals and the highest
2736 standards. And I hope that Mr. King would be willing to
2737 grant this as a very small measure that is completely

2738 consistent with the spirit of what he wants to do.

2739 How are we harmed by getting more information about
2740 what happens to children because of the policies that we are
2741 adopting here today? That is how we proceed pragmatically
2742 to develop the best policies and the best laws over time. I
2743 am happy to yield back, Mr. Chairman, and thank you for
2744 yielding to me.

2745 Mr. King. Mr. Chairman?

2746 Chairman Goodlatte. I am happy to yield to the
2747 gentleman from Iowa.

2748 Mr. King. Thank you. I move to strike the last word.

2749 Chairman Goodlatte. I have control of the time. I am
2750 yielding to you.

2751 Mr. King. Oh, excuse me. Thank you. A couple of
2752 things I wanted to add to this, because we are now finally
2753 getting some heart into this discussion, and I am not going
2754 to be prepared to support the gentleman's amendment, but I
2755 am going to be promoting the idea that this committee gain a
2756 much broader understanding of the scope of this. And I
2757 think one of the things that we should do is be informing
2758 ourselves as to what a typical path is for a young person
2759 that may decide to come to the United States.

2760 And I made an effort to learn and understand this to a
2761 degree, and I am sure there are others that know it better.
2762 But I know the chairman led a CODEL down to Guatemala. We

2763 looked at their justice system down there. I have tracked
2764 this data for years and the data of the violent death rates
2765 within the countries in the world because I think it
2766 matters.

2767 One thing I want to put into the record here today; I
2768 wrote it down in my little memo sheet, if I can find it.
2769 Yes, here it is. This is on a library in Akumal, Mexico.
2770 It is the Hekab Be Library, Akumal, Mexico. And it is
2771 posted up there on the gable end. And I have a picture of
2772 it. It says, "A Nation's culture resides in the heart and
2773 soul of its people." And I saved that, and I have that in
2774 my iPhone because that is really what matters. And I hear
2775 the discussion about race, ethnicity, national origin. It
2776 is not any part of it. It is culture that is the part that
2777 matters. And cultures do grow within certain communities,
2778 and levels of violence vary with a reflection of the culture
2779 that is there. And we see that across America.

2780 I would like to see America a lot more peaceful with
2781 less division that we have. But I hear a lot of focus on
2782 the division, rather than the things that are universal to
2783 us. And so when I look at these young people, that 81
2784 percent males on the Train of Death from El Salvador to
2785 McAllen, Texas, is 1,500 miles, the same distance as it is
2786 from McAllen to St. Paul, Minnesota. And on that train,
2787 they expect that they will be raped, and their parents

2788 expect they will be raped, and they go to the local
2789 pharmacist and buy birth control pills and give them to
2790 their daughters and put them on the train. So I do not want
2791 to encourage them to --

2792 Chairman Goodlatte. Reclaiming my time. I appreciate
2793 the gentleman's comments. I do not believe that the
2794 language offered by the gentleman from Maryland is
2795 quantifiable. I cannot support that. The gentleman from
2796 Rhode Island has resubmitted new language, which, in
2797 examining, I think moves us closer to where we need to be.
2798 I still think it needs additional work. We will come back
2799 to that in a moment because now we have to dispose of the
2800 amendment offer by the gentleman from Maryland, but my time
2801 has expired.

2802 Mr. Cicilline. Mr. Chairman, can I seek a vote on my
2803 language?

2804 Chairman Goodlatte. Yes. The question occurs --

2805 Mr. Cicilline. Mr. Chairman?

2806 Chairman Goodlatte. For what purpose does the
2807 gentleman from Illinois seek recognition?

2808 Mr. Cicilline. After the vote? I will yield back now.
2809 Sorry.

2810 Chairman Goodlatte. He yields back. The question
2811 occurs on the amendment offered by the gentleman from
2812 Maryland.

2813 All those in favor, respond by saying aye.

2814 Those opposed, no.

2815 In the opinion of the chair, the noes have it. The
2816 amendment is not agreed to.

2817 Mr. Cicilline. I would like the recorded vote if I
2818 could, please.

2819 Chairman Goodlatte. A recorded vote requested, and the
2820 clerk will call the roll.

2821 Ms. Adcock. Mr. Goodlatte?

2822 Chairman Goodlatte. No.

2823 Ms. Adcock. Mr. Goodlatte votes no.

2824 Mr. Sensenbrenner?

2825 [No response.]

2826 Mr. Smith?

2827 [No response.]

2828 Mr. Chabot?

2829 [No response.]

2830 Mr. Issa?

2831 [No response.]

2832 Mr. King?

2833 Mr. King. No.

2834 Ms. Adcock. Mr. King votes no.

2835 Mr. Franks?

2836 Mr. Franks. No.

2837 Ms. Adcock. Mr. Franks votes no.

2838 Mr. Gohmert?

2839 Mr. Gohmert. No.

2840 Ms. Adcock. Mr. Gohmert votes no.

2841 Mr. Jordan?

2842 Mr. Jordan. No.

2843 Ms. Adcock. Mr. Jordan votes no.

2844 Mr. Poe?

2845 [No response.]

2846 Mr. Chaffetz?

2847 [No response.]

2848 Mr. Marino?

2849 Mr. Marino. No.

2850 Ms. Adcock. Mr. Marino votes no.

2851 Mr. Gowdy?

2852 [No response.]

2853 Mr. Labrador?

2854 Mr. Labrador. No.

2855 Ms. Adcock. Mr. Labrador votes no.

2856 Mr. Farenthold?

2857 Mr. Farenthold. No.

2858 Ms. Adcock. Mr. Farenthold votes no.

2859 Mr. Collins?

2860 [No response.]

2861 Mr. DeSantis?

2862 [No response.]

2863 Mr. Buck?
2864 [No response.]
2865 Mr. Ratcliffe?
2866 [No response.]
2867 Mrs. Roby?
2868 [No response.]
2869 Mr. Gaetz?
2870 Mr. Gaetz. No.
2871 Ms. Adcock. Mr. Gaetz votes no.
2872 Mr. Johnson of Louisiana?
2873 [No response.]
2874 Mr. Biggs?
2875 Mr. Biggs. No.
2876 Ms. Adcock. Mr. Biggs votes no.
2877 Mr. Rutherford?
2878 Mr. Rutherford. No.
2879 Ms. Adcock. Mr. Rutherford votes no.
2880 Mr. Conyers?
2881 Mr. Conyers. Aye.
2882 Ms. Adcock. Mr. Conyers votes aye.
2883 Mr. Nadler?
2884 Mr. Nadler. Aye.
2885 Ms. Adcock. Mr. Nadler votes aye.
2886 Ms. Lofgren?
2887 [No response.]

2888 Ms. Jackson Lee?
2889 [No response.]
2890 Mr. Cohen?
2891 [No response.]
2892 Mr. Johnson of Georgia?
2893 [No response.]
2894 Mr. Deutch?
2895 [No response.]
2896 Mr. Gutierrez?
2897 [No response.]
2898 Ms. Bass?
2899 [No response.]
2900 Mr. Richmond?
2901 [No response.]
2902 Mr. Jeffries?
2903 [No response.]
2904 Mr. Cicilline?
2905 Mr. Cicilline. Aye.
2906 Ms. Adcock. Mr. Cicilline votes aye.
2907 Mr. Swalwell?
2908 Mr. Swalwell. Aye.
2909 Ms. Adcock. Mr. Swalwell votes aye.
2910 Mr. Lieu?
2911 Mr. Lieu. Aye.
2912 Ms. Adcock. Mr. Lieu votes aye.

2913 Mr. Raskin?

2914 Mr. Raskin. Aye.

2915 Ms. Adcock. Mr. Raskin votes aye.

2916 Ms. Jayapal?

2917 Mr. Jayapal. Aye.

2918 Ms. Adcock. Ms. Jayapal votes aye.

2919 Mr. Schneider?

2920 Mr. Schneider. Aye.

2921 Ms. Adcock. Mr. Schneider votes aye.

2922 Chairman Goodlatte. The gentleman from Wisconsin?

2923 Mr. Sensenbrenner. No.

2924 Ms. Adcock. Mr. Sensenbrenner votes no.

2925 Chairman Goodlatte. The gentleman from Texas?

2926 Mr. Poe. No.

2927 Ms. Adcock. Mr. Poe votes no.

2928 Chairman Goodlatte. Has every member voted who wishes

2929 to vote? The gentleman from Texas?

2930 Mr. Ratcliffe. No.

2931 Ms. Adcock. Mr. Ratcliffe votes no.

2932 Chairman Goodlatte. The gentlewoman from Alabama?

2933 Mrs. Roby. No.

2934 Ms. Adcock. Mrs. Roby votes no.

2935 Chairman Goodlatte. The clerk will report. Sorry, the

2936 gentleman from Florida?

2937 Mr. Deutch. Aye.

2938 Ms. Adcock. Mr. Deutch votes aye.

2939 Chairman Goodlatte. The clerk will report.

2940 Ms. Adcock. Mr. Chairman, 9 members voted aye; 15

2941 members voted no.

2942 Chairman Goodlatte. And the amendment is not agreed

2943 to.

2944 Mr. Cicilline. Mr. Chairman, I have an amendment at

2945 the desk.

2946 Chairman Goodlatte. An amendment to the amendment

2947 offered by the gentleman from Rhode Island. The clerk will

2948 report the amendment.

2949 Ms. Adcock. Amendment to the amendment offered by Mr.

2950 Cicilline. On June 5th, add after "8 U.S.C. 1232" the

2951 following.

2952 [The amendment of Mr. Cicilline follows:]

2953

2954 ***** COMMITTEE INSERT *****

2955 Chairman Goodlatte. I think that means on line 5, but
2956 in any event, the amendment will be considered as read, and
2957 the gentleman is recognized for 5 minutes on his amendment.

2958 Mr. Cicilline. Thank you, Mr. Chairman. Mr. Chairman,
2959 I want to thank you for your thoughtful and wise counsel in
2960 asking that I be more detailed, and I think this amendment
2961 achieves what the chairman and the author of the amendment
2962 have suggested, and just for my colleagues, it would add the
2963 following language: "and a report detailing the educational
2964 status and community engagement of each alien child for the
2965 year following their release from custody, including: 1)
2966 school enrollment and status; 2) academic performance, as
2967 reflected in school report cards; 3) any honors or awards
2968 presented to said child by school or community for
2969 participation or membership in community-based or youth-
2970 service organizations."

2971 This is obviously not a fully-inclusive list, but it
2972 will give us, I think, some sense of the successful
2973 integration of the children that are the subject of this
2974 report. All of these are quantifiable. It can be provided
2975 by a school in a simple report form. I think it is the kind
2976 of detail that is both achievable and useful, and I would
2977 ask Mr. King to accept my amendment so I can look forward to
2978 voting for his amendment.

2979 Chairman Goodlatte. If the gentleman would yield, we

2980 do not have all of it; the copy that we have leaves off a
2981 line or something. In addition --

2982 Mr. Cicilline. No, it is on the back.

2983 Chairman Goodlatte. -- some of these things --

2984 Mr. Cicilline. It is on the back, Mr. Chairman.

2985 Chairman Goodlatte. Oh, okay. You are right; you are
2986 right. I am not sure why that is, but it is there. So, if
2987 the gentleman would yield, I will say that I think that this
2988 is better, and I am prepared to support it; however, I would
2989 say that there are some of these things that may not be
2990 available, and I would like to work with the gentleman. I
2991 will support it now, but I would like to work with the
2992 gentleman on the floor because it may need to be fine-tuned,
2993 and we may need to make it clear that, if it is not
2994 available, then schools do not have to go extra distance to
2995 create something that does not exist now.

2996 Mr. Cicilline. Thank you.

2997 Mr. Sensenbrenner. Will the gentleman yield?

2998 Mr. Cicilline. Certainly.

2999 Mr. Sensenbrenner. How much of this stuff is Privacy
3000 Act protected?

3001 Mr. Cicilline. I do not know that any of it is privacy
3002 protected --

3003 Mr. Sensenbrenner. Report cards are not Privacy Act
3004 protected?

3005 Mr. Cicilline. I do not believe so. And certainly
3006 membership in school organizations or awards, honors.

3007 Chairman Goodlatte. The gentleman from Wisconsin makes
3008 a good point, and if the gentleman, again, is willing, we
3009 would want to make sure that that is covered, and we are
3010 talking about broad statistics, not individual reports about
3011 individuals.

3012 Mr. Cicilline. I think that is fine.

3013 Chairman Goodlatte. If the gentleman agrees that --

3014 Mr. Sensenbrenner. Well, if the gentleman will further
3015 yield, you know, we are not talking about statistics. It
3016 says, "The educational status of each alien child for the
3017 year following their release," you know, including one, two,
3018 three, four, and five. And, you know, I do not think any of
3019 us can walk into a high school office and say, "We want to
3020 have the report card for, you know, Mary Jones," and you
3021 know, get a copy of the report card and --

3022 Mr. Cicilline. Reclaiming my time, Mr. Chairman.

3023 Mr. Sensenbrenner. -- I sure do not want to go back
3024 to, you know, your high school and ask for your fourth grade
3025 report card.

3026 Mr. Cicilline. Right. Reclaiming my time, I am not
3027 under the supervision --

3028 Mr. Sensenbrenner. I do not want to do it for mine.

3029 Mr. Cicilline. Reclaiming my time, Mr. Chairman, I am

3030 happy to work on tweaking the language. I thank you for
3031 your support. It is to be reminded, these children are
3032 under the supervision of the Department of Homeland
3033 Security. This is, again, asking for a report. These are
3034 not protected. There are all kinds of requirements under
3035 supervision, so that is a red herring. It is auspicious
3036 argument. This information is valuable and important. It
3037 can be collected, and it is asking that it be consolidated
3038 in a report, not the achievement of an individual student,
3039 the same way that the criminal cases --

3040 Chairman Goodlatte. I will work with the gentleman and
3041 the gentleman from Wisconsin to make sure that the language
3042 is --

3043 Mr. Sensenbrenner. Mr. Chairman?

3044 Mr. Cicilline. Thank you, Mr. Chairman.

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

3047 Mr. Sensenbrenner. Mr. Chairman, I move to strike the
3048 last word.

3049 Chairman Goodlatte. The gentleman is recognized for 5
3050 minutes.

3051 Mr. Sensenbrenner. Now, I sympathize with what the
3052 gentleman from Rhode Island is aiming at; however, you know,
3053 one of the things that I think this committee should be
3054 proud of is drafting things correctly so that, between the

3055 committee and the floor, we do not have to have a major
3056 fixup, and this thing cries out for, you know, a major
3057 fixup.

3058 The other point I would like to make is, you know, we
3059 have, you know, really led the charge in the Congress and in
3060 the country to try to protect the privacy of people's phone
3061 records, which is why the Freedom Act passed and passed with
3062 very strong support by most, if not all, of the members of
3063 this committee when the House considered it in the last
3064 Congress. And to say that, you know, the phone records of
3065 every American should not be snooped by the NSA, I do not
3066 think, is much different than, you know, allowing a dragnet
3067 to go and get a kids' report cards on it.

3068 So, I would suggest that the amendment be withdrawn
3069 and, rather than passing something that obviously is
3070 deficient, even by the gentleman from Rhode Island's
3071 admission, that he withdraw the amendment and then work with
3072 us with something from scratch.

3073 Mr. Cicilline. Will the gentleman yield?

3074 Mr. Sensenbrenner. I yield.

3075 Mr. Cicilline. As I am sure the gentleman knows, the
3076 Privacy Act only applies to citizens and permanent lawful
3077 residents, so this category of individuals is not covered by
3078 the Privacy Act. I am happy to work with the chairman, but
3079 I would ask that we move forward --

3080 Mr. Sensenbrenner. So, I am reclaiming my time. You
3081 know, there are a lot of court decisions that say that even
3082 the police cannot ask for the immigration status, you know,
3083 of somebody who is pulled over on a traffic stop, and you
3084 know, does that mean that, if I go in and ask for Johnny
3085 Jones' fourth grade report card, I have got to say that I
3086 know that Johnny Jones is a citizen or a permanent lawful
3087 resident?

3088 This is one of the problems with having scribbled
3089 amendments from the floor, whether it is over across the
3090 street or in committee. I, again, would ask the gentleman
3091 to withdraw the, you know, the amendment, which I do not
3092 think is as accurately drafted because he talks about the
3093 educational status of each alien child. And I do not know
3094 whether high school or grade school records or, for that
3095 matter, higher education records indicate the immigration
3096 status of the students who are enrolled in the school and,
3097 you know, end up completing their courses and getting
3098 grades.

3099 You know, we have had a big argument in the States
3100 about, you know, whether alien children who are not in
3101 status should get in-State tuition, and that means you
3102 cannot ask whether the alien child is in status or is not on
3103 that. So, you know, you are asking the, whoever is supposed
3104 to give these records to the Department of Homeland

3105 Security, basically to violate the law, and they might be
3106 violating the State law. I am not going to vote for the
3107 amendment. I am sympathetic to what you are doing, but when
3108 we do things here, we ought to do it right.

3109 Chairman Goodlatte. Will the gentleman yield?

3110 Mr. Sensenbrenner. I yield to the Chairman.

3111 Chairman Goodlatte. Given what the gentleman from
3112 Wisconsin, will the gentleman from Rhode Island agree to
3113 withdraw the amendment and work with me to fashion an
3114 amendment that addresses some of the concerns just raised?
3115 I am sympathetic to the gentleman's amendment, but I am also
3116 sympathetic to the gentleman from Wisconsin's concern that
3117 drafting on the run can create problems sometimes.

3118 Mr. Cicilline. Mr. Chairman, might I offer the
3119 insertion of one word that I think will get to this issue?
3120 I do not at all --

3121 Chairman Goodlatte. I would be amazed if one word will
3122 get the gentleman from Wisconsin --

3123 Mr. Cicilline. Well, I think it will, your honor. If
3124 you add "and a report detailing the aggregate educational
3125 status and community engagement of each alien child," you
3126 can collect the same information. No one has a stronger
3127 privacy record in this Congress than I do; I take those
3128 issues very seriously, but the notion that a child under the
3129 supervision of the Department of Homeland Security cannot be

3130 required to share their educational status and their
3131 community involvement is simply not the case.

3132 Mr. Sensenbrenner. Yeah, but --

3133 Mr. Cicilline. There are all kinds of conditions the
3134 supervisor under the Department of Homeland Security --

3135 Mr. Sensenbrenner. Reclaiming my time.

3136 Mr. Cicilline. It is not your time.

3137 Chairman Goodlatte. No, it is his time.

3138 Mr. Sensenbrenner. It is.

3139 Mr. Cicilline. Oh, I am sorry.

3140 Mr. Sensenbrenner. Boy, the gap is getting wider and
3141 wider and wider here. You know, let me say that, you know,
3142 the flaw in the gentleman from Rhode Island's argument is
3143 that most of these agencies that would be compiling these
3144 records, either in the aggregate or for individuals, do not
3145 have the immigration status of the people whose records are
3146 being compiled. You know, I doubt you can go to any
3147 university, and I do not know whether Rhode Island gives in-
3148 State tuition to out-of-status alien students at the
3149 University of Rhode Island, and say, "I want to get the
3150 transcript of what grades this person has," nowhere will it
3151 say that there has been an inquiry as to what the
3152 immigration status of the student is.

3153 So, you are putting a burden on the Department of
3154 Homeland Security to get information that is not being kept

3155 by the people who are supposed to divulge the information.

3156 Now, if you want to be stubborn, I am going to urge that the
3157 amendment be rejected. I want to work with you --

3158 Mr. Cicilline. Will the gentleman yield?

3159 Mr. Sensenbrenner. Of course, I am glad to.

3160 Mr. Cicilline. I think, again, if you look at the
3161 amendment that we are attempting to modify with this
3162 amendment, this involves individuals released from the
3163 custody of the Department of Homeland Security pursuant to 8
3164 U.S.C. 1232. The immigration status is determined by the
3165 release from the Department of Homeland Security. The
3166 individuals are identified --

3167 Mr. Sensenbrenner. Will the gentleman yield? My time
3168 is already over. Federal law prohibits the school from
3169 disclosing this information --

3170 Mr. Cicilline. For citizens and permanent lawful
3171 residents.

3172 Mr. Sensenbrenner. Okay, but --

3173 Mr. Cicilline. These are not citizens; they are from -
3174 -

3175 Chairman Goodlatte. Will the gentlemen --

3176 Mr. Cicilline. -- the Department of Homeland Security
3177 --

3178 Mr. Sensenbrenner. How do you know?

3179 Chairman Goodlatte. Without objection, the gentleman

3180 from Wisconsin is recognized for an additional minute if he
3181 would yield to me.

3182 Mr. Sensenbrenner. I yield.

3183 Chairman Goodlatte. I thank the gentleman, and I would
3184 strongly urge the gentleman from Rhode Island to withdraw
3185 the amendment. He has a strong commitment from me to work
3186 with him on getting to where we can gather some useful
3187 information about what children who are released that are in
3188 the custody of the Federal Government has, but I think it
3189 needs a lot of work, and I just think that he would be
3190 better off --

3191 Mr. Cicilline. Mr. Chairman, I regret that it is
3192 taking my dear friends on the other side of the aisle longer
3193 to understand this than it took me, but I am happy to work
3194 with you, and I will withdraw the amendment, so that we can
3195 do that.

3196 Chairman Goodlatte. I thank the gentleman.

3197 Mr. Sensenbrenner. We are slow learners.

3198 Mr. Cicilline. I see that. Yield back.

3199 Chairman Goodlatte. The question occurs on the
3200 amendment offered by the gentleman from Iowa.

3201 All those in favor, respond by saying aye.

3202 Those opposed, no.

3203 The ayes have it, and the amendment is agreed to.

3204 Are there further amendments to H.R. 495?

3205 Mr. Nadler. Mr. Chairman, may we have a recorded vote?

3206 Chairman Goodlatte. For what purpose does the

3207 gentleman from New York?

3208 Mr. Nadler. I have an amendment at the desk, Mr.

3209 Chairman.

3210 Chairman Goodlatte. The clerk will report the

3211 amendment.

3212 Ms. Adcock. Amendment to H.R. 495 offered by Mr.

3213 Nadler. To strike section 4 of the bill --

3214 [The amendment of Mr. Nadler follows:]

3215 ***** COMMITTEE INSERT *****

3216 Chairman Goodlatte. Without objection, the amendment
3217 is considered as read. The gentleman is recognized for 5
3218 minutes on his amendment.

3219 Mr. Nadler. Mr. Chairman, this amendment would strike
3220 section 4 of the bill, a particularly obnoxious provision
3221 that fails to recognize the inherent difference between
3222 children and adults.

3223 Under current law, when an unaccompanied minor is
3224 apprehended, his or her asylum claim is initially presented
3225 to a CIS officer in a nonadversarial proceeding rather than
3226 to a judge in immigration court. If the application is
3227 denied, he or she still has the opportunity to present the
3228 claim to an immigration judge at a later proceeding. But
3229 the initial determination is made by a specially-trained
3230 asylum officer in plain clothes in an office setting, which
3231 is more appropriate for unaccompanied and often
3232 unrepresented children.

3233 This important protection was contained in the
3234 Trafficking Victims Protection Reauthorization Act, which
3235 was signed into law by President Bush in 2008. The so-
3236 called Protection of Children Act, however, which is this
3237 bill, which would, in fact, do nothing of the kind would
3238 strike this provision and would require children to present
3239 their initial claims in an adversarial proceeding in
3240 immigration court, as if they were adults.

3241 But they are not adults. Congress recognized that
3242 children are developmentally different from adults, and they
3243 must be treated differently. Children have different levels
3244 of cognition, of language skills, of emotional development,
3245 and maturity of judgment. That is why CIS guidelines
3246 require an asylum officer to conduct "child-appropriate
3247 interviews, taking into account age, stage of language
3248 development, background, and level of sophistication."

3249 This bill, however, would subject children to rigorous
3250 cross-examination by an ICE trial attorney in open court
3251 about their past traumas, which may include sexual abuse,
3252 child abuse, and other violent experiences. And since there
3253 is no guarantee of legal representation, these children,
3254 many of them small children, would be forced to defend
3255 themselves in an intimidating, adversarial setting. How
3256 does that amount to protection of children?

3257 Many of these children have escaped unspeakable
3258 violence and horror in their home countries, and they have
3259 risked their lives to find safety in the United States.
3260 They are scared, alone, and likely do not speak English. It
3261 is absurd to expect them to represent themselves in an
3262 intimidating formal legal procedure. It is not a loophole
3263 when we treat children like children. It is the protection
3264 that a civilized society grants to the most vulnerable
3265 people among us.

3266 My amendment asks for no greater protection than is
3267 already provided under current law, as I said, signed by
3268 President Bush in 2008. We should leave the present system
3269 in place and continue to treat children as children in a
3270 reasonable and humane fashion. I urge support for the
3271 amendment, and I yield back the balance of my time.

3272 Chairman Goodlatte. Jerry, thanks. The gentleman and
3273 recognizes himself in opposition of the amendment. I must
3274 oppose this amendment, which would strike a provision that
3275 seeks to fix a significant loophole in asylum law.

3276 The Trafficking Victims Protection Act of 2008 included
3277 provisions for minors applying for asylum. Amongst numerous
3278 changes made by the bill making it easier for minors to seek
3279 asylum, the TVPRA amended the procedure processing asylum
3280 applications of unaccompanied alien minors. An asylum
3281 officer at USCIS has initial jurisdiction over any asylum
3282 application filed by an unaccompanied alien minor, including
3283 applications filed by minors in removal proceedings. This
3284 allows a minor, who would normally have been placed directly
3285 in removal proceedings, to get two bites at the apple for
3286 the purposes of their asylum claim.

3287 They can have their asylum case heard first before an
3288 asylum officer, and if their claim is not granted, they can
3289 have it heard again before an immigration judge in removal
3290 proceedings. Currently, USCIS is granting 60 percent of

3291 unaccompanied minor applications at the first bite. If an
3292 asylum officer does not approve the application, it is
3293 referred to an immigration judge. Combining these two bites
3294 at the apple with adjudication standards at USCIS, where
3295 fraud detection was not a priority under the prior
3296 administration, the vast majority of minors who
3297 affirmatively seek asylum are now successful in their
3298 claims, and according to HHS, the vast majority of these
3299 minors are 15 to 17 years of age and are essentially
3300 considered adults in their home country.

3301 Unaccompanied minors should get the same one bite of
3302 the apple, as do all other individuals who are crossing our
3303 borders in search of asylum. By the way, the asylum
3304 proceeding is not open to the public, and therefore, the
3305 information is confidential. The bill makes an important
3306 reform, and this amendment strikes it, so I urge my
3307 colleagues to oppose it.

3308 Ms. Lofgren. Excuse me.

3309 Chairman Goodlatte. For what purpose does the
3310 gentlewoman from California seek recognition?

3311 Ms. Lofgren. I would like to support the Nadler
3312 amendment.

3313 Chairman Goodlatte. The gentlewoman is recognized for
3314 5 minutes.

3315 Ms. Lofgren. Section 4 of the bill eliminates the

3316 initial jurisdiction over asylum claims for children from
3317 the asylum office, and I think that is a huge mistake. If
3318 the bill is implemented as written, children who have been
3319 persecuted or trafficked for sex would have to make that
3320 claim first in an adversarial immigration proceeding or
3321 hearing, instead of a more child-appropriate interview
3322 before an asylum officer.

3323 Now, everybody who has been involved in the criminal
3324 justice system knows that it is not best practices to
3325 interview child sex victims in that setting. Every police
3326 department in the entire United States has specially-trained
3327 people who are not in uniform who are trained to elicit
3328 information from children, who are not mini-adults; I mean,
3329 they have different developmental issues, to get the truth
3330 about what is happening. I think our current system falls a
3331 little bit short of that, but to eliminate it completely and
3332 to have the first time a child, who has a claim because they
3333 have been persecuted or trafficked, to make that claim in
3334 immigration court is not the right thing.

3335 It is not the right thing, and when you think, further,
3336 that these children, I mean, chairman mentioned 17- or 18-
3337 year-old children who are not fully developed. But think
3338 also, there is a large number of these kids, they are 8;
3339 they are 9; they are 10 years old. That they are supposed
3340 to go into immigration court without a lawyer and explain in

3341 front of a whole courtroom of people that they have been
3342 sexually molested and then trafficked? That is not going to
3343 happen. That is just not going to happen, and it is not
3344 right to put that in the law.

3345 Now, as I said earlier, I think that we could, if we
3346 sat down together in a collaborative way, that we could work
3347 to address the issues of concern to the chairman and others
3348 in a way that did not do damage to child trafficking victims
3349 and children who have been victimized in other ways. This
3350 bill is not going to fix the problems. This is not a
3351 loophole that this is closing, and so I think Mr. Nadler's
3352 amendment is an important step forward in bringing justice,
3353 and I intend to support it.

3354 And I hope that the majority will think long and hard
3355 about whether this would not make sense, or if you want some
3356 variation on it, whether we should not adjourn and sit down
3357 together and reason together on how we can address issues
3358 that you think are of concern in a way that does not do
3359 violence to children who have been persecuted or trafficked
3360 by adults who have violated their human dignity.

3361 Mr. Raskin. Would the gentlewoman yield for questions?

3362 Ms. Lofgren. I would be happy to yield.

3363 Mr. Raskin. Thank you very much, and forgive a rather
3364 simplistic question, but we had no hearing on this bill, and
3365 so we have not had the ability to ask any experts or people

3366 who are actually involved in the process about what goes on.
3367 So, I am afraid I have got to turn to you, Ms. Lofgren,
3368 because you seem to be a real expert on it.

3369 But if we do not adopt Mr. Nadler's amendment, would
3370 this mean that we are reducing the opportunity for all
3371 children to have a fuller investigation of their claims and
3372 their situation, or is it just children in that age 15 to 17
3373 age range?

3374 Ms. Lofgren. I think it eliminates initial
3375 jurisdiction over asylum claims for unaccompanied children,
3376 and the initial jurisdiction now is USCIS asylum officers in
3377 the case of noncontingent children. This eliminates that,
3378 and so I guess the answer is yes.

3379 Mr. Raskin. So, if I am getting right, if we do not
3380 adopt his amendment, then unaccompanied minors of any age
3381 would have a reduced opportunity to talk about their
3382 situation and why they are seeking asylum in the United
3383 States.

3384 Ms. Lofgren. Yes, it would have to be in the format of
3385 an immigration proceeding.

3386 Mr. Raskin. Thank you.

3387 Ms. Lofgren. And I yield back, Mr. Chairman.

3388 Chairman Goodlatte. The question occurs on the
3389 amendment offered by the gentleman from New York.

3390 All those in favor, respond by saying aye.

3391 Those opposed, no.

3392 In the opinion of the chair, the noes have it. The
3393 amendment is not agreed to.

3394 A recorded vote is requested, and the clerk will call
3395 the roll.

3396 Ms. Adcock. Mr. Goodlatte?

3397 Chairman Goodlatte. No.

3398 Ms. Adcock. Mr. Goodlatte votes no.

3399 Mr. Sensenbrenner?

3400 [No response.]

3401 Mr. Smith?

3402 [No response.]

3403 Mr. Chabot?

3404 Mr. Chabot. No.

3405 Ms. Adcock. Mr. Chabot votes no.

3406 Mr. Issa?

3407 [No response.]

3408 Mr. King?

3409 [No response.]

3410 Mr. Franks?

3411 Mr. Franks. No.

3412 Ms. Adcock. Mr. Franks votes no.

3413 Mr. Gohmert?

3414 Mr. Gohmert. No.

3415 Ms. Adcock. Mr. Gohmert votes no.

3416 Mr. Jordan?

3417 Mr. Jordan. No.

3418 Ms. Adcock. Mr. Jordan votes no.

3419 Mr. Poe?

3420 [No response.]

3421 Mr. Chaffetz?

3422 [No response.]

3423 Mr. Marino?

3424 Mr. Marino. No.

3425 Ms. Adcock. Mr. Marino votes no.

3426 Mr. Gowdy?

3427 [No response.]

3428 Mr. Labrador?

3429 [No response.]

3430 Mr. Farenthold?

3431 Mr. Farenthold. No.

3432 Ms. Adcock. Mr. Farenthold votes no.

3433 Mr. Collins?

3434 [No response.]

3435 Mr. DeSantis?

3436 [No response.]

3437 Mr. Buck?

3438 [No response.]

3439 Mr. Ratcliffe?

3440 Mr. Ratcliffe. No.

3441 Ms. Adcock. Mr. Ratcliffe votes no.
3442 Mrs. Roby?
3443 Mrs. Roby. No.
3444 Ms. Adcock. Mrs. Roby votes no.
3445 Mr. Gaetz?
3446 Mr. Gaetz. No.
3447 Ms. Adcock. Mr. Gaetz votes no.
3448 Mr. Johnson of Louisiana?
3449 Mr. Johnson of Louisiana. No.
3450 Ms. Adcock. Mr. Johnson votes no.
3451 Mr. Biggs?
3452 Mr. Biggs. No.
3453 Ms. Adcock. Mr. Biggs votes no.
3454 Mr. Rutherford?
3455 Mr. Rutherford. No.
3456 Ms. Adcock. Mr. Rutherford votes no.
3457 Mr. Conyers?
3458 Mr. Conyers. Aye.
3459 Ms. Adcock. Mr. Conyers votes aye.
3460 Mr. Nadler?
3461 Mr. Nadler. Aye.
3462 Ms. Adcock. Mr. Nadler votes aye.
3463 Ms. Lofgren?
3464 Ms. Lofgren. Aye.
3465 Ms. Adcock. Ms. Lofgren votes aye.

3466 Ms. Jackson Lee?
3467 [No response.]
3468 Mr. Cohen?
3469 [No response.]
3470 Mr. Johnson of Georgia?
3471 [No response.]
3472 Mr. Deutch?
3473 [No response.]
3474 Mr. Gutierrez?
3475 [No response.]
3476 Ms. Bass?
3477 [No response.]
3478 Mr. Richmond?
3479 [No response.]
3480 Mr. Jeffries?
3481 [No response.]
3482 Mr. Cicilline?
3483 Mr. Cicilline. Aye.
3484 Ms. Adcock. Mr. Cicilline votes aye.
3485 Mr. Swalwell?
3486 Mr. Swalwell. Aye.
3487 Ms. Adcock. Mr. Swalwell votes aye.
3488 Mr. Lieu?
3489 Mr. Lieu. Aye.
3490 Ms. Adcock. Mr. Lieu votes aye.

3491 Mr. Raskin?

3492 Mr. Raskin. Aye.

3493 Ms. Adcock. Mr. Raskin votes aye.

3494 Ms. Jayapal?

3495 Ms. Jayapal. Aye.

3496 Ms. Adcock. Ms. Jayapal votes aye.

3497 Mr. Schneider?

3498 Mr. Schneider. Aye.

3499 Ms. Adcock. Mr. Schneider votes aye.

3500 Chairman Goodlatte. The gentleman from Wisconsin?

3501 Mr. Sensenbrenner. No.

3502 Ms. Adcock. Mr. Sensenbrenner votes no.

3503 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3504 Mr. Poe. No.

3505 Ms. Adcock. Mr. Poe votes no.

3506 Chairman Goodlatte. Has every member voted who wishes

3507 to vote?

3508 The clerk will report.

3509 Oh, the gentleman from Iowa?

3510 Mr. King. No.

3511 Ms. Adcock. Mr. King votes no.

3512 Chairman Goodlatte. The clerk will report.

3513 Ms. Adcock. Mr. Chairman, 9 members voted aye; 16

3514 members voted no.

3515 Chairman Goodlatte. And the amendment is not agreed

3516 to.

3517 Are there further amendments?

3518 For what purpose does the gentlewoman from California
3519 seek recognition?

3520 Ms. Lofgren. I have an amendment at the desk.

3521 Chairman Goodlatte. The clerk will report the
3522 amendment.

3523 Ms. Adcock. Amendment to H.R. 495 offered by Ms.
3524 Lofgren. Strike section 2 of the bill and insert the
3525 following.

3526 [The amendment of Ms. Lofgren follows:]

3527 ***** COMMITTEE INSERT *****

3528 Chairman Goodlatte. Without objection, the amendment
3529 is considered as read, and the gentlewoman is recognized for
3530 5 minutes on her amendment.

3531 Ms. Lofgren. Mr. Chairman, this amendment would strike
3532 section 2 and replace it with a provision that treats
3533 children from Mexico and Canada in the same manner as
3534 children from Central America are currently treated. This
3535 would ensure that Mexican children who are fleeing
3536 trafficking receive no fewer protections than other kids,
3537 simply by virtue of the place of their birth.

3538 Now, here is how it works today: under current law,
3539 unaccompanied children are placed into two different
3540 processes, depending on whether they are coming from a
3541 contiguous country, either Mexico or Canada, or a
3542 noncontiguous country, any other country. With a contiguous
3543 country processing, DHS permits them to withdraw the
3544 application; we had the discussion, and return to their home
3545 country, only if it is clear that the child has not been a
3546 victim of a severe form of trafficking, and there is no
3547 credible evidence that the child will be at risk of being
3548 trafficked and that the child is able to make an independent
3549 decision.

3550 Contrary to that, for the noncontiguous children, it
3551 requires the children be transferred from the Customs and
3552 Border Patrol custody within 72 hours to HHS or ORR custody.

3553 Now, once in custody, the attempts are made to place the
3554 child in the least restricted setting possible. The
3555 children are placed in deportation proceedings that
3556 determine whether they are eligible for asylum, for U visas
3557 as victims of crime, for T visas as victims of trafficking,
3558 for Special Immigrant Juvenile Status, voluntary departure,
3559 or other forms of relief.

3560 These cases are reviewed by not only the judges, but
3561 also by the USCIS asylum officers, if asylum is sought. And
3562 that is a far preferable procedure than the contiguous
3563 country processing. Earlier, I put into the record two
3564 reports: one from the United Nations that was done at the
3565 request of the American government, and the other a GAO
3566 report that we requested about how this is going for the
3567 contiguous countries, and here is what those reports said:
3568 "Almost all Mexican children are returned after not
3569 receiving effective screening."

3570 This is what the reports discovered: "Many CBP officers
3571 do not ask Mexican children any, and certainly not all, of
3572 the required questions; they just return the children
3573 immediately with a cursory screening." A lot of the
3574 supervisors are either unaware of the TVPRA requirements, or
3575 they have not ensured that inquiries regarding trafficking
3576 are actually made.

3577 Many CBP officers do not know what trafficking is, or

3578 persecution, two of the things they are required to screen
3579 for, because they have not been adequately trained in that
3580 subject. CBP officers have no specialized training in how
3581 to work with children and interview techniques appropriate
3582 for children. That is not their training; their training is
3583 to go catch people who are intruding to keep us safe at the
3584 border. It is not to elicit information from vulnerable
3585 children.

3586 Border patrol stations are inappropriate environments
3587 for interviewing children, and I think those of us who have
3588 been down the see the CBP stations, the holding cells, can
3589 explain why that does not work. You have got a chaotic
3590 environment, hundreds of people; everybody knows everybody
3591 else's business; you have got armed officers in uniform.
3592 You cannot get a child victim to say, in front of everybody
3593 else, to an officer, when they are afraid, the intimate
3594 details of what has happened to them, if they are a sex
3595 trafficking victim.

3596 Mexican children are currently being interviewed in
3597 close proximity to other children in nonprivate settings.
3598 There is no place in America, in a law enforcement setting,
3599 that that would be considered acceptable. There is no
3600 police department that, if you have a belief that a child
3601 has been sexually abused, that you would interview that
3602 child in front of other kids and adults by uniformed

3603 officers. That is not best practices.

3604 And so it is important that we strike this amendment.

3605 I will have another amendment later to have best practices,

3606 but certainly, we should not subject all children to the

3607 deficient procedures currently in place for children, who

3608 are from contiguous countries. I think it is important that

3609 this amendment be adopted, and I see my time has expired, so

3610 I yield back, Mr. Chairman.

3611 Chairman Goodlatte. The chair thanks the gentlewoman,

3612 but I must oppose this amendment. I recognize myself.

3613 Over the past 8 years, I and many others watched with

3614 dismay as the prior administration failed to enforce our

3615 immigration laws, effectively sending the word south that,

3616 if you come to the United States, the "new law" will allow

3617 you to be admitted into this country. The sad irony of this

3618 is that very messages has resulted in far more sex

3619 trafficking of minors, who leave their countries in Central

3620 America, travel 1,000 miles across Mexico, often with human

3621 smugglers, who, in many instances, are themselves sex

3622 traffickers.

3623 This change is necessary to eliminate the incentive to

3624 make that dangerous trek and ensure that they go home safely

3625 once they are encountered, in the hopes that they will not

3626 continue to arrive in this country in numbers approaching 10

3627 times the numbers they were just a few years ago. The

3628 William Wilberforce Trafficking Victims Protection
3629 Authorization Act of 2008, in addition to expanding
3630 protection for trafficking victims generally, made
3631 procedural and substantive changes to immigration law as it
3632 deals with apprehended, unaccompanied alien minors that
3633 have, unfortunately, contributed to the border surge.

3634 In 2014, an unprecedented number of unaccompanied alien
3635 minors were apprehended along our borders: nearly 70,000.
3636 Part of the reason for the surge, and the reason why we have
3637 been unable to stop it, is that the TVPRA of 2008 created
3638 two distinct sets of rules regarding unaccompanied minors
3639 apprehended from contiguous and noncontiguous countries.
3640 Under the TVPRA, minors from contiguous countries, such as
3641 Mexico, can immediately be returned if they consent, have
3642 not been trafficked, and do not have a credible fear of
3643 persecution.

3644 However, minors from other countries must be placed in
3645 often lengthy removal proceedings in immigration court, in
3646 which court dates are years in the future. During this
3647 time, they are usually released into the United States,
3648 often to the very parents who paid to smuggle them across
3649 1,000 miles of Mexico into the U.S. It is imperative that
3650 we end these conflicting rules and subject minors to
3651 expeditious and safe return if they have not been trafficked
3652 and do not have a credible fear of persecution.

3653 Otherwise, we will continue to see a dramatic surge of
3654 minors arriving at our borders, actually seeking our border
3655 patrol agents in the belief that they will be released into
3656 the United States. The immigration law has to stop
3657 encouraging minors to make these dangerous treks. This
3658 amendment would actually place all apprehended,
3659 unaccompanied minors into removal proceedings, doing the
3660 exact opposite of the reforms contained in this bill. It
3661 would expand the current dysfunctional system in which
3662 minors are released to their unlawful alien parents, often
3663 never to be heard from again.

3664 In order to end the surges that have plagued the past
3665 several years, we must cease putting most apprehended minors
3666 in lengthy removal proceedings and, instead, quickly return
3667 them to their home countries. I urge my colleagues to
3668 oppose the amendment.

3669 The question occurs on the amendment offered by the
3670 gentlewoman from California.

3671 All those in favor, respond by saying aye.

3672 Those opposed, no.

3673 In the opinion of the chair, the noes have it.

3674 Ms. Lofgren. I would like a recorded vote, Mr.
3675 Chairman.

3676 Chairman Goodlatte. A recorded vote is requested, and
3677 the clerk will call the roll.

3678 Ms. Adcock. Mr. Goodlatte?
3679 Chairman Goodlatte. No.
3680 Ms. Adcock. Mr. Goodlatte votes no.
3681 Mr. Sensenbrenner?
3682 Mr. Sensenbrenner. No.
3683 Ms. Adcock. Mr. Sensenbrenner votes no.
3684 Mr. Smith?
3685 [No response.]
3686 Mr. Chabot?
3687 Mr. Chabot. No.
3688 Ms. Adcock. Mr. Chabot votes no.
3689 Mr. Issa?
3690 [No response.]
3691 Mr. King?
3692 [No response.]
3693 Mr. Franks?
3694 Mr. Franks. No.
3695 Ms. Adcock. Mr. Franks votes no.
3696 Mr. Gohmert?
3697 [No response.]
3698 Mr. Jordan?
3699 [No response.]
3700 Mr. Poe?
3701 [No response.]
3702 Mr. Chaffetz?

3703 [No response.]

3704 Mr. Marino?

3705 Mr. Marino. No.

3706 Ms. Adcock. Mr. Marino votes no.

3707 Mr. Gowdy?

3708 [No response.]

3709 Mr. Labrador?

3710 [No response.]

3711 Mr. Farenthold?

3712 Mr. Farenthold. No.

3713 Ms. Adcock. Mr. Farenthold votes no.

3714 Mr. Collins?

3715 [No response.]

3716 Mr. DeSantis?

3717 [No response.]

3718 Mr. Buck?

3719 [No response.]

3720 Mr. Ratcliffe?

3721 Mr. Ratcliffe. No.

3722 Ms. Adcock. Mr. Ratcliffe votes no.

3723 Mrs. Roby?

3724 Mrs. Roby. No.

3725 Ms. Adcock. Mrs. Roby votes no.

3726 Mr. Gaetz?

3727 Mr. Gaetz. No.

3728 Ms. Adcock. Mr. Gaetz votes no.
3729 Mr. Johnson of Louisiana?
3730 Mr. Johnson of Louisiana. No.
3731 Ms. Adcock. Mr. Johnson votes no.
3732 Mr. Biggs?
3733 Mr. Biggs. No.
3734 Ms. Adcock. Mr. Biggs votes no.
3735 Mr. Rutherford?
3736 Mr. Rutherford. No.
3737 Ms. Adcock. Mr. Rutherford votes no.
3738 Mr. Conyers?
3739 Mr. Conyers. Aye.
3740 Ms. Adcock. Mr. Conyers votes aye.
3741 Mr. Nadler?
3742 [No response.]
3743 Ms. Lofgren?
3744 Ms. Lofgren. Aye.
3745 Ms. Adcock. Ms. Lofgren votes aye.
3746 Ms. Jackson Lee?
3747 [No response.]
3748 Mr. Cohen?
3749 [No response.]
3750 Mr. Johnson of Georgia?
3751 [No response.]
3752 Mr. Deutch?

3753 [No response.]

3754 Mr. Gutierrez?

3755 [No response.]

3756 Ms. Bass?

3757 [No response.]

3758 Mr. Richmond?

3759 [No response.]

3760 Mr. Jeffries?

3761 [No response.]

3762 Mr. Cicilline?

3763 Mr. Cicilline. Aye.

3764 Ms. Adcock. Mr. Cicilline votes aye.

3765 Mr. Swalwell?

3766 Mr. Swalwell. Aye.

3767 Ms. Adcock. Mr. Swalwell votes aye.

3768 Mr. Lieu?

3769 Mr. Lieu. Aye.

3770 Ms. Adcock. Mr. Lieu votes aye.

3771 Mr. Raskin?

3772 Mr. Raskin. Aye.

3773 Ms. Adcock. Mr. Raskin votes aye.

3774 Ms. Jayapal?

3775 Ms. Jayapal. Aye.

3776 Ms. Adcock. Ms. Jayapal votes aye.

3777 Mr. Schneider?

3778 Mr. Schneider. Aye.

3779 Ms. Adcock. Mr. Schneider votes aye.

3780 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

3781 Mr. Poe. No.

3782 Ms. Adcock. Mr. Poe vote no.

3783 Chairman Goodlatte. The gentleman from Iowa?

3784 Mr. King. No.

3785 Ms. Adcock. Mr. King votes no.

3786 Chairman Goodlatte. The gentleman from Ohio?

3787 Mr. Jordan. No.

3788 Ms. Adcock. Mr. Jordan votes no.

3789 Chairman Goodlatte. The gentleman from Idaho?

3790 Mr. Labrador. No.

3791 Ms. Adcock. Mr. Labrador votes no.

3792 Chairman Goodlatte. The gentleman from Texas, Mr.

3793 Gohmert?

3794 Mr. Gohmert. No.

3795 Ms. Adcock. Mr. Gohmert votes no.

3796 Chairman Goodlatte. Has every member voted who wishes

3797 to vote?

3798 The gentleman from California?

3799 Mr. Issa. No.

3800 Ms. Adcock. Mr. Issa votes no.

3801 Chairman Goodlatte. The clerk will report.

3802 Ms. Adcock. Mr. Chairman, 8 members voted aye; 18

3803 members voted no.

3804 Chairman Goodlatte. And the amendment is not agreed
3805 to. Are there further amendments to H.R. 495?

3806 For what purpose does the gentlewoman from California
3807 seek recognition?

3808 Ms. Lofgren. I have an amendment.

3809 Chairman Goodlatte. The clerk will report the
3810 amendment.

3811 Ms. Adcock. Amendment to H.R. 495 offered by Ms.
3812 Lofgren: page 3, line 22, strike "and" at the end. Page 3,
3813 after line 22, insert the following: "and redesignate
3814 provisions accordingly." By redesignating paragraphs 3
3815 through 5 as paragraphs 4 through 6, respectively, and
3816 inserting --

3817 [The amendment of Ms. Lofgren follows:]

3818 ***** COMMITTEE INSERT *****

3819 Mr. Sensenbrenner. [Presiding.] Without objection,
3820 the amendment is considered as read, and the gentlewoman
3821 from California is recognized for 5 minutes.

3822 Ms. Lofgren. Thank you, Mr. Chairman. This amendment
3823 would provide the following: an unaccompanied alien child
3824 shall be reviewed by a dedicated U.S. Citizenship and
3825 Immigration Services immigration officer with specialized
3826 training in interviewing child trafficking victims. Such
3827 officers shall be in plain clothes, shall not carry a
3828 weapon, and the interview shall occur in a private room with
3829 no other adults present.

3830 Now, why have I offered this? As I mentioned earlier,
3831 the report that we commissioned has made it clear; actually,
3832 this is a report commissioned by the CBP: that agents and
3833 officers find it difficult to elicit accurate information
3834 from children for a variety of reasons, including the
3835 absence of specific training on how to interview children
3836 and the fact that questioning takes place by uniformed
3837 agents and officers in a public setting and the intimidating
3838 environment of a detention facility.

3839 Interviews typically last no more than 10 minutes and
3840 often involve agents and officers reading questions
3841 contained on Form 93, a screening tool that is available
3842 only in English and was not intended to replace an
3843 appropriate, child-friendly interview. Now, there has been

3844 a transformation across the United States of how to deal
3845 with child victims, and virtually every law enforcement
3846 agency in American has adopted child-centered interviewing
3847 models and protocols to obtain reliable information during
3848 the investigation.

3849 That approach recognizes that the amount and quality of
3850 information obtained during an interview of a child often
3851 depend upon the setting in which the interview is conducted
3852 and the level of training and expertise possessed by the
3853 interviewer. Interviews should be conducted in a child-
3854 friendly setting that is safe and private, and although law
3855 enforcement personnel may observe interviews with children
3856 because we have video cameras in all of these rooms, the
3857 interviews themselves are typically conducted by trained
3858 forensic interviewers.

3859 Now, a child that has been sex trafficked has suffered
3860 a tremendous trauma, and they are likely to require special
3861 attention and additional time, certainly more than 10
3862 minutes of reading a form, to get the actual information out
3863 there. I think that we do not know what the answer would
3864 be, but hopefully, all of us have an interest in finding out
3865 the truth, and we are not going to get the truth about what
3866 has happened to children unless we adopt this amendment.

3867 This amendment is in keeping with the best practices of
3868 law enforcement all over the United States; it should be

3869 brought to bear in these proceedings as well.

3870 Mr. Sensenbrenner. Will the gentlewoman yield?

3871 Ms. Lofgren. I would be happy to yield.

3872 Mr. Sensenbrenner. I think the gentlewoman is on the
3873 right track, but I have a couple questions. I am concerned
3874 about the "no other adult present" requirement at lines 12
3875 and 13. What if the child has an attorney?

3876 Ms. Lofgren. I would ask unanimous consent to strike
3877 the last three words on line 12 and the word "present" on
3878 line 13.

3879 Mr. Sensenbrenner. Without objection, the modification
3880 is made, and I am prepared to accept the amendment.

3881 Ms. Lofgren. Thank you.

3882 Mr. Sensenbrenner. The question is on the amendment
3883 offered by the gentlewoman from California.

3884 Those in favor will say aye.

3885 Opposed, no.

3886 The ayes appear to have it; the ayes have it, and the
3887 amendment is agreed to.

3888 Are there further amendments? If there are no further

3889 --

3890 Mr. Cicilline. Mr. Chairman?

3891 Mr. Sensenbrenner. For what purpose does the gentleman
3892 from Rhode Island seek recognition?

3893 Mr. Cicilline. Mr. Chairman, I have an amendment at

3894 the desk.

3895 Mr. Sensenbrenner. The clerk will report the
3896 amendment. There is no amendment to report.

3897 Mr. Cicilline. I believe it is coming right now.

3898 Mr. Sensenbrenner. Are there copies for the other
3899 members of the committee to look at?

3900 Mr. Cicilline. I think they are being distributed.

3901 Mr. Sensenbrenner. The clerk will report the
3902 amendment.

3903 Ms. Adcock. Amendment to H.R. 495 offered by Mr.
3904 Cicilline: strike section 3 of the bill.

3905 [The amendment of Mr. Cicilline follows:]

3906 ***** COMMITTEE INSERT *****

3907 Mr. Sensenbrenner. The gentleman from Rhode Island is
3908 recognized for 5 minutes.

3909 Mr. Cicilline. Thank you, Mr. Chairman. Under current
3910 law, an immigrant child can qualify for Special Immigration
3911 Juvenile Status, or SIJS, if the child established to a
3912 State court judge, among other things, that the child could
3913 not be reunited with one or both parents because of
3914 abandonment, abuse, or neglect. Section 3 of H.R. 495 would
3915 change the eligibility requirement for SIJS to offer
3916 protection from deportation only to a child who can prove
3917 that reunification is impossible, with both parents, because
3918 of abandonment, abuse, or neglect.

3919 My amendment strikes that change to the SIJS
3920 eligibility and retains current law. I agree with the
3921 Chairman Goodlatte, who recently said that "children are
3922 among the most innocent and vulnerable among us and merit
3923 the highest protection of the law." And there are no
3924 children more vulnerable than those subjected to abuse and
3925 abandonment. This status is meant to protect this unique
3926 and narrow class of vulnerable children; for example,
3927 children who flee to a caring parent in the United States to
3928 escape an abusive parent in their home country.

3929 UNHCR conducted a survey where over 400 unaccompanied
3930 or separated children who had fled to the United States from
3931 the Northern Triangle of El Salvador, Honduras, and

3932 Guatemala. The survey found that more than 20 percent of
3933 such children cited abuse in the home as the impetus for
3934 fleeing.

3935 H.R. 495 would absurdly change the SIJS eligibility to
3936 require the removal of a child back into the hands of the
3937 parent or guardian who abused, neglected, or abandoned the
3938 child. This makes no sense. Prohibiting such children from
3939 being eligible for SIJS and returning them to the same
3940 abusive parents they fled plainly defies the logic of this
3941 immigration program, which is expressly designed to protect
3942 children.

3943 In addition, vetting by both the State juvenile court
3944 system and USCIS double verifies that the child deserves
3945 protection. The process can move forward only if a
3946 specialized juvenile or family court determines and issues
3947 orders certifying that the child has suffered abuse,
3948 abandonment, or neglect by a parent and that reunification
3949 with that parent is not viable. The USCIS performs its own
3950 extensive screening and analysis. The effects of this
3951 change could be devastating.

3952 Advocates advance that nearly half of the applicants
3953 for SIJS would be affected by this change in law. I see no
3954 benefit to this cruel change in policy, other than to make
3955 it easier to remove children who can demonstrate that they
3956 have been abused, neglected, or abandoned. Deporting

3957 traumatized and abused children should not be our priority,
3958 and I ask my colleagues to support my amendment.

3959 Ms. Lofgren. Will the gentleman yield?

3960 Mr. Cicilline. And I yield the balance of my time to
3961 the gentlelady from California.

3962 Ms. Lofgren. I would just like to support the
3963 gentleman's amendment, and I think he has explained it well.
3964 At first blush, it seems strange that, if you had one parent
3965 who is not abusive, but the other one was, that you would be
3966 eligible for this status. But in most cases, the abusive
3967 parent is where you fled from and the nonabusive parent is
3968 here. The important thing to remember is that the child who
3969 gets this status is prohibited from petitioning to benefit
3970 their parent.

3971 People have expressed concern over so-called chain
3972 immigration, but once you have got this status, if you later
3973 become a citizen, you cannot petition for your parent like
3974 other citizens can. And so I think this is an important
3975 safety valve for children who have been abandoned. It has
3976 been a part of the law for a very long time, and I think it
3977 would be a mistake to change it. And I commend the
3978 gentleman for his amendment, and I yield back to him the
3979 balance of his time.

3980 Mr. Cicilline. I thank the gentlelady, and I yield
3981 back.

3982 Mr. Sensenbrenner. I recognize myself for 5 minutes in
3983 opposition to the amendment. I must oppose this amendment
3984 that strikes the part of the bill that is required in order
3985 to prevent the abuse of the immigration system.

3986 Alien minors who have been abused, neglected, and
3987 abandoned by their parents should be and are eligible for
3988 Special Immigration Juvenile visas. However, an unintended
3989 consequence of the Trafficking Victims Protection
3990 Reauthorization Act of 2008 allows a minor to receive SIJ
3991 Status, which grants permanent residence, even if only one
3992 of his or her two parents have abused or abandoned them and
3993 even if the minor can be safely reunited with their other
3994 parent.

3995 The TVPRA expanded the SIJ definition to allow for a
3996 juvenile or other State court to consider if reunification
3997 is possible with one or both of the child's parents.
3998 Practitioners argue that the plain language of the statutory
3999 revision means that family reunification must only be not
4000 viable with one parent, even if reunification with the other
4001 parent is possible. This loophole has been exploited and
4002 has burdened State courts and the USCIS with adjudicating
4003 their portion of the SIJ matters of children who are safely
4004 living with a parent or guardian, instead of focusing on the
4005 truly deserving children who Congress intended to be
4006 recipients of the Special Immigration Juvenile visas.

4007 H.R. 495 corrects this unintended consequence, so that
4008 aliens are eligible for SIJ status only if they cannot be
4009 unified with either of their parents. I strongly urge my
4010 colleagues to oppose the amendment.

4011 The question is on the amendment offered by the
4012 gentlewoman from California.

4013 Those in favor will say aye.

4014 Opposed, no.

4015 The noes appear to have it.

4016 Mr. Cicilline. Mr. Chairman, I ask for a recorded
4017 vote.

4018 Mr. Sensenbrenner. Recorded vote is ordered.

4019 Those in favor of the amendment will vote aye.

4020 Those opposed will vote no.

4021 And the clerk will call the roll.

4022 Ms. Adcock. Mr. Goodlatte?

4023 Mr. Sensenbrenner?

4024 Mr. Sensenbrenner. No.

4025 Ms. Adcock. Mr. Sensenbrenner votes no.

4026 Mr. Smith?

4027 [No response.]

4028 Mr. Chabot?

4029 Mr. Chabot. No.

4030 Ms. Adcock. Mr. Chabot votes no.

4031 Mr. Issa?

4032 Mr. Issa. No.

4033 Ms. Adcock. Mr. Issa votes no.

4034 Mr. King?

4035 Mr. King. No.

4036 Ms. Adcock. Mr. King votes no.

4037 Mr. Franks?

4038 Mr. Franks. No.

4039 Ms. Adcock. Mr. Franks votes no.

4040 Mr. Gohmert?

4041 Mr. Gohmert. No.

4042 Ms. Adcock. Mr. Gohmert votes no.

4043 Mr. Jordan?

4044 [No response.]

4045 Mr. Poe?

4046 [No response.]

4047 Mr. Chaffetz?

4048 [No response.]

4049 Mr. Marino?

4050 [No response.]

4051 Mr. Gowdy?

4052 [No response.]

4053 Mr. Labrador?

4054 Mr. Labrador. No.

4055 Ms. Adcock. Mr. Labrador votes no.

4056 Mr. Farenthold?

4057 Mr. Farenthold. No.

4058 Ms. Adcock. Mr. Farenthold votes no.

4059 Mr. Collins?

4060 [No response.]

4061 Mr. DeSantis?

4062 [No response.]

4063 Mr. Buck?

4064 [No response.]

4065 Mr. Ratcliffe?

4066 Mr. Ratcliffe. No.

4067 Ms. Adcock. Mr. Ratcliffe votes no.

4068 Mrs. Roby?

4069 Mrs. Roby. Nay.

4070 Ms. Adcock. Mrs. Roby votes no.

4071 Mr. Gaetz?

4072 [No response.]

4073 Mr. Johnson of Louisiana?

4074 Mr. Johnson of Louisiana. No.

4075 Ms. Adcock. Mr. Johnson votes no.

4076 Mr. Biggs?

4077 Mr. Biggs. No.

4078 Ms. Adcock. Mr. Biggs votes no.

4079 Mr. Rutherford?

4080 Mr. Rutherford. No.

4081 Ms. Adcock. Mr. Rutherford votes no.

4082 Mr. Conyers?
4083 [No response.]
4084 Mr. Nadler?
4085 Mr. Nadler. Aye.
4086 Ms. Adcock. Mr. Nadler votes aye.
4087 Ms. Lofgren?
4088 Ms. Lofgren. Aye.
4089 Ms. Adcock. Ms. Lofgren votes aye.
4090 Ms. Jackson Lee?
4091 [No response.]
4092 Mr. Cohen?
4093 [No response.]
4094 Mr. Johnson of Georgia?
4095 [No response.]
4096 Mr. Deutch?
4097 [No response.]
4098 Mr. Gutierrez?
4099 [No response.]
4100 Ms. Bass?
4101 [No response.]
4102 Mr. Richmond?
4103 [No response.]
4104 Mr. Jeffries?
4105 [No response.]
4106 Mr. Cicilline?

4107 Mr. Cicilline. Aye.

4108 Ms. Adcock. Mr. Cicilline votes aye.

4109 Mr. Swalwell?

4110 Mr. Swalwell. Aye.

4111 Ms. Adcock. Mr. Swalwell votes aye.

4112 Mr. Lieu?

4113 Mr. Lieu. Aye.

4114 Ms. Adcock. Mr. Lieu votes aye.

4115 Mr. Raskin?

4116 Mr. Raskin. Aye.

4117 Ms. Adcock. Mr. Raskin votes aye.

4118 Ms. Jayapal? Ms. Jayapal votes aye.

4119 Mr. Schneider?

4120 Mr. Schneider. Aye.

4121 Ms. Adcock. Mr. Schneider votes aye.

4122 Mr. Sensenbrenner. Are there any members who wish to

4123 record or change their votes?

4124 The gentleman from Virginia?

4125 Chairman Goodlatte. No.

4126 Ms. Adcock. Mr. Goodlatte votes no.

4127 Mr. Sensenbrenner. The gentleman from Florida?

4128 Mr. Gaetz. No.

4129 Ms. Adcock. Mr. Gaetz votes no.

4130 Mr. Sensenbrenner. The gentleman from Texas?

4131 Mr. Poe. No.

4132 Ms. Adcock. Mr. Poe votes no.

4133 Mr. Sensenbrenner. The gentleman from Arizona?

4134 Ms. Adcock. No.

4135 Mr. Sensenbrenner. Any other members who wish to
4136 record or change their votes?

4137 Any further members who wish to record or change their
4138 votes?

4139 If not, the clerk will report.

4140 Ms. Adcock. Mr. Chairman, 8 members voted aye; 17
4141 members voted no.

4142 Mr. Sensenbrenner. And the amendment is not agreed to.
4143 Are there further amendments to H.R. 495?

4144 Ms. Jayapal. Mr. Chairman?

4145 Mr. Sensenbrenner. For what purpose does the
4146 gentlewoman from Washington seek recognition?

4147 Ms. Jayapal. I have an amendment at the desk.

4148 Mr. Sensenbrenner. The clerk will report the
4149 amendment.

4150 Ms. Adcock. Amendment to H.R. 495 offered by Ms.
4151 Jayapal: strike section 2 and insert the following: by
4152 amending paragraph 3 to read as follows: "transfers of
4153 unaccompanied alien children; in general, except in the case
4154 of exceptional circumstances, any department or agency of
4155 the Federal Government that has an unaccompanied alien child
4156 in custody shall transfer the custody of such child to the

4157 Secretary of Health and Human Services not later than 72
4158 hours after determining that such child is an unaccompanied
4159 alien child. Mandatory training: the Secretary of Homeland
4160 Security, in consultation with the Secretary of Health and
4161 Human Services and independent child experts, shall mandate
4162 appropriate training of all personnel who come into contact
4163 with unaccompanied alien children and the relevant legal
4164 authorities." Policies, practices, and procedures
4165 pertaining to --

4166 [The amendment of Ms. Lofgren follows:]

4167 ***** COMMITTEE INSERT *****

4168 Mr. Sensenbrenner. Without objection, the amendment is
4169 considered as read. The gentlewoman from Washington is
4170 recognized for 5 minutes.

4171 Ms. Jayapal. Thank you, Mr. Chairman. Mr. Chairman, I
4172 fear that this bill tosses aside the United States' historic
4173 role as a shelter for children seeking safety and subjects
4174 them to inhuman treatment in detention. My amendment would
4175 simply ensure that, when children are detained, that they
4176 are detained in conditions that are safe and humane. And in
4177 fact, this is an issue that many faith communities have
4178 weighed in on across the country. The position, for example,
4179 of the Catholic Church is that detaining young migrant women
4180 and children in response to their flight from persecution
4181 violates their human dignity and human rights.

4182 My amendment would ensure, as was said, that children
4183 are transferred to the custody of Health and Human Services
4184 within 72 hours. It makes sure that children who are being
4185 detained are actually in the care, if it is longer than 72
4186 hours, in the care of child welfare experts, rather than in
4187 the custody of law enforcement agents, whose job it is to
4188 enforce the law, not to care for children. And this is
4189 critical, Mr. Chairman, because we do have some precedent
4190 around this.

4191 In June of 2013, a complaint was filed on behalf of
4192 over 100 unaccompanied children who reported experiencing

4193 abuse and mistreatment in CBP custody. For example, one 7-
4194 year-old boy who was mentioned in the complaint was severely
4195 developmentally disabled and suffered from acute
4196 malnutrition when CBP apprehended him. But he was detained
4197 for about 5 days without any medical treatment, and
4198 eventually, he was hospitalized and underwent emergency
4199 surgery.

4200 I want to say that there are CBP agents who have done
4201 admirable work, who have changed diapers and done their best
4202 to care for children in their custody, but it is clear that
4203 children should never be detained in the custody of law
4204 enforcement agents who have limited resources and are ill-
4205 equipped to care for these children. If anything, I hope my
4206 colleagues can agree that it is not, nor should it be, their
4207 job.

4208 In addition, it is dangerous to prevent CBP to retain
4209 custody of children long term, given the issues that we have
4210 seen in the past. My amendment also does require training
4211 for those who come into contact with the unaccompanied
4212 children on best policies, practices, and procedures, and it
4213 is really an attempt to help those who are there and who
4214 have to deal with this situation that may be far beyond
4215 their abilities at this moment.

4216 It also does provide for the presence of child welfare
4217 experts at the border to ensure proper screening and

4218 treatment of these unaccompanied children, because many of
4219 the children are fleeing places where the police, frankly,
4220 turn a blind eye or, at worst, are complicit in violence
4221 perpetrated against them and their families.

4222 So, we need to make sure that children who have
4223 suffered these long journeys can trust people in uniforms
4224 and can feel comfortable sharing those sensitive details
4225 about why they are seeking safety. My amendment also
4226 protects girls by ensuring that women officers are
4227 continuously present during the transfer and the transport
4228 of unaccompanied immigrant girls, and we know that this is
4229 an important safeguard.

4230 In 2010, a guard at the Hutto detention center in
4231 Taylor, Texas pled guilty to charges related to sexually
4232 assaulting five women who he drove from the detention center
4233 to the airport for detention. He was allowed, at that time,
4234 to transport the women on his own. So, we just need to put
4235 in place some commonsense measures that, if we are going to
4236 be detaining children, that they do not get held for longer
4237 than 72 hours and that we provide some resources and
4238 training.

4239 My amendment, really, is about simple, basic
4240 protections for children that I, certainly, as a parent,
4241 would want for all children, regardless of who they are or
4242 where they come from. Around the world, we have seen

4243 parents make incredibly difficult decisions about how to
4244 protect their children, and sometimes, the consequences are
4245 devastating, from Alan Kurdi's drowning off of the shores of
4246 Turkey to the thousands of children who do arrive alone at
4247 the border.

4248 The one thing that I believe these children have in
4249 common is that they are seeking a better future and fleeing
4250 for their lives. Just yesterday, we recognized World
4251 Refugee Day, and we remember the refugees who fled violence,
4252 such as those fleeing Nazi Germany, Burma, Cuba, Vietnam,
4253 and Sudan, and we have to ensure that we are responding with
4254 compassion and with the resources to protect these
4255 unaccompanied children.

4256 Mr. Chairman, I would like unanimous consent also to
4257 introduce, for the record, a statement from the U. S.
4258 Conference of Catholic Bishops, the Committee on Migration,
4259 that is on both this bill, as well as another bill that we
4260 will be considering. And in this letter, there is a quote
4261 from Pope Francis who has said, "Among migrants, children
4262 constitute the most vulnerable group because, as they face
4263 the life ahead of them, they are invisible and voiceless."

4264 The letter goes on to say that, "We must recognize this
4265 vulnerability and remember, when forming our laws and
4266 policies, that many unaccompanied children are fleeing for
4267 their lives." Mr. Chairman, I hope that both sides of the

4268 aisle in this committee can support this amendment and just
4269 ensure that we have protections in place for these very
4270 vulnerable, the most vulnerable, children who are coming to
4271 the border and deserve to be treated with dignity and
4272 respect. I yield.

4273 Mr. Sensenbrenner. The gentlewoman's time has expired.
4274 Without objection, the letter will be included in the
4275 record.

4276 [The information follows:]

4277 ***** COMMITTEE INSERT *****

4278 Mr. Sensenbrenner. And I recognize myself for 5
4279 minutes in opposition to the amendment. The bill ensures a
4280 speedy court process for unaccompanied alien minors; whereby
4281 they will have at least an initial hearing before an
4282 immigration judge within 14 days. It has been reported that
4283 more than 40 percent of the unaccompanied alien minors fail
4284 to appear for their immigration court dates. A faster court
4285 process will insist on ensuring that these minors appear for
4286 court and do not abscond and become immigration fugitives.

4287 This provision will ensure that unaccompanied alien
4288 minors do not wait for years on end for their hearings as
4289 they receive work authorization while their proceedings are
4290 pending. Both in the interests of the minors and the
4291 proceedings and the integrity of our immigration process, a
4292 14 day hearing requirement is essential. Such a requirement
4293 would be impossible if minors are released to HHS to be
4294 resettled within 72 hours.

4295 With regard to the specialized care, this amendment
4296 creates a costly and convoluted system, whereby welfare
4297 professionals are injected into the immigration process.
4298 The goal of this amendment seems to further entrench
4299 unaccompanied minors here in the United States, rather than
4300 ensuring their safe and prompt return home. Detention is
4301 already costly, as ICE creates state-of-the-art facilities
4302 for children and families at a very high cost. For these

4303 reasons, I oppose the amendment, and yield back the balance
4304 of my time.

4305 We are about ready to vote.

4306 The question is on -- okay, when the bell rings, I will
4307 recess the committee.

4308 The gentlewoman from California is recognized for 5
4309 minutes.

4310 Ms. Lofgren. Mr. Chairman, I thank you for it. I know
4311 that we are going to be called away to votes, but this is an
4312 important amendment, and I feel an obligation to speak in
4313 favor of it. I, along with Mr. Gutierrez and Ms. Jackson
4314 Lee and some of the lawyers on the subcommittee staff, went
4315 down to the border.

4316 Mr. Sensenbrenner. If the gentlewoman would suspend,
4317 we are called for a vote. The committee is recessed, and
4318 members are requested to come back immediately after the
4319 vote. The committee is recessed.

4320 [Recess.]

4321 Chairman Goodlatte. [Presiding.] The committee will
4322 reconvene. When the committee recessed, we were considering
4323 an amendment offered by the gentlewoman from Washington, Ms.
4324 Jayapal's, amendment, and Ms. Lofgren was using her time.

4325 She is not here. Is anybody else taking time on the
4326 Jayapal amendment?

4327 Mr. Raskin. Mr. Chairman?

4328 Chairman Goodlatte. For what purpose does the
4329 gentleman from Maryland to seek recognition?

4330 Mr. Raskin. Thank you Mr. Chairman. I was actually
4331 going to ask the author of the amendment some questions, so
4332 I do not know what the appropriate thing to do is at this
4333 point.

4334 Chairman Goodlatte. She needs to get here quickly.

4335 Mr. Raskin. Yeah, all right. Well, I will tell you:
4336 let me start just by saying two things that I wanted to
4337 state in any event. If I can move to strike the last word,
4338 Mr. Chairman.

4339 Chairman Goodlatte. Here she is.

4340 Mr. Raskin. There she is, okay. Mr. Chairman, one of
4341 the things I wanted to say was that, in American law, we do
4342 treat children in a sharply different way than we treat
4343 adults. We treat children with a kind of solicitude and a
4344 kind of paternalism and maternalism that we do not see in
4345 the rest of the law. So in juvenile justice, for example,
4346 we do not prosecute and convict children for offenses. We
4347 adjudicate the offenses, and it has been a theme of our
4348 jurisprudence for, I think, around a century now that the
4349 governing principle of juvenile justice is not punishment,
4350 but rehabilitation and education and setting the child,
4351 again, on the right path.

4352 The other thing that I wanted to say, Mr. Chairman,

4353 forgive me if I am sounding like a broken record here, but
4354 for those of us who just joined the committee, as freshmen
4355 members who love this committee and love what it is about,
4356 it is difficult to get on top of some of these issues
4357 without hearings on the bills. And for those of us who come
4358 from State legislatures, it is unorthodox, to say the least,
4359 and it is difficult to feel as if we are voting with
4360 complete information when we do not have hearings and
4361 testimony by professional witnesses.

4362 So I did want to ask my colleague, Ms. Jayapal, about
4363 her amendment. If she could explain, as I understand the
4364 amendment, that unaccompanied alien children would be turned
4365 over to the custody of Health and Human Services. Is that
4366 the current practice today?

4367 Ms. Jayapal. Yes, that is the current practice today,
4368 and basically, what this amendment is saying is we do not
4369 want to hold, and right now, the bill says up to 14 days.
4370 That is a long time for a child to be held by Homeland
4371 Security, who are not trained and who are not prepared with
4372 the resources that they need to have in order to take care
4373 of kids. And we just have to recognize that this is about
4374 children. That is what we are talking about.

4375 We are specifically talking about kids, and so what we
4376 are saying is that, within 72 hours, my amendment would say
4377 that, within 72 hours, they would get transferred to people

4378 who actually know how to work with kids, are trained to work
4379 with kids, and they would be able to have a place where, if
4380 it does take more than 72 hours, less than 14 days, more
4381 than 14 days, that they would have the proper care that they
4382 need.

4383 That does not seem unreasonable to me, and I recognize
4384 that I am somebody who has worked on immigration for a long
4385 time. I have been to the facilities at the border. I have
4386 been with kids who have been in this situation, and really,
4387 it is unconscionable that we would treat them like adults.
4388 We really need to differentiate and recognize that they are
4389 children.

4390 Mr. Raskin. So, just to be clear on it, today such
4391 children are rendered to the custody of Health and Human
4392 Services, but under this legislation, without your
4393 amendment, they no longer would be?

4394 Ms. Jayapal. Correct.

4395 Mr. Raskin. They would remain within the custody of
4396 the Department of Homeland Security?

4397 Ms. Jayapal. For up to 14 days.

4398 Mr. Raskin. For up to 14 days. Okay, so, what is the
4399 practical effect of your amendment?

4400 Ms. Jayapal. The practical effect is that we actually
4401 maintain our status quo and that we make sure that kids do
4402 get transferred over within 72 hours to people who can look

4403 after them. That is really the practical effect is kids
4404 will get the care that kids deserve.

4405 Mr. Raskin. Okay, again, let me just ask you, and I
4406 understand more in the realm of hypotheticals and
4407 speculation, but since we did not have a hearing on it: so
4408 at least I do not have a clear sense of what the reason is
4409 for making the change. Can you articulate what the reason
4410 is for making the change, or your best understanding of it?

4411 Ms. Jayapal. Well, I would really have to ask the
4412 majority why they would be proposing this bill and this
4413 change because, to me, it does not have a rationale, other
4414 than that this would wrap immigrant kids up into the same
4415 rhetoric of how immigrants in general are being described,
4416 which I also do not agree with: that they are somehow
4417 criminals and dangerous. These are kids we are talking
4418 about, kids who are coming across seeking asylum, seeking
4419 safety, and we should recognize that everybody needs to be
4420 treated with respect, but certainly the most vulnerable.

4421 Mr. Raskin. Okay, and just to reclaim whatever time I
4422 have. I wonder if I could shift the question to the
4423 chairman. Mr. Chairman, I wonder if you could explain the
4424 rationale for switching from the current process to the 14
4425 days within Homeland Security.

4426 Chairman Goodlatte. The effort is to get people not
4427 absconding, not returning, and into court as rapidly as

4428 possible.

4429 Mr. Raskin. But my puzzlement is just that we are
4430 holding them for a longer period. Is that right? In other
4431 words, under the status quo, they are being brought to a
4432 hearing on a more expedited basis.

4433 Chairman Goodlatte. Right, the problem is that there
4434 is no way, practically, to get them into a hearing in 72
4435 hours.

4436 Mr. Raskin. Okay, thank you. Ms. Jayapal, I yield to
4437 you.

4438 Chairman Goodlatte. Well, your time's expired, and I
4439 have to return to the gentlewoman from California, who was
4440 in mid-sentence, I think, when we recessed, so she is
4441 recognized for 5 minutes.

4442 Ms. Lofgren. Thank you, Mr. Chairman. I do want to
4443 speak in favor of Ms. Jayapal's amendment for several
4444 reasons. First, I remember very well Ms. Jackson Lee was
4445 with me, Mr. Gutierrez and several others, where we went
4446 down to look at the border, when we had unaccompanied minor
4447 children that had basically caught the administration by
4448 surprise. The facility we visited was primarily children
4449 from toddlers to about 11 years of age. These kids were
4450 sleeping on the cement floor. The Border Patrol agents were
4451 doing their very best to try and take of these kids, but
4452 that really was not their job, it is not what they are

4453 trained to do. They were sending out for pizza to feed
4454 these kids. It was really a ridiculous situation. Kids
4455 were getting sick, there was no medical care, there were
4456 inadequate bathroom facilities, there was no place for kids
4457 to get clean. It was just a time bomb in terms of disease,
4458 and it is not really an appropriate way for children to be
4459 housed.

4460 Nobody disagrees with the need for people to appear at
4461 their hearings. I do not think there is any disagreement
4462 whatsoever on that point. This is not the way to do that.
4463 You do not need to be in the custody of Border Patrol, as
4464 opposed to Health and Human Services, to ensure appearance
4465 at a hearing.

4466 In a subsequent trip, we went to visit some of the
4467 facilities that are licensed, or contracted with Health and
4468 Human Services. One, the Southern Baptists have a facility,
4469 it is like a summer camp. And there were kids that were in
4470 dorms. You know, you can tell what is going on with kids,
4471 because they are not very good at feigning it. When you
4472 went into the Border Patrol, and you saw these kids and they
4473 were so miserable, then you went to the Baptist home and the
4474 kids, they were kids. They were cheerful, they were getting
4475 some schooling, they had smiles on their faces, and they
4476 were in an orderly situation.

4477 We went at a subsequent visit to a similar facility

4478 that was run by the Catholic Church, also under contract
4479 with Health and Human Services. There is a thing about being
4480 good to small children that our country is for, and I think
4481 this bill, and I do not think, I am sure, not intended,
4482 because I know Judge Carter is a very decent man, but the
4483 impact would be very wrong. And Ms. Jayapal's amendment
4484 would go a long ways towards fixing it.

4485 I do think, and I will just say a point on the 14-day
4486 hearing, first, we do not have the capacity to do that,
4487 because we have failed to add judges, and, I hope that we
4488 have some hearings on this, Mr. Chairman, we are about to
4489 have an even bigger emergency when it comes to immigration
4490 courts, because there is a whole generation of immigration
4491 judges that are nearing retirement age, and because of the
4492 working conditions they are all going to retire. Plus, we
4493 are already behind the eight ball when it comes to having
4494 enough judges just to deal with the matters currently before
4495 us. So the 14-day period, whether you think it is a good
4496 idea or a bad idea, we are not going to meet because we have
4497 failed to put the resources into the judicial end of the
4498 immigration system to actually meet that requirement.

4499 Secondly, I have done, and I assume the chairman has
4500 as well, asylum cases. It is not easy to put together an
4501 asylum case. And to do it in 14 days, with a child who may
4502 or may not be very good at explaining themselves, especially

4503 if it is a small child, it is not a realistic timeframe to
4504 do a very complicated immigration matter. And I think those
4505 of us who have done it realize the truth of that.

4506 So I do think that the amendment offered by Ms. Jayapal
4507 is absolutely right in terms of treating children well. But
4508 I also think in the underlying bill, the timeframes are
4509 problematic indeed. And I am hopeful that we could adopt
4510 her amendment, or if there is something in particular you
4511 think is problematic, let us work together and deal with it.
4512 I like Ms. Jayapal's amendment, but it cannot be that we
4513 want these little kids to be in lockup. That cannot be the
4514 right answer. So that is my take on this, Mr. Chairman. I
4515 continue to think we would be better off if we would recess
4516 this markup, and work through these issues in a more
4517 collaborative manner. And I see my time is up, so I yield
4518 back.

4519 Chairman Goodlatte. Question is on the amendment
4520 offered by the gentlewoman from Washington.

4521 All those in favor respond by saying aye.

4522 Those opposed, no.

4523 In the opinion of the chair, the noes have it. The
4524 amendment is not agreed to. Record vote is requested, and
4525 the clerk will call the roll.

4526 Ms. Adcock. Mr. Goodlatte?

4527 Chairman Goodlatte. No.

4528 Ms. Adcock. Mr. Goodlatte votes no.
4529 Mr. Sensenbrenner?
4530 [No response.]
4531 Mr. Smith?
4532 Mr. Smith. No.
4533 Ms. Adcock. Mr. Smith votes no.
4534 Mr. Chabot?
4535 [No response.]
4536 Mr. Issa?
4537 [No response.]
4538 Mr. King?
4539 Mr. King. No.
4540 Ms. Adcock. Mr. King votes no.
4541 Mr. Franks?
4542 [No response.]
4543 Mr. Gohmert?
4544 [No response.]
4545 Mr. Jordan?
4546 [No response.]
4547 Mr. Poe?
4548 Mr. Poe. No.
4549 Ms. Adcock. Mr. Poe votes no.
4550 Mr. Chaffetz?
4551 [No response.]
4552 Mr. Marino?

4553 Mr. Marino. No.

4554 Ms. Adcock. Mr. Marino votes no.

4555 Mr. Gowdy?

4556 [No response.]

4557 Mr. Labrador?

4558 Mr. Labrador. No.

4559 Ms. Adcock. Mr. Labrador votes no.

4560 Mr. Farenthold?

4561 [No response.]

4562 Mr. Collins?

4563 [No response.]

4564 Mr. DeSantis?

4565 Mr. DeSantis. No.

4566 Ms. Adcock. Mr. DeSantis votes no.

4567 Mr. Buck?

4568 [No response.]

4569 Mr. Ratcliffe?

4570 Mr. Ratcliffe. No.

4571 Ms. Adcock. Mr. Ratcliffe votes no.

4572 Mrs. Roby?

4573 [No response.]

4574 Mr. Gaetz?

4575 Mr. Gaetz. No.

4576 Ms. Adcock. Mr. Gaetz votes no.

4577 Mr. Johnson of Louisiana?

4578 [No response.]

4579 Mr. Biggs?

4580 Mr. Biggs. No.

4581 Ms. Adcock. Mr. Biggs votes no.

4582 Mr. Rutherford?

4583 Mr. Rutherford. No.

4584 Ms. Adcock. Mr. Rutherford votes no.

4585 Mr. Conyers?

4586 Mr. Conyers. Aye.

4587 Ms. Adcock. Mr. Conyers votes aye.

4588 Mr. Nadler?

4589 Mr. Nadler. Aye.

4590 Ms. Adcock. Mr. Nadler votes aye.

4591 Ms. Lofgren?

4592 Ms. Lofgren. Aye.

4593 Ms. Adcock. Ms. Lofgren votes aye.

4594 Ms. Jackson Lee?

4595 Ms. Jackson Lee. Aye.

4596 Ms. Adcock. Ms. Jackson Lee votes aye.

4597 Mr. Cohen?

4598 [No response.]

4599 Mr. Johnson of Georgia?

4600 [No response.]

4601 Mr. Deutch?

4602 [No response.]

4603 Mr. Gutierrez?
4604 [No response.]
4605 Ms. Bass?
4606 [No response.]
4607 Mr. Richmond?
4608 [No response.]
4609 Mr. Jeffries?
4610 Mr. Jeffries. Aye.
4611 Ms. Adcock. Mr. Jeffries votes aye.
4612 Mr. Cicilline?
4613 [No response.]
4614 Mr. Swalwell?
4615 [No response.]
4616 Mr. Lieu?
4617 Mr. Lieu. Aye.
4618 Ms. Adcock. Mr. Lieu votes aye.
4619 Mr. Raskin?
4620 Mr. Raskin. Aye.
4621 Ms. Adcock. Mr. Raskin votes aye.
4622 Ms. Jayapal?
4623 Ms. Jayapal. Aye.
4624 Ms. Adcock. Ms. Jayapal votes aye.
4625 Mr. Schneider?
4626 Mr. Schneider. Aye.
4627 Ms. Adcock. Mr. Schneider votes aye.

4628 Chairman Goodlatte. The gentleman from Texas, Mr.
4629 Gohmert.

4630 Mr. Gohmert. No.

4631 Ms. Adcock. Mr. Gohmert votes no.

4632 Chairman Goodlatte. The gentleman from Georgia, Mr.
4633 Johnson.

4634 Mr. Johnson of Georgia. Aye.

4635 Ms. Adcock. Mr. Johnson votes aye.

4636 Chairman Goodlatte. Has every member voted who wishes
4637 to vote? Clerk will report.

4638 Ms. Adcock. Mr. Chairman, 10 members voted aye, 12
4639 members voted no.

4640 Chairman Goodlatte. The amendment is not agreed to.
4641 Are there further matters --

4642 Ms. Jackson Lee. Mr. Chairman?

4643 Chairman Goodlatte. For what purpose does the
4644 gentlewoman from Texas seek recognition?

4645 Ms. Jackson Lee. I have an amendment at the desk.

4646 Chairman Goodlatte. Clerk will report the amendment.

4647 Ms. Adcock. Amendment to H.R. 495, offered by Ms.

4648 Jackson Lee. In section 2, strike 2012, and insert 2012

4649 except that the amendment made by subsection A1B shall not

4650 take effect until the number of immigration judges who are

4651 employed and are in service is increased by 70 or over the

4652 number of such judges employed and in service on the date of

4653 the enactment of this act, and there are employed all
4654 additional staff --

4655 [The amendment of Ms. Jackson Lee follows:]

4656 ***** COMMITTEE INSERT *****

4657 Chairman Goodlatte. Without objection, the amendment
4658 is considered as read, and the gentlewoman is recognized for
4659 5 minutes on her amendment.

4660 Ms. Jackson Lee. Thank you very much, Mr. Chairman. I
4661 have been working on this matter for a good while, not based
4662 upon my own independent proclivity, but speaking to
4663 immigration judges in really the busiest Federal District,
4664 the Southern District, as it relates to immigration cases.
4665 And so, I would hope that this would be a bipartisan effort,
4666 because even though we have disagreement on what the
4667 underlying message and results of the Protection of Children
4668 Act, which would strip longstanding and critically needed
4669 protections from child refugees, and would deal with the
4670 idea of refugees and trafficking victims, and as well to
4671 respond to the unaccompanied children in a way that I think
4672 is contrary to our values and what is good.

4673 We have heard over and over again, for those who
4674 visited the border, have seen the needs of children who are
4675 fleeing conditions that cannot be changed with a Band-Aid.
4676 And so my amendment simply delays the effective date of the
4677 bill until the number of immigration judges is increased by
4678 70, a concept which is consistent with H.R. 1985, the
4679 Justice for Children Now Act of 2017, a bill that I
4680 introduced in the last Congress and earlier this year, which
4681 authorizes the appointment of 70 additional immigration

4682 judges by the Attorney General, reduces substantial delays
4683 in remove proceedings and crushing caseloads carried by
4684 current immigration judges, which for some judges exceed
4685 3,000 cases.

4686 The U.S. Customs and Border Protection Agency reported
4687 that last year alone, over 52,000 children were caught
4688 entering the United States, an unprecedented number that has
4689 caught our country without the necessary tools, such as
4690 immigration judges, which can help to determine, with
4691 counsel of course, how these children should be handled.

4692 By law, these children are sent to various offices of
4693 the Department of Health and Human Services after their
4694 arrest, and are supposed to be given due process. This
4695 means that each child is reviewed in court before a decision
4696 can be made about their immigration status. However,
4697 funding for the immigration courts that process the removal
4698 hearings has not kept pace with the increase in cases. And
4699 those numbers are down, as we indicated earlier in our
4700 debate, from the surge of a couple of years ago. The
4701 result, Mr. Chairman, is a current average delay of 578 days
4702 to hear over 366,000 removal hearings.

4703 The situation is untenable for all parties involved,
4704 law enforcement, taxpayers and individuals petitioning for
4705 relief. And as my colleague Ms. Lofgren said, we did see
4706 CBP officers, Custom and Border Patrol officers, buying

4707 diapers, getting formula, and really going beyond the call
4708 of duty. That is of course, when you do not have the
4709 process in place to make sure that the children do get due
4710 process.

4711 My amendment will help ensure a just trial for the
4712 children, and maintain the integrity of the U.S. immigration
4713 system, which is already overtaxed. The Jackson Lee
4714 amendment will help reduce the backlog in removal
4715 proceedings, so that these affected individuals have a
4716 fighting chance at a modicum of due process. The judges
4717 could be appointed immediately to conduct hearings in a
4718 timely and efficient manner, and it would help the
4719 administration of justice. I would add that my amendment
4720 includes a provision for additional staff to support the
4721 immigration judges.

4722 We have for too long been short-changed for immigration
4723 judges. This is a common-sense amendment, and it responds
4724 to a bill that I do not agree with. But the bill is
4725 untenable, in terms of the speedy removal, when we do not
4726 have the process. There are many people who attempt to
4727 debate whether immigrants have due process rights in this
4728 country, but there is case law that says that if you are
4729 within the border of this Nation, you have a right to due
4730 process.

4731 So I would like to submit into the record a series of

4732 articles that confront this very dastardly condition.
4733 Immigrants face long detention and few rights. The data
4734 shows that 18,000 immigrants had no criminal conviction, not
4735 even for illegal entry or low-level crimes like trespassing.
4736 More than 400 of those with no criminal record had been
4737 incarcerated for at least a year, because they have no
4738 process of getting into the immigration court. Eleven-year-
4739 old Norden survived a journey from Honduras, which we have
4740 established is the largest murder area, is currently in
4741 detention alone. If I might, Mr. Chairman, indulge a human
4742 rights-first U.S. immigration court, a ballooning backlog
4743 that requires action. I ask unanimous consent to submit
4744 those documents into the record.

4745 Chairman Goodlatte. Without objection, the documents
4746 will become part of the record.

4747 [The information follows:]

4748 ***** COMMITTEE INSERT *****

4749 Ms. Jackson Lee. I ask my colleagues to support the
4750 Jackson Lee amendment. I yield back.

4751 Chairman Goodlatte. The chair recognizes himself, in
4752 opposition to the amendment. We share an objective of
4753 getting more immigration judges, and especially more
4754 immigration judges in Texas and other places along the
4755 border. The Executive Office for Immigration Review has
4756 been detailing judges to the southern border since 2014.
4757 While additional immigration judges along the border as well
4758 as throughout the interior of the United States would
4759 certainly be a welcome addition, it is unnecessary to
4760 predicate enactment of this bill on that addition. H.R. 495
4761 will be of the solution. The problem will just be further
4762 compounded if we simply do nothing while we wait. This
4763 amendment creates nothing but delay, and therefore I must
4764 oppose it.

4765 Mr. Conyers. Mr. Chairman?

4766 Chairman Goodlatte. For what purpose does the
4767 gentleman from Michigan seek recognition?

4768 Mr. Conyers. I rise in support of the amendment.

4769 Chairman Goodlatte. The gentleman is recognized for 5
4770 minutes.

4771 Mr. Conyers. I want to congratulate Ms. Jackson Lee on
4772 her amendment to add additional immigration judges, which
4773 there seems to be general agreement on. Now, this amendment

4774 requires immigration courts to have additional resources, so
4775 that they can meet increased burdens imposed by this bill.
4776 So there is little to quarrel about in that respect.

4777 Now, the next point that I would like to make is that
4778 currently over a half million cases pending before about
4779 only 300 immigration judges are available to actually hear
4780 cases. Many of these judges have as many as 1,500 open
4781 cases at any given time. They often hear more than 30 cases
4782 a day, and complete nearly 800 cases a year. In comparison,
4783 Federal judges complete 500 cases a year. Now, the National
4784 Association of Immigration Judges have explained that
4785 immigration hearings with a child respondent takes longer
4786 than adult hearings, particularly because there is no
4787 appointed counsel for these children.

4788 And so for these reasons, I am pleased to commend the
4789 gentlelady from Texas, and urge support of her amendment. I
4790 thank the Chair.

4791 Chairman Goodlatte. For what purpose does the
4792 gentleman from Rhode Island seek recognition?

4793 Mr. Cicilline. Move to strike the last word.

4794 Chairman Goodlatte. The gentleman is recognized for 5
4795 minutes.

4796 Mr. Cicilline. I too strongly support the gentlelady's
4797 amendment, and would like to yield my time to her.

4798 Ms. Jackson Lee. Thank you. I think the clock needs

4799 to go back to 5 minutes. Thank you.

4800 I want to thank the gentleman from Rhode Island for
4801 yielding, and I want to thank the ranking member for his
4802 very astute words, which I would like to build upon, and
4803 that is that we have a series of numbers that I think are
4804 crucial, that we should put into the record. Human Rights
4805 First takes particular note to cite the American Bar
4806 Association's Commission on Immigration, to the former
4807 George W. Bush administration ICE Assistant Secretary Julie
4808 Myers Wood, who have called for increased funding for the
4809 immigration courts to address the backlog and maintain the
4810 integrity and fairness of the immigration system. To
4811 address the ballooning backlog, Congress should allocate for
4812 75 immigration judges in fiscal year 2017, and 75 in 2018.
4813 I have offered a compromise of 70.

4814 In fact, a number that is very evident and clear
4815 indicates that the number of cases pending before the court
4816 right now, or forthcoming, will soon exceed 500,000, or half
4817 a million, far too many for a court staff with only 254
4818 immigration judges, a fraction of the number needed to
4819 timely address removal.

4820 Now let me address the question of timing. This
4821 particular legislation has to go through the committee, go
4822 through the floor, go to the Senate. I think that is
4823 sufficient enough time for the DOJ to simply add 70 judges.

4824 So this is not a delay, per se. It is to match the movement
4825 of this bill through the legislative process, and to make
4826 sure before it is completed, and before it goes to the
4827 President's desk, he adds 70 more judges that are being
4828 pleaded for by those who deal with this system.

4829 Mr. Conyers made a very good point, and Mr. Nadler made
4830 a very good point earlier, about, as I believe, the ability
4831 of children to make decisions, legal decisions; certainly a
4832 courtroom makes it even more difficult to make legal
4833 decisions. Then to be backlogged so that they are not even
4834 in the court for such a long period of time, this young man
4835 that is 11 years old, survived a journey that has killed
4836 many adults, he traveled from Honduras to the United States
4837 border, overland, almost entirely by himself, he almost
4838 drowned crossing the Rio Grande river, near Texas, in an
4839 inflatable raft.

4840 Now, I do not want to go down memory lane to talk about
4841 the violence, and why this child would risk, or his family
4842 would risk, all manner of death for him to come. But I will
4843 say that Norden once witnessed a boy his own age gang raped
4844 in a neighborhood park after the child refused to join a
4845 local drug gang. I think that is a little different from
4846 the violence that was cited.

4847 And so this is the kind of child that needs to make
4848 sure that we have judges in a court, that this child is not

4849 now delayed in a detention condition, and then expected to
4850 go through a court process.

4851 So there is the HHS. By law, 72 hours the most
4852 children can be kept in CBP custody after the children are
4853 turned over to the Federal Department of Health and Human
4854 Services, and that means that they can be there forever, or
4855 they might reunite with their family. But under this
4856 legislation, a court will intervene. The system is going to
4857 change. We are going to remove the protections for these
4858 children. The court steps in, and there are no courts.

4859 I would simply ask this be an administration of justice
4860 amendment that is bipartisan, and ask my colleagues to
4861 support the Jackson Lee amendment, which is right in the
4862 middle of the request in 2017 of 70 judges, and 2018, of 75
4863 immigration judges.

4864 And I might add, Mr. Chairman, if we had a dial-in
4865 right now to immigration courts across America in the
4866 Southern District, they would tell you that the transfer of
4867 judges, leaving one jurisdiction to the other, just does not
4868 work. It is not an effective administration of justice.
4869 Count me as telling you the facts. I am in the Southern
4870 District, I talk to these judges all the time. I ask my
4871 colleagues to support the Jackson Lee amendment, and I yield
4872 back. Thank you.

4873 Chairman Goodlatte. Question occurs on the amendment

4874 offered by the gentlewoman from Texas.

4875 All those in favor respond by saying aye.

4876 Those opposed, no.

4877 In the opinion of the chair, the noes have it. Roll

4878 call vote is requested, and the clerk will call the roll.

4879 Ms. Adcock. Mr. Goodlatte?

4880 Chairman Goodlatte. No.

4881 Ms. Adcock. Mr. Goodlatte votes no.

4882 Mr. Sensenbrenner?

4883 [No response.]

4884 Mr. Smith?

4885 Mr. Smith. No.

4886 Ms. Adcock. Mr. Smith votes no.

4887 Mr. Chabot?

4888 [No response.]

4889 Mr. Issa?

4890 [No response.]

4891 Mr. King?

4892 [No response.]

4893 Mr. Franks?

4894 Mr. Franks. No.

4895 Ms. Adcock. Mr. Franks votes no.

4896 Mr. Gohmert?

4897 Mr. Gohmert. No.

4898 Ms. Adcock. Mr. Gohmert votes no.

4899 Mr. Jordan?
4900 [No response.]
4901 Mr. Poe?
4902 [No response.]
4903 Mr. Chaffetz?
4904 [No response.]
4905 Mr. Marino?
4906 Mr. Marino. No.
4907 Ms. Adcock. Mr. Marino votes no.
4908 Mr. Gowdy?
4909 [No response.]
4910 Mr. Labrador?
4911 [No response.]
4912 Mr. Farenthold?
4913 [No response.]
4914 Mr. Collins?
4915 [No response.]
4916 Mr. DeSantis?
4917 [No response.]
4918 Mr. Buck?
4919 [No response.]
4920 Mr. Ratcliffe?
4921 Mr. Ratcliffe. No.
4922 Ms. Adcock. Mr. Ratcliffe votes no.
4923 Mrs. Roby?

4924 [No response.]

4925 Mr. Gaetz?

4926 Mr. Gaetz. No.

4927 Ms. Adcock. Mr. Gaetz votes no.

4928 Mr. Johnson of Louisiana?

4929 Mr. Johnson of Louisiana. No.

4930 Ms. Adcock. Mr. Johnson votes no.

4931 Mr. Biggs?

4932 Mr. Biggs. No.

4933 Ms. Adcock. Mr. Biggs votes no.

4934 Mr. Rutherford?

4935 Mr. Rutherford. No.

4936 Ms. Adcock. Mr. Rutherford votes no.

4937 Mr. Conyers?

4938 Mr. Conyers. Aye.

4939 Ms. Adcock. Mr. Conyers votes aye.

4940 Mr. Nadler?

4941 Mr. Nadler. Aye.

4942 Ms. Adcock. Mr. Nadler votes aye.

4943 Ms. Lofgren?

4944 Ms. Lofgren. Aye.

4945 Ms. Adcock. Ms. Lofgren votes aye.

4946 Ms. Jackson Lee?

4947 Ms. Jackson Lee. Aye.

4948 Ms. Adcock. Ms. Jackson Lee votes aye.

4949 Mr. Cohen?
4950 [No response.]
4951 Mr. Johnson of Georgia?
4952 Mr. Johnson of Georgia. Aye.
4953 Ms. Adcock. Mr. Johnson votes aye.
4954 Mr. Deutch?
4955 [No response.]
4956 Mr. Gutierrez?
4957 [No response.]
4958 Ms. Bass?
4959 [No response.]
4960 Mr. Richmond?
4961 [No response.]
4962 Mr. Jeffries?
4963 Mr. Jeffries. Aye.
4964 Ms. Adcock. Mr. Jeffries votes aye.
4965 Mr. Cicilline?
4966 Mr. Cicilline. Aye.
4967 Ms. Adcock. Mr. Cicilline votes aye.
4968 Mr. Swalwell?
4969 [No response.]
4970 Mr. Lieu?
4971 Mr. Lieu. Aye.
4972 Ms. Adcock. Mr. Lieu votes aye.
4973 Mr. Raskin?

4974 [No response.]

4975 Ms. Jayapal?

4976 Ms. Jayapal. Aye.

4977 Ms. Adcock. Ms. Jayapal votes aye.

4978 Mr. Schneider?

4979 Mr. Schneider. Aye.

4980 Ms. Adcock. Mr. Schneider votes aye.

4981 Chairman Goodlatte. The gentleman from Iowa?

4982 Mr. King. No.

4983 Ms. Adcock. Mr. King votes no.

4984 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

4985 Mr. Poe. No.

4986 Ms. Adcock. Mr. Poe votes no.

4987 Chairman Goodlatte. The gentleman from Idaho?

4988 Mr. Labrador. No.

4989 Ms. Adcock. Mr. Labrador votes no.

4990 Chairman Goodlatte. The gentleman from Florida?

4991 Mr. DeSantis. No.

4992 Ms. Adcock. Mr. DeSantis votes no.

4993 Chairman Goodlatte. Has every member voted who wishes

4994 to vote? The Clerk will report.

4995 Ms. Adcock. Mr. Chairman, 10 members voted aye, 14

4996 members voted no.

4997 Chairman Goodlatte. The amendment is not agreed to.

4998 Are there further amendments to H.R. 495? For what purpose

4999 does the gentleman from Georgia seek recognition?

5000 Mr. Johnson of Georgia. I have an amendment at the
5001 desk.

5002 Chairman Goodlatte. The clerk will report the
5003 amendment.

5004 Ms. Adcock. Amendment to H.R. 495, offered by Mr.
5005 Johnson. Strike section 2 and insert the following --

5006 [The amendment of Mr. Johnson of Georgia follows:]

5007 ***** COMMITTEE INSERT *****

5008 Chairman Goodlatte. Without objection, the amendment
5009 is considered as read, and the gentleman is recognized for 5
5010 minutes on his amendment.

5011 Mr. Johnson of Georgia. Thank you, Mr. Chairman. I
5012 rise to offer an amendment to H.R. 495, which would strike
5013 the provision prohibiting government funds from being used
5014 to provide counsel to unaccompanied children, and replaces
5015 it with a requirement that the government appoint or provide
5016 counsel to them.

5017 Currently, children appear in immigration court without
5018 any representation. They stand across from ICE trial
5019 attorneys, and are expected to adequately and effectively
5020 represent themselves. How is that okay? My amendment makes
5021 sense. Children, those under the age of 13 particularly,
5022 should not be expected or required to appear in immigration
5023 court proceedings in front of an immigration judge, and in
5024 opposition from a member of Trump's deportation counsel,
5025 without legal representation.

5026 I would say to the proponents of H.R. 495, at least
5027 make this a fair fight. It is one thing to have utter
5028 disregard for the future of children, but cannot we at least
5029 give them legal representation before they are subjected to
5030 the pressures of immigration proceedings and deportation
5031 matters? If this amendment fails, it would be a step back
5032 from longstanding and bipartisan support for efforts to

5033 provide counsel to unaccompanied children.

5034 As recently as 2014, the GOP-led House Appropriations
5035 Committee instructed the DOJ to better serve populations
5036 such as children to improve court efficiency through pilot
5037 programs aimed at improving legal representation. This
5038 makes intuitive sense, of course. Children with lawyers are
5039 more likely to appear for their court dates, if for no other
5040 reason than they have someone in whom they can confide, and
5041 whose counsel they can absorb. And no surprise here,
5042 children who are represented by counsel are more likely to
5043 win relief.

5044 This is also a non-partisan issue. The National
5045 Association of Immigration Judges states that legal
5046 representation is absolutely essential to ensuring that
5047 children have meaningful access to asylum and other
5048 protections.

5049 So, ladies and gentlemen, there you have it. Providing
5050 legal representation to children is decent, it is fair, and
5051 it is the right thing to do. The lack of an attorney
5052 severely disadvantages a child's prospects for relief, and
5053 this is something that we should not stand for.

5054 With this amendment, we have the ability to ensure that
5055 children have access to asylum and other protections, and
5056 are not unfairly taken advantage of by this process. While
5057 the Protection of Child Trafficking Act takes a step back,

5058 this amendment strives to take a step forward in our efforts
5059 to provide unaccompanied children with the counsel that they
5060 need. Let us treat these children with empathy and
5061 integrity. I ask my fellow members to vote yes, in favor of
5062 this amendment, and provide unaccompanied children with
5063 appointed counsel. And with that, Mr. Chairman, I will
5064 yield to the gentlelady from Houston.

5065 Ms. Jackson Lee. Mr. Johnson, I cannot think of a more
5066 important amendment that has been offered this afternoon.
5067 Just listening to you, I am baffled by what the actuality
5068 will be if this amendment reaches the desk of the President.

5069 What you are saying is that right now, in the
5070 underlying bill, counsel is denied to a child, who has the
5071 least amount of ability to be defensive or to defend
5072 themselves. I know that it is tied to no Federal resources,
5073 but in essence it means that they are denied the opportunity
5074 for counsel. And so I want to really, enthusiastically
5075 support your amendment, because I have grown up with the
5076 concept of due process and the right to counsel. Whether it
5077 was as television lawyers have been seen, and you all
5078 acknowledge that when you walk into a courtroom America
5079 tells you that you have a lawyer. If it is not from the
5080 television lawyers, it is certainly from the news accounts
5081 of individuals being represented in many, many different
5082 ways by counsel, and then coming to the Judiciary Committee

5083 and recognizing the importance of lawyers in the system of
5084 the administration of justice, and to find out that we are
5085 actually considering a bill that would take away the rights
5086 of children to have counsel.

5087 So I support your legislation because I think we cannot
5088 do anything else, and we will extinguish due process, and
5089 really the administration of justice and really an
5090 understanding of what is fair if we do not support your
5091 amendment. So I rise to support your amendment, and I yield
5092 back.

5093 Mr. Johnson of Georgia. I thank the gentlelady for her
5094 support and, with that, I yield back.

5095 Mr. Goodlatte. The chair thanks the gentleman, and
5096 recognizes himself in opposition to the amendment, which
5097 would allow taxpayer funds to be used to supply attorneys
5098 for unlawful aliens in removal proceedings. Section 292 of
5099 the Immigration and Nationality Act states that, "In any
5100 removal proceeding before an immigration judge, and in any
5101 appeal proceeding before the Attorney General from any such
5102 removal proceedings, the person concerned shall have the
5103 privilege of being represented at no expense to the
5104 government by such counsel." American taxpayers are already
5105 forced to shoulder the government's expenses incurred,
5106 placing someone in removal proceedings. They should not
5107 also be required to bear the cost of the alien fighting the

5108 very deportation process they are already funding on the
5109 government side. The burden should not be placed on the
5110 taxpayer. I oppose this amendment. I urge my colleagues to
5111 do the same. For what purpose does the gentleman from
5112 California seek recognition?

5113 Ms. Lofgren. Mr. Chairman, I actually --

5114 Mr. Goodlatte. The gentlewoman is recognized for 5
5115 minutes.

5116 Ms. Lofgren. Just briefly, I agree with the
5117 gentleman's amendment, and let me explain why: As you have
5118 said, the taxpayers' money used for illegal aliens. First,
5119 we are talking about children. Obviously, an 8-year-old is
5120 not capable of representing themselves and meeting due
5121 process requirements.

5122 But, two, I have a bill to do something like the
5123 gentleman's amendment, and when we had the analysis done we
5124 actually discovered that because of the waste that is
5125 included in having unrepresented people in the system, it
5126 actually would not be a cost because you have -- let me just
5127 set the scene. You have got an immigration judge, and you
5128 have an 8-year-old who does not speak English standing in
5129 front of you. A lot of the immigration judges will hold
5130 that matter over because they are concerned that the child,
5131 number one, has no idea what is going on, they cannot follow
5132 it, they are not represented, and there are costs to holding

5133 matters over because you are paying all the lawyers who are
5134 there, mainly, the prosecutors. And so, when the full
5135 analysis was done it actually did not increase the cost
5136 because the efficiency increases.

5137 I see my colleague Mr. Gutierrez here, but there is an
5138 irony here. The chairman mentioned that you have got people
5139 who are bringing children in who are traffickers, and that
5140 is a concern. That is why we have the Wilberforce Act to
5141 begin with. So if you have got some criminal who is
5142 trafficking children for sexual purposes, and that person is
5143 apprehended, the sex trafficker is entitled to be
5144 represented by a lawyer in the prosecution. The victim of
5145 the trafficking is not entitled to be represented. There is
5146 something wrong with this picture, and I do think that we
5147 should acknowledge that. I mean, the victims who are the
5148 children who have been trafficked are the ones who need our
5149 attention and our concern, and so I really think the
5150 gentleman's amendment goes a long way toward fixing it.

5151 I thank him for offering it. I do not know if he wants
5152 it -- I would be happy to yield to the gentleman from
5153 Illinois.

5154 Mr. Gutierrez. I just want to echo the sentiments of
5155 the gentlelady from California. Look, the children come
5156 from Honduras, El Salvador, Guatemala because of crime, to
5157 be very clear. So the drug dealer, the human trafficker,

5158 the leader of the gang victimizes them. If we prosecute the
5159 person that is victimizing the applicant for refugee status
5160 in the United States, we grab him. He gets a lawyer, but
5161 their victim does not. And I think we have to understand
5162 that, as a woman once said to both the gentlelady from
5163 California, Zoe Lofgren and I, when we visited, she said, "I
5164 can raise my children in El Salvador. I just cannot keep
5165 them alive. I can feed them, but I cannot keep them alive.
5166 I did not come here because I did not have a way to feed
5167 them and to give them clothing. I could not keep them
5168 alive." So you have to understand the fundamental
5169 difference in why this child is before you, and why the
5170 child is a victim of crime and, therefore, needs an
5171 attorney. Thank you.

5172 Ms. Lofgren. Reclaiming my time, I will just recall
5173 the trip that we took to the border, and Mr. Gutierrez and I
5174 were talking to a grandmother with three little girls. The
5175 grandmother knew that she was going to be deported back to
5176 El Salvador, and she accepted that. But she brought these
5177 little girls because they were about to be snatched by gangs
5178 and put into circulation for the sex trade, and she saved
5179 them by leaving. The stakes on this are very, very high. I
5180 am, again, regretful that we are in this format without an
5181 opportunity to really sort through this in a more collegial
5182 fashion, but I do think the gentleman's amendment helps a

5183 lot. And, with that, my time has expired, and I yield back.

5184 Mr. Cicilline. Mr. Chairman.

5185 Mr. Goodlatte. For what purpose does the gentleman
5186 from Rhode Island seek recognition?

5187 Mr. Cicilline. I move to strike the last word.

5188 Mr. Goodlatte. Gentleman is recognized for 5 minutes.

5189 Mr. Cicilline. Thank you, Mr. Chairman. I
5190 enthusiastically support the gentleman from Georgia's
5191 amendment for all of the obvious reasons. I mean, we
5192 require legal representation of children in virtually every
5193 other proceeding. We do not allow children to represent
5194 themselves in the immigration court, where the consequences
5195 that follow should be no different.

5196 And when you think about many of the children who are
5197 in these proceedings, they are fleeing horrible violence,
5198 persecution, trafficking, other circumstances which make
5199 them even more vulnerable, and it is sort of hard to believe
5200 that, while we recognize that children, because of where
5201 they are developmentally, should be represented in complex
5202 legal proceedings that somehow the context of removal
5203 proceedings those same conditions do not apply.

5204 There is obviously enormous evidence that children who
5205 are represented by counsel are more likely to appear. There
5206 is also considerable evidence that children who are
5207 represented by counsel are more likely to win relief because

5208 the law is properly applied to the facts as presented.

5209 And, as the gentle lady from California pointed out, I
5210 know from my own experience many years practicing as a
5211 criminal defense attorney that those defendants who were
5212 representing themselves often consumed much more of the
5213 court's time as things needed to be explained, as
5214 continuances were sought because the efficiencies that
5215 skilled counsel can bring to that are absent. So there is a
5216 lot of reason to say it is pennywise and pound foolish to
5217 deny children legal representation. It is inconsistent with
5218 what we know about the developmental needs of children, and
5219 really inconsistent with a long and bipartisan history of
5220 treating children very differently than we do adults in
5221 legal proceedings.

5222 And I would say sort of finally, in addition to all the
5223 efficiencies and all of the history that we will be
5224 rejecting by this provision and why this amendment is so
5225 urgent, it is important to remember that our legal system is
5226 the envy of the world, and one of the reasons it is the envy
5227 of the world is because we insist that people are properly
5228 represented, and we insist that children and the best
5229 interests of the child is the governing standard. The
5230 difficulty of children at very young ages to understand
5231 legal concepts and to understand or to grapple with language
5232 challenges make the notion of compelling children to be at a

5233 proceeding against an experienced, trained lawyer that an 8-
5234 or 9- or 10-year-old would be somehow required to engage in
5235 those proceedings in a meaningful way makes a farce of our
5236 judicial system.

5237 And so, I thank the gentleman for offering this
5238 amendment. In many ways we have to ask ourselves the
5239 question of who have we become as a country if we are going
5240 to compel children into legal proceedings to kick them out
5241 of the United States, and in addition to all of the other
5242 injustices in this legislation, we are also going to strip
5243 from them the right or the requirement that they have the
5244 assistance of counsel so they can participate in these
5245 proceedings in a meaningful way.

5246 Mr. Goodlatte. Would the gentleman yield?

5247 Mr. Johnson of Georgia. Would the gentleman yield?

5248 Mr. Cicilline. I would prefer to yield to Mr. Johnson
5249 first, and then to the chairman, or the chairman first, then
5250 Mr. Johnson; whichever.

5251 Mr. Goodlatte. I thank the gentleman. I just want to
5252 respond to his rhetorical question about who we have become
5253 to note that this law before which these children would have
5254 been returned safely home to their countries without this
5255 process, but now a law was created by your party. Ms.
5256 Lofgren was the chairman of the subcommittee and did not
5257 provide for this or any of these other provisions that you

5258 are offering amendments for now. So who we have become, I
5259 think, is people who are responding to the realities that
5260 the American taxpayers should not and cannot be required to
5261 provide the cost of bearing these counsel.

5262 Ms. Lofgren. Would the gentleman --

5263 Mr. Cicilline. I am reclaiming my time. Let me be
5264 very clear. I think there is no question that if there are
5265 proceedings which are prescribed for in this legislation,
5266 let my position be very clear. Children should be
5267 represented by counsel in those proceedings, and I yield the
5268 balance of my time.

5269 Ms. Lofgren. I thank the gentleman. Since my name was
5270 mentioned, I would like to say that as time goes by we learn
5271 more things. We do not know everything there is to know in
5272 one moment in time. And what we have learned, although the
5273 Wilberforce Act did a lot of good things, one of the things
5274 that was a failure, frankly, was to provide for
5275 representation of small children. That is why I have
5276 introduced the Fair Day in Court for Kids Act to remedy
5277 that.

5278 But I think since the chairman mentioned it, the
5279 Republicans have been in charge for some time as well. As a
5280 matter of fact, Republican members were with us on a
5281 bipartisan effort to do the Wilberforce Act, and now you are
5282 saying that was wrong. I think you are wrong at this point,

5283 but certainly we need to make sure that we are constantly
5284 looking at the law, making improvements, as more information
5285 and evidence are compiled. That is our obligation as
5286 legislators, and one I take very seriously, and I thank the
5287 gentleman for yielding.

5288 Ms. Jayapal. Mr. Chairman.

5289 Mr. Goodlatte. For what purpose does the gentlewoman
5290 from Washington seek recognition?

5291 Ms. Jayapal. I move to strike the last word.

5292 Mr. Goodlatte. Gentlewoman is recognized for 5
5293 minutes.

5294 Ms. Jayapal. Thank you, Mr. Chairman. You have raised
5295 several times that we should not put the burden of the costs
5296 on the taxpayer, and the deep concern for taxpayers, and I
5297 would not necessarily disagree with the concern for
5298 taxpayers, but if we are really concerned about taxpayers
5299 then, number one, we should pass comprehensive immigration
5300 reform because it would bring \$1.5 trillion into the
5301 economy.

5302 Number two, I am on the Budget Committee, and we had
5303 three economists come and testify. Two of them were
5304 majority witnesses, one runs a conservative think tank, and
5305 when I asked him about immigration and, specifically, mass
5306 deportation, increased detention, all of these bills that we
5307 have been voting on without a hearing in this committee,

5308 what he said is, they published a report. And I do not have
5309 it in front of me but maybe we can pull it up. They
5310 published a report saying that that would be a tremendous
5311 cost to the country, and that it was fiscally irresponsible
5312 to move in that direction.

5313 And so I do not understand why we are suddenly talking
5314 about taxpayer burden because, if we are really concerned
5315 about taxpayer burden, we would actually move in a different
5316 direction. We would have real hearings about the issues of
5317 our broken immigration system; something that there has
5318 bipartisan agreement on for so long, and yet, in this
5319 committee, and I am on the Immigration and Border Security
5320 Subcommittee because I thought maybe we would engage with
5321 some of those critical questions. But in this committee, we
5322 have not had hearings on any of these things.

5323 So people are voting on these bills; some new members.
5324 I am lucky to have worked on this issue before. I know a
5325 lot about it. But we should be talking about real
5326 solutions. This bill is not one of those real solutions.
5327 If enacted, this bill would result in more deportations,
5328 more returns, and less immigrants entering the country. And
5329 maybe there are some people on the other side of the aisle
5330 who would applaud that for reducing immigrant entries, but
5331 this bill fundamentally harms the health, safety, and well-
5332 being of children. Let's just be very clear about that.

5333 And when it was said earlier by one of my colleagues on
5334 the other side of the aisle in this committee that a
5335 Nation's culture resides in the heart and soul of its
5336 people, I have to ask what exactly are we saying with that
5337 comment? Are we saying that other cultures somehow do not
5338 have heart and soul and that is why we are trying to pass
5339 these bills to keep immigrants out? Are we saying that
5340 somehow our heart and soul in America is so great that we
5341 are not going to provide for an attorney for children who
5342 are in need or that we are not going to detain children for
5343 more than 72 hours?

5344 What is so great about the heart and soul of the
5345 American people if we do those things? And by the way, did
5346 we forget that the heart and soul of American people was
5347 actually brought over by immigrants, unwilling and willing,
5348 on slave ships? And unless you were Native American that
5349 the heart and soul actually did a lot to build this country
5350 of other cultures.

5351 So I fundamentally do not understand why we would put
5352 this bill forward, why we would make arguments that somehow
5353 this is benefiting the taxpayer to not provide legal
5354 counsel, and I want to rise in support, strong support, of
5355 Mr. Johnson's amendment because it would bring some small
5356 amount of justice to a terribly unjust bill. I mean, really
5357 the idea that we would allow children, some of them

5358 toddlers, to appear alone in court is unfathomable to me.
5359 We know that our system works better and that we are better
5360 as a country when we make sure that everyone has access to a
5361 qualified attorney to help them navigate the system, and
5362 there are statistics around access to counsel.

5363 Among children with legal representation, 95.4 percent
5364 appeared for their court hearings. So even if you did not
5365 care about the morality, you could talk about if the point
5366 is that we want kids to appear, then we should provide them
5367 with legal representation, and it would streamline the
5368 courts. But what we know is that today 88 percent of the
5369 3,200 children that have been ordered removed from July to
5370 December of 2014 did not have an attorney.

5371 So we have a lot of work to do, Mr. Chairman, on how we
5372 actually respond to the issues and, quite frankly, we talk
5373 about civility, and I just have to say that increasingly the
5374 idea that immigrants somehow are a detriment to this country
5375 is so unjust and unfair to our history, to our values and,
5376 yes, to the heart and soul of who we are as Americans. I
5377 yield back.

5378 Mr. Goodlatte. The time of the gentlewoman has
5379 expired.

5380 Mr. Johnson of Georgia. Mr. Chairman, she has 11
5381 seconds.

5382 Ms. Jayapal. I have 11 seconds, Mr. Chairman.

5383 Mr. Johnson of Georgia. I would ask that a report by
5384 Dr. John Montgomery, Senior Vice President of NERA Economic
5385 Consulting, which finds that the net costs of this proposal
5386 to provide counsel, the savings could exceed the costs of
5387 providing publicly funded counsel.

5388 Mr. Goodlatte. Without objection, the report will be
5389 made a part of the record.

5390 [The information follows:]

5391 ***** COMMITTEE INSERT *****

5392 Mr. Johnson of Georgia. Thank you.

5393 Mr. Goodlatte. A question occurs on the amendment
5394 offered by --

5395 Mr. Schneider. Mr. Chairman?

5396 Mr. Goodlatte. For what purpose does the gentleman
5397 from Illinois seek recognition?

5398 Mr. Schneider. I ask to strike the last word.

5399 Mr. Goodlatte. The gentleman is recognized for 5
5400 minutes.

5401 Mr. Schneider. I would like to rise in support of this
5402 amendment, and share a story of a young refugee who blessed
5403 me with his presence yesterday in my office. He is from my
5404 district. I had a chance to meet with him. He is 8 years
5405 old from Honduras, born there. When he was 5 years old he
5406 was kidnapped, and shortly after his release he made his way
5407 to the United States.

5408 He wrote a letter to the President, and I just want to
5409 quote one of the lines of his letter. I tell you this is a
5410 handwritten letter. It says, "I must share with you the sad
5411 reality that we live in because our countries of origin are
5412 full of crime and violence. This is why our parents risked
5413 our lives to bring us to safety in the United States." I
5414 will reiterate what he said: that parents risked the
5415 children's lives because where they are living is so fraught
5416 with danger. Raul Ortiz, an 8-year-old young man, just

5417 finished third grade. He holds as his hero Abraham Lincoln.
5418 If you talk about the heart and soul of a Nation and the
5419 spirit of its people, Raul Ortiz reflects the heart and soul
5420 of this Nation. A Nation of immigrants, a Nation of
5421 refugees, many of whom came to this country seeking refuge
5422 from persecution, from violence, and finding in a country
5423 opportunity and a chance to live out their American dream.
5424 That is what these kids are seeking. Part of that American
5425 promise is the right to counsel, and I believe that this
5426 amendment moves us in that direction and, therefore, I
5427 support it strongly, and I ask my colleagues to do the same.

5428 Mr. Johnson of Georgia. Would the gentleman yield?

5429 Mr. Schneider. I yield to my colleague from Georgia.

5430 Mr. Johnson of Georgia. Thank you, sir. I find it
5431 ironic that the title of this legislation is the Protection
5432 of Children Act of 2017, and it is premised upon protecting
5433 children brought to this country for purposes of child
5434 trafficking. But yet we would withdraw legal protection for
5435 these kids once they get here. This is really not
5436 protection at all. That is why we should really rename this
5437 act the Promotion of Child Trafficking Act of 2017. And
5438 with that, I yield back.

5439 Mr. Goodlatte. A question occurs on the amendment
5440 offered by the gentleman from Georgia.

5441 All those in favor respond by saying aye.

5442 Those opposed, no.

5443 In the opinion of the chair, the noes have it.

5444 Mr. Johnson of Georgia. Recorded vote, please.

5445 Mr. Goodlatte. A recorded vote is requested and the

5446 clerk will call the roll.

5447 Ms. Adcock. Mr. Goodlatte?

5448 Mr. Goodlatte. No.

5449 Ms. Adcock. Mr. Goodlatte votes no.

5450 Mr. Sensenbrenner?

5451 [No response.]

5452 Mr. Smith?

5453 [No response.]

5454 Mr. Chabot?

5455 [No response.]

5456 Mr. Chabot. No.

5457 Ms. Adcock. Mr. Chabot votes no.

5458 Mr. Issa?

5459 [No response.]

5460 Mr. King?

5461 [No response.]

5462 Mr. Franks?

5463 Mr. Franks. No.

5464 Ms. Adcock. Mr. Franks votes no.

5465 Mr. Gohmert?

5466 [No response.]

5467 Mr. Jordan?
5468 [No response.]
5469 Mr. Poe?
5470 [No response.]
5471 Mr. Chaffetz?
5472 [No response.]
5473 Mr. Marino?
5474 Mr. Marino. No.
5475 Ms. Adcock. Mr. Marino votes no.
5476 Mr. Gowdy?
5477 [No response.]
5478 Mr. Labrador?
5479 [No response.]
5480 Mr. Farenthold?
5481 [No response.]
5482 Mr. Collins?
5483 [No response.]
5484 Mr. DeSantis?
5485 [No response.]
5486 Mr. Buck?
5487 [No response.]
5488 Mr. Ratcliffe?
5489 Mr. Ratcliffe. No.
5490 Ms. Adcock. Mr. Ratcliffe votes no.
5491 Mrs. Roby?

5492 [No response.]

5493 Mr. Gaetz?

5494 [No response.]

5495 Mr. Johnson of Louisiana?

5496 Mr. Johnson of Louisiana. No.

5497 Ms. Adcock. Mr. Johnson votes no.

5498 Mr. Biggs?

5499 Mr. Biggs. No.

5500 Ms. Adcock. Mr. Biggs votes no.

5501 Mr. Rutherford?

5502 Mr. Rutherford. No.

5503 Ms. Adcock. Mr. Rutherford votes no.

5504 Mr. Conyers?

5505 Mr. Conyers. Aye.

5506 Ms. Adcock. Mr. Conyers votes aye.

5507 Mr. Nadler?

5508 Mr. Nadler. Aye.

5509 Ms. Adcock. Mr. Nadler votes aye.

5510 Ms. Lofgren?

5511 Ms. Lofgren. Aye.

5512 Ms. Adcock. Ms. Lofgren votes aye.

5513 Ms. Jackson Lee?

5514 [No response.]

5515 Mr. Cohen?

5516 [No response.]

5517 Mr. Johnson of Georgia?
5518 Mr. Johnson of Georgia. Aye.
5519 Ms. Adcock. Mr. Johnson votes aye.
5520 Mr. Deutch?
5521 [No response.]
5522 Mr. Gutierrez?
5523 Mr. Gutierrez. Yes.
5524 Ms. Adcock. Mr. Gutierrez votes yes.
5525 Ms. Bass?
5526 [No response.]
5527 Mr. Richmond?
5528 [No response.]
5529 Mr. Jeffries?
5530 [No response.]
5531 Mr. Cicilline?
5532 Mr. Cicilline. Aye.
5533 Ms. Adcock. Mr. Cicilline votes aye.
5534 Mr. Swalwell?
5535 [No response.]
5536 Mr. Lieu?
5537 Mr. Lieu. Aye.
5538 Ms. Adcock. Mr. Lieu votes aye.
5539 Mr. Raskin?
5540 Mr. Raskin. Aye.
5541 Ms. Adcock. Mr. Raskin votes aye.

5542 Ms. Jayapal?

5543 Ms. Jayapal. Aye.

5544 Ms. Adcock. Ms. Jayapal votes aye.

5545 Mr. Schneider?

5546 Mr. Schneider. Aye.

5547 Ms. Adcock. Mr. Schneider votes aye.

5548 Mr. Goodlatte. The gentleman from Iowa?

5549 Mr. King. No.

5550 Ms. Adcock. Mr. King votes no.

5551 Mr. Goodlatte. The gentleman from Idaho?

5552 Mr. Labrador. No.

5553 Ms. Adcock. Mr. Labrador votes no.

5554 Mr. Goodlatte. Has every member voted who wishes to

5555 vote? The gentleman from California?

5556 Mr. Issa. No.

5557 Ms. Adcock. Mr. Issa votes no.

5558 Mr. Goodlatte. The gentleman from Florida?

5559 Mr. Gaetz. No.

5560 Ms. Adcock. Mr. Gaetz votes no.

5561 Mr. Goodlatte. The clerk will report.

5562 Ms. Adcock. Mr. Chairman, 10 members voted aye; 12

5563 members voted no.

5564 Mr. Goodlatte. And the amendment is not agreed to. It

5565 is my understanding there is another amendment. The

5566 committee will stand in recess for votes on the floor, and

5567 we will reconvene immediately following these votes.

5568 [Recess.]

5569 Chairman Goodlatte. The committee will reconvene.

5570 When we recessed, the gentleman from Illinois had indicated

5571 that he has an amendment, and the clerk will report the

5572 amendment.

5573 Ms. Adcock. Amendment to H.R. 495, offered by Mr.

5574 Gutierrez. In subparagraph D, as inserted --

5575 [The amendment of Mr. Gutierrez follows:]

5576 ***** COMMITTEE INSERT *****

5577 Chairman Goodlatte. Without objection, the amendment
5578 is considered as read, and the gentleman is recognized for 5
5579 minutes on his amendment.

5580 Mr. Gutierrez. Thank you, Mr. Chairman. Today's bill
5581 requires DHS to investigate the immigration status of any
5582 person who agrees to care for an unaccompanied child who is
5583 released from the custody of Health and Human Services. It
5584 also requires DHS to deport any person who is unlawfully
5585 present.

5586 My amendment would strike this provision from the bill.
5587 If it is included, it will result in many children
5588 languishing in Federal custody for months or years. It
5589 would make families who could be reunited and give their
5590 children a home reluctant to come forward and could put
5591 other siblings, who may or may not be U.S. citizens, at risk
5592 of being placed in foster care.

5593 According to the U.S. Conference of Catholic Bishops,
5594 tracking nearly 400 cases where they were involved in
5595 placing unaccompanied minors with parents or close
5596 relatives, in more than half of those cases, nearly 60
5597 percent, there was at least one U.S. citizen child in the
5598 home. So, here is the choice you are making families make.
5599 Give a home to their traumatized, smuggled refugee child who
5600 just crossed Mexico to get to the United States, and risk
5601 being deported and, therefore, leaving their U.S. citizen

5602 child or children without parents, possibly placed in foster
5603 care.

5604 These are the choices you are making impossible for
5605 good, decent people who are raising families in the United
5606 States. Furthermore, because immigration cases can take
5607 months, years to work their way through the backlogged
5608 immigration courts, this will mean that thousands of
5609 children will languish in Federal custody for long periods
5610 of time.

5611 Now, Mr. Chairman, I was a schoolteacher, elementary
5612 schoolteacher. And I am a dad, and I am a grandparent of
5613 14-year-old. And before that, I was a social worker with
5614 the Department of Children and Family Services in the State
5615 of Illinois. So, I am not an amateur when it comes to child
5616 welfare issues, both as a teacher and as a former social
5617 worker. And according to Federal law, the standard for
5618 welfare of the child is to place them in the least-
5619 restrictive, most family-like setting possible.

5620 Further, government "must consider giving preference to
5621 placement with a fit and willing adult relatives." The
5622 Trafficking Victims Protection Reauthorization Act requires
5623 the Department of Homeland Security to place a minor with a
5624 suitable family member as a priority over foster care. The
5625 family member under existing law, who sponsors the child,
5626 undergoes a home study by HHS to determine if the placement

5627 with them will meet the needs of the child.

5628 But apparently, the majority feels that being a fit
5629 parent, being a reliable adult guardian and having a visa
5630 are synonymous. Well, let me tell you something about
5631 parents, about Latino parents, and about immigrant and
5632 refugee parents. For any member of Congress to insinuate
5633 that immigration status determines one's fitness to care
5634 for, nurture, raise a child, well, has never met an
5635 immigrant refugee family. It is an outrageous insult to say
5636 that your visa status determines your fitness for
5637 parenthood.

5638 Secondly, it is self-defeating, as stewards of the
5639 taxpayers' money, to demand that we hold children
5640 indefinitely and create barriers to them being placed in the
5641 least restrictive, most nurturing environment possible,
5642 which, of course, is, first, with parents. Think about it.
5643 We know parents will provide the best care, the most love,
5644 and do the best they can. They may not be always what the
5645 majority believes, yet this bill seeks to make it harder for
5646 that family to reunite and survive. And I just bring my
5647 experience, Mr. Chairman, to members as a schoolteacher, an
5648 elementary schoolteacher, and a social worker.

5649 I used to go before the court every day and prepare
5650 family studies when I had times that I had to take
5651 protective custody of children. And the first thing that

5652 judge would ask me: "Did you find a grandparent, Mr.
5653 Gutierrez? Did you find an aunt or an uncle, so they can be
5654 with their first cousins?" which, in many cases, we all
5655 know, we grow up, our first cousins are like our other
5656 brothers and sisters. Those were the first questions they
5657 would always ask me.

5658 And as an elementary schoolteacher, any time there was
5659 a problem, and I called the family together, the first thing
5660 I looked for were grandparents, aunts, and uncles; thus,
5661 people with family ties. That is what we do. It is not
5662 only what the law says we should do; it is what the best
5663 practice is for children.

5664 Let's not treat children seeking refuge in the United
5665 States any differently and put them in any less of a
5666 protective setting than we put our own children because you
5667 all remember that the Pope came visit us, and he said,
5668 "Follow the Golden Rule." You know, like, do unto others as
5669 you would have them unto you. In this case, do unto other
5670 children as you would have them do unto your own children.
5671 Thank you, Mr. Chairman.

5672 Chairman Goodlatte. The chair thanks the gentleman and
5673 recognizes himself in opposition to the amendment. When an
5674 unaccompanied alien minor is apprehended by law, they are
5675 placed in the custody of the Office of Refugee Resettlement
5676 within the Department of Health and Human Services shortly

5677 after their entry into the United States.

5678 HHS has indicated that they operate a set of facilities
5679 with private nonprofits until a parent, relative, or sponsor
5680 can be identified. The Federal Government must be required
5681 to obtain information on individuals with whom unaccompanied
5682 alien minors are placed, as they are often brought across
5683 the border by smugglers who are paid by the children's
5684 parents, who are already in the U.S. illegally.

5685 On April 2, 2014, U.S. Customs and Border Protection
5686 conceded that the Obama administration's policies against
5687 deporting immigrant minors, as well as its practice of
5688 reuniting them with their parents, were factors in the steep
5689 increase in minors crossing the border without legal
5690 guardians. To make matters worse, oftentimes, HHS does not
5691 even know who the "sponsors" are. Problems have occurred
5692 when the government hands over unaccompanied alien minors to
5693 "guardians," regardless of the guardian's immigration
5694 status, background checks, or even knowing if the guardian
5695 has any legal ties to the child.

5696 For example, in 2014, a Honduran man unlawfully present
5697 in the United States, living in Baltimore County, faced
5698 Federal charges after a 16-year-old female, unaccompanied
5699 minor sent to live with him told police he smuggled her into
5700 the United States, and he engaged in an inappropriate sexual
5701 relationship with her. Federal officials gave Pedro Lara

5702 Portillo, 42, guardianship over the girl, who is also from
5703 Honduras, through the HSS process. Clearly, whatever HHS is
5704 doing to identify sponsors for these minors is inadequate to
5705 protect their safety. This teenager was just one among tens
5706 of thousands of children who have come north from Central
5707 America, often traveling alone, and sparking a crisis as
5708 officials try to figure out how to house them.

5709 For these reasons, HHS must obtain more information on
5710 who the minors are placed with. HHS must also share that
5711 information with the Department of Homeland Security. If
5712 minors are being placed with unlawful aliens, DHS should
5713 have the ability to put those unlawful aliens in removal
5714 proceedings. Hence, I rise in opposition to this amendment
5715 to remove the requirements protecting UAMS from potential
5716 abusers and urge my colleagues to do the same.

5717 For what purpose does the gentlewoman from California
5718 seek recognition?

5719 Ms. Lofgren. To strike the last word.

5720 Chairman Goodlatte. The gentlewoman is recognized for
5721 5 minutes.

5722 Ms. Lofgren. I agree with Mr. Gutierrez's amendment,
5723 but I also agree with the concern you have expressed about
5724 the need to make sure that children are placed in an
5725 appropriate manner. Mr. Gutierrez is right: the best place
5726 for children is with a family member. And if those family

5727 members know that they will be deported if they step forward
5728 to take care of a small child, it is going to be very hard
5729 for them to do that, especially if they have other children
5730 who would then be left without any parent. So, Mr.
5731 Gutierrez's amendment is absolutely essential.

5732 Now, on the point you raised, you know, we were very
5733 critical; I know the Republicans on the committee were
5734 critical; the Democrats were as well, because there was
5735 insufficient investigation of the placement of minor
5736 children. After that failure, new efforts were made to
5737 better vet the individuals, the adults and relatives who
5738 were stepping forward to provide temporary housing for these
5739 kids. In fact, DNA matches were put into effect, so that,
5740 if someone said they were the family member, you could
5741 actually find out if that was the case or whether it was
5742 made up. Other background checks were instituted.

5743 I am not saying that we could not do more; maybe we
5744 could. But the bill, which prevents people from stepping
5745 forward, who are relatives, is not the answer. The answer
5746 is to make sure that we have absolute sure vetting of people
5747 who say they are family members. And with that, I think we
5748 have complete agreement. So, I think Mr. Gutierrez's
5749 amendment is absolutely essential, and I thank him for
5750 offering it. And I do not know if he needs additional time?

5751 Mr. Gutierrez. Thank you so much. I will take the

5752 time, some additional time. So, I listened to the chairman,
5753 and the chairman gave us this terrible case. And then he
5754 said, "Tens of thousands of these children come," as though
5755 tens of thousands of them are coming into this very same
5756 situation that this unfortunate young woman found herself
5757 in. The truth is she is the exception to the rule. What we
5758 should be doing, if we care so much about these children, is
5759 re-doubling our efforts to make sure we investigate
5760 appropriately the households. I mean, because really, okay.
5761 Let me go back to my original.

5762 What it says is you must check the immigration status
5763 of the parent with which the child is to be placed and
5764 deport that parent if we find them to be unlawfully in the
5765 United States. How does that protect the child? You know,
5766 I get the argument. But what we are really doing is going
5767 after the parents and trying to deport them. And I will
5768 concede, and I am sure most of us, that there are parents of
5769 unaccompanied minors who are undocumented in the United
5770 States. But that is the best place for that undocumented
5771 child, as they go through the court system, is with their
5772 parents.

5773 If you say you want to investigate the parents, too,
5774 not just for their suitability of whether they can care for
5775 their child, but their immigration status, then you are
5776 really eliminating the best household for that child to be

5777 raised in. And you are really not protecting the child,
5778 because you can give me cases of bad placement. I will give
5779 you tons of cases of private jails where there is rampant
5780 abuse of children and adults. And I will give you cases of
5781 rampant abuse in the foster care system that is broken in
5782 the United States, the foster care system that is broken,
5783 and a private jail system that is broken.

5784 So, let's go back to what we know works. And look, I
5785 did not get a legal background before I came to this. I am
5786 just a schoolteacher and a social worker, but I worked with
5787 children. I know a little bit about them. So, I hope that
5788 we can all support this amendment. And I return the balance
5789 of the time to the gentlelady.

5790 Ms. Lofgren. And I yield back, Mr. Chairman.

5791 Chairman Goodlatte. The question occurs on the
5792 amendment offered by the gentleman from Illinois.

5793 All those in favor, respond by saying aye.

5794 Those opposed, no.

5795 In the opinion of the chair, the noes have it, and the
5796 amendment is not agreed to.

5797 Mr. Gutierrez. Can I have a recorded vote?

5798 Chairman Goodlatte. A recorded vote is requested, and
5799 the clerk will call the roll.

5800 Ms. Adcock. Mr. Goodlatte?

5801 Chairman Goodlatte. No.

5802 Ms. Adcock. Mr. Goodlatte votes no.
5803 Mr. Sensenbrenner?
5804 [No response.]
5805 Mr. Smith?
5806 Mr. Smith. No.
5807 Ms. Adcock. Mr. Smith votes no.
5808 Mr. Chabot?
5809 Mr. Chabot. No.
5810 Ms. Adcock. Mr. Chabot votes no.
5811 Mr. Issa?
5812 [No response.]
5813 Mr. King?
5814 [No response.]
5815 Mr. Franks?
5816 [No response.]
5817 Mr. Gohmert?
5818 [No response.]
5819 Mr. Jordan?
5820 [No response.]
5821 Mr. Poe?
5822 [No response.]
5823 Mr. Chaffetz?
5824 [No response.]
5825 Mr. Marino?
5826 Mr. Marino. No.

5827 Ms. Adcock. Mr. Marino votes no.
5828 Mr. Gowdy?
5829 [No response.]
5830 Mr. Labrador?
5831 Mr. Labrador. No.
5832 Ms. Adcock. Mr. Labrador votes no.
5833 Mr. Farenthold?
5834 Mr. Farenthold. No.
5835 Ms. Adcock. Mr. Farenthold votes no.
5836 Mr. Collins?
5837 [No response.]
5838 Mr. DeSantis?
5839 [No response.]
5840 Mr. Buck?
5841 Mr. Buck. No.
5842 Ms. Adcock. Mr. Buck votes no.
5843 Mr. Ratcliffe?
5844 Mr. Ratcliffe. No.
5845 Ms. Adcock. Mr. Ratcliffe votes no.
5846 Mrs. Roby?
5847 Mrs. Roby. No.
5848 Ms. Adcock. Mrs. Roby votes no.
5849 Mr. Gaetz?
5850 Mr. Gaetz. No.
5851 Ms. Adcock. Mr. Gaetz votes no.

5852 Mr. Johnson of Louisiana?
5853 [No response.]
5854 Mr. Biggs?
5855 Mr. Biggs. No.
5856 Ms. Adcock. Mr. Biggs votes no.
5857 Mr. Rutherford?
5858 [No response.]
5859 Mr. Conyers?
5860 Mr. Conyers. Aye.
5861 Ms. Adcock. Mr. Conyers votes aye.
5862 Mr. Nadler?
5863 [No response.]
5864 Ms. Lofgren?
5865 Ms. Lofgren. Aye.
5866 Ms. Adcock. Ms. Lofgren votes aye.
5867 Ms. Jackson Lee?
5868 [No response.]
5869 Mr. Cohen?
5870 [No response.]
5871 Mr. Johnson of Georgia?
5872 Mr. Johnson of Georgia. Aye.
5873 Ms. Adcock. Mr. Johnson votes aye.
5874 Mr. Deutch?
5875 [No response.]
5876 Mr. Gutierrez?

5877 [No response.]

5878 Ms. Adcock. Ms. Bass?

5879 Mr. Gutierrez. Aye.

5880 Ms. Adcock. Mr. Gutierrez votes aye.

5881 Ms. Bass?

5882 [No response.]

5883 Mr. Richmond?

5884 [No response.]

5885 Mr. Jeffries?

5886 [No response.]

5887 Mr. Cicilline?

5888 Mr. Cicilline. Aye.

5889 Ms. Adcock. Mr. Cicilline votes aye.

5890 Mr. Swalwell?

5891 [No response.]

5892 Mr. Lieu?

5893 Mr. Lieu. Aye.

5894 Ms. Adcock. Mr. Lieu votes aye.

5895 Mr. Raskin?

5896 Mr. Raskin. Aye.

5897 Ms. Adcock. Mr. Raskin votes aye.

5898 Ms. Jayapal?

5899 Ms. Jayapal. Aye.

5900 Ms. Adcock. Ms. Jayapal votes aye.

5901 Mr. Schneider?

5902 Mr. Schneider. Aye.

5903 Ms. Adcock. Mr. Schneider votes aye.

5904 Chairman Goodlatte. The gentleman from Florida?

5905 Mr. Rutherford. No.

5906 Ms. Adcock. Mr. Rutherford votes no.

5907 Chairman Goodlatte. The gentleman from Texas?

5908 Mr. Poe. No.

5909 Ms. Adcock. Mr. Poe votes no.

5910 Chairman Goodlatte. Has every member who wishes to

5911 vote?

5912 The gentleman from Florida?

5913 Mr. Deutch. Aye.

5914 Ms. Adcock. Mr. Deutch votes aye.

5915 Chairman Goodlatte. The gentleman from Arizona?

5916 Mr. Franks. No.

5917 Ms. Adcock. Mr. Franks votes no.

5918 Chairman Goodlatte. The gentleman from Rhode Island?

5919 Have you voted?

5920 Mr. Cicilline. I would like to vote again. Aye.

5921 Chairman Goodlatte. Count him once.

5922 Ms. Lofgren. Mr. Chairman, have I voted?

5923 Chairman Goodlatte. The gentleman from California?

5924 Mr. Issa. Mr. Chairman, I do not know if I am

5925 recorded.

5926 Chairman Goodlatte. You are not recorded.

5927 Mr. Issa. Well, then, Mr. Chairman, I would like to
5928 vote no.

5929 Ms. Adcock. Mr. Issa votes no.

5930 Ms. Lofgren. Mr. Chairman, I think Mr. Nadler is
5931 running towards the door. If we could --

5932 Chairman Goodlatte. We would --

5933 Ms. Lofgren. If we could just stall for a minute.

5934 Chairman Goodlatte. There he is, a grand entrance by
5935 the gentleman from New York.

5936 Mr. Nadler. Aye.

5937 Ms. Adcock. Mr. Nadler votes aye.

5938 Chairman Goodlatte. The clerk will report.

5939 Ms. Adcock. Mr. Chairman, 11 members voted aye; 15
5940 members voted no.

5941 Chairman Goodlatte. And the amendment is not agreed
5942 to.

5943 Are there further amendments to H.R. 495?

5944 A reporting quorum being present, the question is on
5945 the motion to report the bill, H.R. 495, as amended,
5946 favorably to the House.

5947 Those in favor, respond by saying aye.

5948 Those opposed, no.

5949 The ayes have it, and the bill is order reported
5950 favorably.

5951 Mr. Conyers. Could we get a record vote, please?

5952 Chairman Goodlatte. A recorded vote is requested, and
5953 the clerk will call the roll.

5954 Ms. Adcock. Mr. Goodlatte?

5955 Chairman Goodlatte. Aye.

5956 Ms. Adcock. Mr. Goodlatte votes aye.

5957 Mr. Sensenbrenner?

5958 [No response.]

5959 Mr. Smith?

5960 Mr. Smith. Aye.

5961 Ms. Adcock. Mr. Smith votes aye.

5962 Mr. Chabot?

5963 Mr. Chabot. Aye.

5964 Ms. Adcock. Mr. Chabot votes aye.

5965 Mr. Issa?

5966 Mr. Issa. Aye.

5967 Ms. Adcock. Mr. Issa votes aye.

5968 Mr. King?

5969 [No response.]

5970 Mr. Franks?

5971 Mr. Franks. Aye.

5972 Ms. Adcock. Mr. Franks votes aye.

5973 Mr. Gohmert?

5974 [No response.]

5975 Mr. Jordan?

5976 [No response.]

5977 Mr. Poe?

5978 Mr. Poe. Yes.

5979 Ms. Adcock. Mr. Poe votes yes.

5980 Mr. Chaffetz?

5981 [No response.]

5982 Mr. Marino?

5983 Mr. Marino. Yes.

5984 Ms. Adcock. Mr. Marino votes yes.

5985 Mr. Gowdy?

5986 [No response.]

5987 Mr. Labrador?

5988 Mr. Labrador. Yes.

5989 Ms. Adcock. Mr. Labrador votes yes.

5990 Mr. Farenthold?

5991 Mr. Farenthold. Aye.

5992 Ms. Adcock. Mr. Farenthold votes aye.

5993 Mr. Collins?

5994 [No response.]

5995 Mr. DeSantis?

5996 [No response.]

5997 Mr. Buck?

5998 Mr. Buck. Aye.

5999 Ms. Adcock. Mr. Buck votes aye.

6000 Mr. Ratcliffe?

6001 Mr. Ratcliffe. Yes.

6002 Ms. Adcock. Mr. Ratcliffe votes yes.

6003 Mrs. Roby?

6004 Mrs. Roby. Aye.

6005 Ms. Adcock. Mrs. Roby votes aye.

6006 Mr. Gaetz?

6007 Mr. Gaetz. Aye.

6008 Ms. Adcock. Mr. Gaetz votes aye.

6009 Mr. Johnson of Louisiana?

6010 [No response.]

6011 Mr. Biggs?

6012 Mr. Biggs. Aye.

6013 Ms. Adcock. Mr. Biggs votes aye.

6014 Mr. Rutherford?

6015 Mr. Rutherford. Aye.

6016 Ms. Adcock. Mr. Rutherford votes aye.

6017 Mr. Conyers?

6018 Mr. Conyers. No.

6019 Ms. Adcock. Mr. Conyers votes no.

6020 Mr. Nadler?

6021 Mr. Nadler. No.

6022 Ms. Adcock. Mr. Nadler votes no.

6023 Ms. Lofgren?

6024 Ms. Lofgren. No.

6025 Ms. Adcock. Ms. Lofgren votes no.

6026 Ms. Jackson Lee?

6027 [No response.]

6028 Mr. Cohen?

6029 [No response.]

6030 Mr. Johnson of Georgia?

6031 Mr. Johnson of Georgia. No.

6032 Ms. Adcock. Mr. Johnson votes no.

6033 Mr. Deutch?

6034 Mr. Deutch. No.

6035 Ms. Adcock. Mr. Deutch votes no.

6036 Mr. Gutierrez?

6037 Mr. Gutierrez. No.

6038 Ms. Adcock. Mr. Gutierrez votes no.

6039 Ms. Bass?

6040 [No response.]

6041 Mr. Richmond?

6042 [No response.]

6043 Mr. Jeffries?

6044 [No response.]

6045 Mr. Cicilline?

6046 Mr. Cicilline. No.

6047 Ms. Adcock. Mr. Cicilline votes no.

6048 Mr. Swalwell?

6049 [No response.]

6050 Mr. Lieu?

6051 Mr. Lieu. No.

6052 Ms. Adcock. Mr. Lieu votes no.

6053 Mr. Raskin?

6054 Mr. Raskin. No.

6055 Ms. Adcock. Mr. Raskin votes no.

6056 Ms. Jayapal?

6057 Ms. Jayapal. No.

6058 Ms. Adcock. Ms. Jayapal votes no.

6059 Mr. Schneider?

6060 Mr. Schneider. No.

6061 Ms. Adcock. Mr. Schneider votes no.

6062 Chairman Goodlatte. The gentleman from Tennessee, Mr.

6063 Cohen?

6064 Mr. Cohen. How am I recorded?

6065 Chairman Goodlatte. You are not recorded.

6066 Mr. Cohen. Not on 33, the third, 78, or 45?

6067 Chairman Goodlatte. Not in any one of those formats.

6068 Mr. Cohen. I vote no.

6069 Ms. Adcock. Mr. Cohen votes no.

6070 Chairman Goodlatte. Has every member who wishes to

6071 vote?

6072 The clerk will report.

6073 Ms. Adcock. Mr. Chairman, 15 members voted aye; 12

6074 members voted no.

6075 Chairman Goodlatte. The ayes have it, and the bill, as

6076 amended, is ordered reported favorably to the House.

6077 Members will have 2 days to submit views. And without
6078 objection, the bill will be reported as a single amendment
6079 in the nature of a substitute, incorporating all adopted
6080 amendments, and staff is authorized to make technical and
6081 conforming changes.

6082 Pursuant to notice, I now call up H.R. 2826 for
6083 purposes of markup and move that the bill be reported
6084 favorably to the House. The clerk will report the bill.

6085 Ms. Adcock. H.R. 2826, to provide for an annual
6086 adjustment of the number of admissible refugees and for
6087 other purposes.

6088 [The bill follows:]

6089 ***** INSERT 2 *****

6090 Chairman Goodlatte. Without objection, the bill is
6091 considered as read and open for amendment at any time. And
6092 I will begin by recognizing myself for an opening statement.

6093 And as I do, I will advise members that it is the
6094 intention of the chair to recess the committee at 6:30, in
6095 time for members to participate in or attend the ladies
6096 softball game, which I hope there are member son both sides
6097 competing in or attending. But that is our targeted
6098 adjournment for today.

6099 With regard to H.R. 2826, the United States has a
6100 generous refugee program and has provided millions of people
6101 fleeing persecution with safe haven. Just last fiscal year,
6102 we resettled 84,994 refugees. And while we should continue
6103 that great tradition, it has become clear that our refugee
6104 laws can be abused and need reform.

6105 The Refugee Act of 1980 created our current refugee
6106 resettlement process in which the President sets the annual
6107 limit for the number of refugees the United States can
6108 resettle during the next fiscal year. And the act sets
6109 forth who could be considered admissible as a refugee and
6110 how and when those refugees could adjust to lawful permanent
6111 resident status.

6112 In addition, the act put in place a process for the
6113 Federal Government to work through nongovernmental agencies
6114 to resettle refugees. Thirty-seven years later, Members of

6115 Congress and the American public are voicing a growing
6116 number of concerns about how many and the way refugees are
6117 admitted to the United States, as well as what happens once
6118 they are admitted. But the Federal Government has done
6119 little to respect those concerns.

6120 Under the previous administration, when a State or
6121 locality expressed security concerns about refugee
6122 resettlement, the administration simply repeated the
6123 soundbite that refugees undergo the most rigorous background
6124 checks of any immigrant to the United States. That
6125 statement ignored those of several security officials that,
6126 if there is no information regarding a potential refugee in
6127 the databases that are checked, then no derogatory
6128 information will show up during the check. And it ignored
6129 the fact that in many failed states, like Syria, there is no
6130 reliable information about refugees.

6131 We know that over 300 individuals being actively
6132 investigated for terrorist-related activity by the FBI came
6133 to the United States as refugees, and we know that at least
6134 2 of the 10 successful terrorist attacks carried out on U.S.
6135 soil since September 11, 2001 were perpetrated by
6136 individuals who entered the U.S. as refugees. So, we should
6137 certainly be concerned about resettlement of refugees from
6138 countries that are hotbeds of terrorist activity.

6139 In addition to security concerns, if a State or

6140 locality expressed concerns about the costs of refugee
6141 resettlement or the lack of available employment
6142 opportunities, the prior administration did little in
6143 response. It was simply their view that, "The Federal
6144 Government has the right to resettle refugees all across
6145 America." And while that may be true, it is not necessarily
6146 the best practice. I know that many resettlement
6147 organizations do wonderful and necessary work, but
6148 essentially ignoring the pleas of communities across the
6149 U.S. and leaving refugee resettlement decisions to the
6150 administration is no longer a viable option.

6151 Also ripe for change is the process by which the annual
6152 refugee ceiling is set. Currently, the President sets the
6153 refugee ceiling, after "appropriate consultation with
6154 Congress." But such appropriate consultation had become
6155 simply a September meeting between the Secretary of State
6156 and some members of the House and Senate Judiciary
6157 Committees, at which the Secretary told us how many refugees
6158 the President had decided could be admitted. This was the
6159 case under multiple administrations.

6160 In 2015, when the Secretary did, in fact, provide us a
6161 number during the consultation, the final fiscal year 2016
6162 determination by the President was 10,000 more than what the
6163 Secretary had told us just days before. So, among its many
6164 reforms, H.R. 2826 sets an annual limit for refugee

6165 admissions, curbing the President's limitless power. And
6166 the bill places the power in the hands of the States and
6167 localities to determine whether or not refugee resettlement
6168 is best for their communities.

6169 After 37 years, it is time to make some needed reforms
6170 to U.S. refugee law and policy. H.R. 2826, the Refugee
6171 Program Integrity Restoration Act, does just that, and I
6172 urge my colleagues to support the bill.

6173 I commend the gentleman from Idaho, Mr. Labrador, for
6174 his hard work on it, as well as a number of members, both on
6175 the committee and off the committee, who have contributed to
6176 this. And I now recognize the gentleman from Michigan, Mr.
6177 Conyers, for his opening statement.

6178 [The prepared statement of Chairman Goodlatte follows:]

6179 ***** COMMITTEE INSERT *****

6180 Mr. Conyers. Thank you, Chairman Goodlatte. Ladies
6181 and gentlemen, we are in the midst of a global refugee
6182 crisis. There are currently more displaced people,
6183 approximately some 60 million, than at any time since World
6184 War II. They are in refugee camps in Africa. They are on
6185 boats, and trains, and traveling by foot from the Middle
6186 East to Europe. And they are coming to our border from
6187 Central America. These are the world's most vulnerable;
6188 many of them are women and children.

6189 Unfortunately, the majority's apparent answer is to cut
6190 refugee admissions by more than half. This bill also
6191 follows the Trump administration's shameful executive order
6192 to shut down refugee processing, particularly from Syria, a
6193 country embroiled in a 5-year civil war. The majority would
6194 say no to Syrians caught fleeing Assad's use of chemical
6195 weapons on his own people, on the one hand, and the brutal
6196 savagery of ISIS on the other.

6197 The so-called Refugee Program Integrity Restoration Act
6198 would destroy the very foundation of refugee resettlement,
6199 as we know it. It is perhaps more apt to call it the
6200 Refugee Program Destruction Act because, if enacted, it
6201 would destroy the U.S. refugee resettlement program.

6202 Let us remember that, only yesterday, we observed World
6203 Refugee Day. It marked a celebration of the strength and
6204 value of courageous refugees everywhere. This great

6205 Judiciary Committee must do better than honor refugees on a
6206 Tuesday, then vote to destroy the program that resettled
6207 them on a Wednesday.

6208 For example, the bill prioritizes religious minorities
6209 for resettlement as a matter of law. While we can all agree
6210 that those fleeing religious persecution should be
6211 protected, it makes no sense to elevate religious
6212 persecution above other forms of persecution. And like the
6213 Trump executive order, I am concerned that this provision
6214 will be interpreted to block Muslim refugees from entering
6215 the United States.

6216 Another section of the bill would permit governors or
6217 local governments to block resettlement. In my home State
6218 of Michigan, I opposed the Governor when he tried to exclude
6219 Syrian refugees from being resettled in Michigan. And while
6220 I am pleased that he changed his mind, the experience shows
6221 how this provision would allow base emotion and the politics
6222 of the day to drive refugee policy.

6223 These types of provisions take us down a road that is
6224 uncomfortably close to the religious bigotry we saw in this
6225 country against Catholics, before the election of John F.
6226 Kennedy, and other religious minorities.

6227 The bill would also erect new, costly, and ineffective
6228 hurdles for those seeking to start a new life in America
6229 after having been found to be refugees. These are nothing

6230 less than dangerous proposals. They are dangerous to those
6231 who will be turned away because of an arbitrary cap that is
6232 far below what is actually needed and what we are capable of
6233 doing. But more than that, these policies betray our
6234 values. And in that way, they are dangerous to what makes
6235 America great.

6236 Now, I have watched with dismay as the President talked
6237 of building a wall and issued an executive order with the
6238 intention of closing our country to Muslims. I know the
6239 Muslim community in and around the greater Detroit area, in
6240 my district. These are hardworking, for the most part,
6241 family-oriented people of faith. Their dreams are the same
6242 as immigrants who came before them: safety and protection
6243 from oppression, educational opportunities for their
6244 children, and a better life for those willing to work for
6245 it.

6246 The bill we are marking up today, similar to Trump's
6247 executive order, plays on our worst fears. It would have us
6248 turn our back on those most in need of refugee resettlement.
6249 It is inconsistent with the letter and the spirit of
6250 American and international refugee law. And so, I strongly
6251 oppose this bill, and I plead with my colleagues to do the
6252 same. I thank the chairman, and I yield back the balance of
6253 my time, if there is any.

6254 [The prepared statement of Mr. Conyers follows:]

6255

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

6256 Chairman Goodlatte. Thank you, Mr. Conyers. It is now
6257 my pleasure to recognize the chief sponsor of the bill, the
6258 gentleman from Idaho, Mr. Labrador, for his opening
6259 statement. So, the gentleman does not choose to make a
6260 statement?

6261 Mr. Labrador. No. I waive the opening statement.

6262 Chairman Goodlatte. Very good. The chair now will
6263 turn to the ranking member of the Subcommittee on
6264 Immigration and Border Security, the gentlewoman from
6265 California, Ms. Lofgren, for her opening statement.

6266 Ms. Lofgren. Thank you, Mr. Chairman. H.R. 2826 would
6267 create a huge shift in this country's history of welcoming
6268 and protecting refugees from around the world. I think it
6269 really is an attack on refugees and the programs that serve
6270 them. The bill, in my view, does not enhance security or
6271 address current problems in the refugee program. It fails
6272 to recognize refugees are fleeing persecution and that we
6273 have a moral and legal duty to provide them with safe haven.

6274 The bill seems to be based on the faulty premise that
6275 refugees in general pose a danger to the country, that their
6276 numbers to be reduced, and that they need to be kept under
6277 surveillance. I was particularly disappointed, as the
6278 ranking member has mentioned, that this legislation comes
6279 before our committee just one day after World Refugee Day,
6280 when all of us paused to commemorate the struggle, courage,

6281 and contributions of the many refugees that have so
6282 profoundly strengthened our Nation and congressional
6283 district, but we are vastly enriched by refugees from
6284 Vietnam, the largest number of Vietnamese Americans in the
6285 United States, right in the city of San Jose, who have
6286 created a tremendous business environment, wonderful
6287 children, a very valued portion of our community.

6288 As the ranking member, Mr. Conyers, has said we are
6289 really in a worldwide refugee crisis at the moment. We have
6290 not seen this many refugees since World War II around the
6291 world. Yet, this bill severely hampers the ability of our
6292 country to respond to the crisis. Among other things, it
6293 strips the President of his ability to set annual admission
6294 levels and statutorily reduces the number of refugee
6295 admissions by more than half compared to fiscal year 2017.
6296 I think that is a mistake. I guard the legislative
6297 prerogative as much as any other member of Congress, but I
6298 think the President needs to have the ability to respond to
6299 international crises and events and not be hampered by an
6300 arbitrary number in law.

6301 You know, since World War II, America has accepted
6302 millions of refugees. In the 1980s, under Reagan, as I
6303 mentioned, we resettled hundreds of thousands of Vietnamese,
6304 at times taking more than 10,000 refugees a month. In the
6305 1990s, we accepted hundreds of thousands of refugees from

6306 the former Soviet Union. And I would note that when the
6307 travel ban went into effect and people all over the country
6308 went to airports to protest, one of those who went was the
6309 cofounder of Google, Sergey Brin. And when the reporters
6310 asked the billionaire why he was there at 1:00 in the
6311 morning at the airport, he said, "Well, I am here because I
6312 am a refugee." And I am glad that Sergey Brin formed Google
6313 in Mountain View instead of Moscow. It made a big
6314 difference to my constituents to have all those great paying
6315 jobs here in the United States. Refugees from around the
6316 world have become enormous contributors to our economy, the
6317 fabric of our country, our society, and my district.

6318 Now, at this moment of great need, I think we should
6319 really be trying to increase our capacity to resettle
6320 refugees, not decreasing it. The level set in this bill is
6321 low, and I think it sends a dangerous message to the rest of
6322 the world, relinquishing our historic leadership. As
6323 mentioned by Mr. Conyers, it also prioritizes religious
6324 minorities for refugee resettlement as a matter of law.
6325 That is a radical departure from established law that
6326 provides protection from persecution based on race, on
6327 religion, nationality, political opinion, membership in a
6328 political or social group. This provision would
6329 deprioritize Iraqis and Afghans who supported U.S. Armed
6330 Services, or women who are fleeing sexual enslavement, or

6331 female genital mutilation by Boko Haram, or political
6332 dissidence from North Korea.

6333 I think another provision allowing governors and local
6334 legislators to deny refugee placement in their communities
6335 is a restriction that applies to no other group of
6336 immigrants and sends a message that refugees are undesirable
6337 and unwelcome in our communities.

6338 I would note that, although much has been said about
6339 the vetting of refugees, they are the most studied group of
6340 people who come into the United States of anyone who comes
6341 in. And, you know, some have said, you know, "Well, we
6342 cannot get information from some of these regimes." That is
6343 true, but would we really place great weight on the records
6344 provided to us by the Assad regime? I do not think so.
6345 What we do is spend 2 or, in some cases, 3 years examining
6346 each applicant, reconstructing their lives and the lives of
6347 the villages they grew up in to make sure that their stories
6348 hold up. We also do DNA testing to make sure that the
6349 people who say they are related to each other are. You
6350 know, the idea of keeping refugees out is just not a good
6351 one. I do not think it is consistent with our values and
6352 our history.

6353 I think also it is worth remembering that just over 75
6354 years ago, a ship called the St. Louis carrying nearly 1,000
6355 Jews fleeing Nazi Germany sailed so close to the United

6356 States that passengers could see the lights of Miami, but
6357 rather than welcome those refugees, America turned them
6358 away. Many of those Jewish refugees perished. They were
6359 killed by the Nazis when they were forcibly returned to
6360 Europe. That marked a change in U.S. refugee policy and in
6361 the world's refugee policy. It is a mistake to upend the
6362 principles that have guided us since that time, as this bill
6363 does. And I hope that we will not adopt it, and I yield
6364 back the balance of my time.

6365 Chairman Goodlatte. The chair thanks the gentlewoman.
6366 The chair now recognizes the gentleman from Idaho, Mr.
6367 Labrador, for purposes of offering an amendment in the
6368 nature of a substitute. And the clerk will report the
6369 amendment.

6370 Ms. Adcock. Amendment in the nature of a substitute to
6371 H.R. 2826 offered by Mr. Labrador. Strike all after the --

6372 [The amendment of Mr. Labrador follows:]

6373 ***** COMMITTEE INSERT *****

6374 Chairman Goodlatte. Without objection, the amendment
6375 will be considered as read and the gentleman is recognized
6376 for 5 minutes to explain his amendment.

6377 Mr. Labrador. Thank you, Mr. Chairman. I am honored
6378 to introduce H.R. 2826, the Refugee Program Integrity
6379 Restoration Act of 2017. I have long been a supporter of
6380 the refugee program and the important humanitarian mission
6381 that it serves.

6382 The United States should be a beacon of hope to those
6383 in dire need who face persecution, torture, or death on
6384 account of their religion, race, national origin, political
6385 opinion, or membership in a particular social group. As a
6386 former immigration lawyer, this is more than just theory. I
6387 have seen this program firsthand. The refugee program,
6388 however, is outdated and is now in need of reform. The
6389 process is wrought with fraud, unchecked executive
6390 authority, and potential threats to our national security.
6391 These deficiencies have been highlighted in several hearings
6392 and by numerous witnesses.

6393 When former FBI Director James Comey testified before
6394 this committee in 2015, he made very troubling statements
6395 about the inability of law enforcement to properly vet
6396 incoming refugees. Compared to countries where U.S.
6397 Intelligence has a strong footing, many refugees are coming
6398 from failed states such as Syria where there is very little

6399 U.S. Intelligence presence. The simple fact is that we do
6400 not know who these people truly are and former Director
6401 Comey made it clear the he could not give assurances for the
6402 safety of the communities that were accepting refugees.
6403 This is not only unacceptable, but it further undermines the
6404 legitimacy of the program and hurts those that it should
6405 help.

6406 The reforms outlined in this bill do much to restore
6407 the refugee program's integrity that has been lost over the
6408 past several years. The statutory changes modernize a
6409 statute that was written over 30 years ago and that could
6410 not have contemplated the problems that we face now.

6411 By updating provisions related to waver authority,
6412 termination of refugee status, and the process for
6413 adjustment of status for refugees, H.R. 2826 takes the
6414 necessary steps to bring the refugee program into the 21st
6415 century. This bill goes to great lengths to strengthen the
6416 infrastructure of the program and combat fraud and threats
6417 to our national security. By improving our fraud detection
6418 at the earliest stages of the process, and including
6419 recurrent security checks after refugees admitted to the
6420 country, U.S. law enforcement can better assess fraud
6421 patterns, identify future threats, and thwart attacks before
6422 they can occur.

6423 The provisions of this bill truly anticipate the needs

6424 of future Congresses to protect against unchecked executive
6425 action. By setting the ceiling through a statute and
6426 requiring congressional action in advance of any adjustment,
6427 Congress finally brings the refugee ceiling determination in
6428 line with all other statutorily set immigration caps.
6429 Further, by providing a voice to State and local government,
6430 this or any future administration cannot dictate
6431 resettlement without substantive input from the States and
6432 communities that will be impacted.

6433 The amendment in nature of a substitute that I have
6434 introduced today removes section 13 from the original bill.
6435 Upon further review, this section is now more relevant to
6436 other legislation. For that reason, I have offered the ANS
6437 to remove that section of the base bill. This bill is the
6438 result of a collaborative effort of many members and I want
6439 to thank all members who provided good ideas, input, and
6440 language. I especially want to thank Chairman Goodlatte for
6441 his strong leadership on this issue and for fostering the
6442 collaborative spirit that has brought us here today. H.R.
6443 2826 is a strong bill that will greatly improve many facets
6444 of the refugee program, and I urge the members on this
6445 committee to support the ANS and the underlying bill today.
6446 And with that, I yield back.

6447 Chairman Goodlatte. The chair thanks the gentleman.
6448 Are there any amendments to H.R. 2826?

6449 Ms. Lofgren. Chairman, did we get a copy of the
6450 manager's amendment? I cannot find it here. Could I get a
6451 copy, please?

6452 Chairman Goodlatte. We will provide a copy. One was
6453 supposed to be at your desk, I believe.

6454 Ms. Lofgren. Maybe it was and I have lost it, but I do
6455 not have it.

6456 Chairman Goodlatte. We will find one for you.

6457 Mr. Conyers. Mr. Chairman, I have --

6458 Chairman Goodlatte. For what purpose does the
6459 gentleman from Michigan seek recognition?

6460 Mr. Conyers. I have an amendment at the desk and ask
6461 that it be reported.

6462 Chairman Goodlatte. The clerk will report the
6463 amendment.

6464 Ms. Adcock. Amendment to the amendment in the nature
6465 of a substitute to H.R. 2826 offered by Mr. Conyers, strike
6466 section 9.

6467 [The amendment of Mr. Conyers follows:]

6468 ***** COMMITTEE INSERT *****

6469 Chairman Goodlatte. Without objection, the amendment
6470 is considered as read, and the gentleman is recognized for 5
6471 minutes on his amendment.

6472 Mr. Conyers. Thank you, Mr. Chairman. Members of the
6473 committee, my amendment would strike the provision of H.R.
6474 2826 that empowers State and local governments to prohibit
6475 the resettlement of refugees in their communities.
6476 Specifically, section 9 of this bill states that no refugee
6477 may be placed in a community where a governor, a State
6478 legislature, a local chief executive, or local legislature
6479 takes any action formally disapproving refugee resettlement.
6480 Now, this section panders to the xenophobic notion that
6481 refugees are undesirable, a danger to our communities and a
6482 drain our society.

6483 Nothing could be further from the truth. Refugees make
6484 significant positive contributions in our society. A 2014
6485 study by the city of Columbus, Ohio, found that refugees had
6486 contributed \$1.6 billion to the economy and were twice as
6487 likely to own a business as the general population.

6488 In February of 2016, Bloomberg News published an
6489 article on my city, titled, "Detroit's Comeback Has an
6490 Arabic Accent." According to this article, foreign born
6491 residents make up about 9 percent of Detroit area's
6492 population, and it contributed significantly to our economic
6493 output, indeed. Refugees have been American leaders in

6494 science, the arts, public service, and business. They
6495 include such luminaries as Albert Einstein, Miriam Makeba,
6496 Madeleine Albright, Sergey Brin, cofounder of Google.

6497 The governors of a few States included Indiana,
6498 Michigan, New Jersey, and Texas tried to block resettlement
6499 of refugees under the Obama administration. I am pleased
6500 that many have either backtracked or, alternatively, their
6501 efforts were struck down in the courts. But, unfortunately,
6502 this bill and this administration would embolden those same
6503 governors to close their doors to refugees. Section 9 of
6504 this bill does not reflect the values of a majority of
6505 Americans.

6506 Tellingly, a November 2015 study by Lake Research
6507 Partners found that a strong majority of American voters
6508 believe that the United States should do more to help
6509 refugees or that it should continue to offer its current
6510 level of help. Nonetheless, this provision would allow
6511 local officials to trump the Federal Government and attempt
6512 to wall off entire communities from refugees, thereby
6513 forcing local refugee and faith-based organizations to close
6514 or move. Many refugees have lived in temporary status for
6515 years prior to entry, and we should be building bridges to
6516 help them succeed in our country instead of erecting walls.
6517 And so, I urge my colleagues to support this amendment and I
6518 appreciate the time that I have had to present it and yield

6519 back the balance of my time, and thank the chairman.

6520 Chairman Goodlatte. The chair thanks the gentleman.

6521 For what purpose does the gentleman from Idaho seek

6522 recognition?

6523 Mr. Labrador. Mr. Chairman, I oppose the amendment.

6524 Chairman Goodlatte. The gentleman is recognized for 5

6525 minutes.

6526 Mr. Labrador. Thank you, Mr. Chairman. During the

6527 past several years, communities and States including New

6528 Hampshire, Tennessee, Indiana, Idaho, South Carolina, and

6529 Texas have expressed concerns about refugee resettlement.

6530 Current law requires resettlement agencies to regularly meet

6531 with representative of State and local governments to plan

6532 and coordinate the placement of refugees. With the extent

6533 to which such consultation occurs varies widely depending on

6534 the resettlement agency, the State, and the locality. And

6535 the former administration made clear that States have little

6536 recourse if they express the will of their residents that

6537 they do not want to resettle refugees.

6538 In fact, the former Assistant Secretary for Population

6539 Refugees and Migration told the Immigration Subcommittee

6540 that the Federal Government has the right to resettle

6541 refugees all across America. She also noted that the

6542 refugee program only works with the support of the American

6543 people very much at the level of communities and societies

6544 and towns to come forward and help these refugees, help them
6545 get jobs, and help them move on.

6546 But she refused to say that if a community does not
6547 want to resettle refugees the government will not resettle
6548 them in that community. And she repeatedly referred to
6549 communities that expressed concerns as hostile. But such
6550 communities can have legitimate concerns about things such
6551 as security, employment opportunities, and even the cost
6552 associated with refugee resettlement.

6553 In 2011, Manchester, New Hampshire, requested a
6554 moratorium in refugee resettlement after concerns that the
6555 community was becoming saturated with refugees, and that the
6556 NGO charged with resettlement duties was not meeting the
6557 required standards for resettlement. Instead of taking the
6558 concerns seriously and allowing such a moratorium, the
6559 administration decided to continue with their resettlement
6560 of 200 refugees down from the 300 initially proposed for
6561 resettlement. And some residents in South Carolina raised
6562 concerns about proposed refugee resettlement over the last
6563 few years, stating that the local government was not
6564 properly consulted. While the State Department acknowledged
6565 that the resettlement agency did not properly follow
6566 guidance and consultation, the agency bore no consequences
6567 and was still allowed to resettle the refugees.

6568 States and localities should be able to determine where

6569 the refugee resettlement is best for their community. Many
6570 localities are actually welcoming, and we have many in Idaho
6571 that welcome refugees. But the community should decide, not
6572 the resettlement agency. H.R. 2826 allows that. Thank you
6573 very much, and I yield back.

6574 Chairman Goodlatte. For what purpose does the
6575 gentlewoman from California seek recognition?

6576 Ms. Lofgren. In support of the amendment.

6577 Chairman Goodlatte. The gentlewoman is recognized for
6578 5 minutes.

6579 Ms. Lofgren. I understand the comment made by our
6580 colleague from Idaho that there is a need to work with
6581 communities on the placement of refugees. I do not think
6582 that is what the bill does and that is why I think Mr.
6583 Conyers' amendment is an important one. As we know,
6584 refugees, and Mr. Conyers has indicated, play an important
6585 role in our country. Let's say this example. You have got
6586 a governor who says, "I do not want any refugees," but you
6587 have counties and cities who say, "We do want these
6588 refugees." Well, the cities and counties are overruled by
6589 the governor, but really, what we are saying, and what I am
6590 hearing the proponents of the bill say is that they want to
6591 empower localities. Well, this bill does not do that.

6592 I do understand, and I have actually talked to one of
6593 our colleagues in a small community in Texas who expressed

6594 to me concern, not hostility, towards refugee placement, the
6595 concern that a small town was not able to cope with the
6596 numbers. I think that is legitimate. If we wanted to say,
6597 we are going to require the State Department to have a
6598 consulting relationship with localities prior to placement,
6599 I think I could support that. But I do not think this
6600 prohibition is a very wise idea.

6601 I also think what we have not talked about is the
6602 implication, not only that this whole bill has on some of
6603 the finest organizations that we have in this country, and
6604 that is the refugee resettlement organizations, most of them
6605 religious-based, who they have employees, they have to have
6606 plans, and they cannot just completely change everything
6607 overnight. I mean, they have got an important role to play.
6608 And, were it not for the Lutherans and the Hebrew Aid
6609 Society, and the Catholics, and on and on, we would not have
6610 a refugee program that works at all. I mean, we very much
6611 rely on those groups.

6612 I have heard from many of those organizations that they
6613 would have to lay people off, and then when the numbers went
6614 up, they would not have anybody to resettle them. We have
6615 not addressed the impact on our partners in the refugee
6616 program. And I think that is a mistake. So I support Mr.
6617 Conyers' amendment, and I think, actually, if we sat down
6618 together and did not approach this in a partisan way, that

6619 we could actually come up with some solutions that we could
6620 all agree with to issues that exist on the program. That
6621 has not happened here, but I stand ready to do that if we
6622 want to take the time to do it. And I would recommend that.
6623 In the meantime, I think Mr. Conyers' amendment is worth
6624 supporting. I do support it and I would be happy to yield
6625 to the --

6626 Chairman Goodlatte. I would ask the gentlewoman to
6627 yield to me.

6628 Ms. Lofgren. I will yield to you, Mr. Chairman.

6629 Chairman Goodlatte. I thank the gentlewoman for
6630 yielding, and I appreciate her comments. I would just point
6631 out that the consultative process that you describe is
6632 already a part of the law. And problem we have is that it
6633 is not happening. And when advice is received, it is not
6634 being followed. So the intent of the gentleman from Idaho,
6635 I believe, and the legislation, which I and others in this
6636 committee have participated in, is to give the States and
6637 localities some leverage to say, "Look, you are not
6638 listening to us, we are not going to participate."

6639 So I am all ears about other ideas about how to address
6640 that problem, but the solution the gentlewoman mentioned is
6641 already in the law and, unfortunately, is not working.

6642 Ms. Lofgren. Reclaiming my time, I do think giving a
6643 veto to anybody is a mistake.

6644

AFTER 6:00 P.M.

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I was talking to some students during the vote, and one of the young ladies who is here on a trip to Washington comes from what she described as a blue dot in Kansas. And the Governor of Kansas, which is interesting because when Brownback was a member of our body, we worked together with him on refugee programs. In fact, he was a leader on refugee programs, but has now taken a more hostile approach. The town she is in is very much into resettlement. To give the Governor veto over that town, I think, is a mistake to do.

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All I am saying is that if the consultation process is insufficient, let's put our heads together to come up with something that is meaningful that does not basically destroy the program completely in a significant portion of the country, because this is a politicized action in some States, and we all know it. There are certain governors that have used the refugee program to demonize for reelection purposes. It really does not serve the needs of our refugee program nor the needs of localities that might have a different point of view. But my time is up, so I would --

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Chairman Goodlatte. Without objection, the chair would recognize the gentlewoman for an additional minute for the opportunity to yield to the ranking member.

6669 Ms. Lofgren. And I would yield to the chairman.

6670 Mr. Conyers. Well, thank you very much. I appreciate
6671 the Lofgren presentation because it puts a commonsense
6672 approach on here. But I just wanted everyone on the
6673 committee to know that a majority of American voters believe
6674 that the United States should do more to help refugees and
6675 that it should continue to offer its current level of help.
6676 And I think that, if we follow that polling, we would end up
6677 supporting our proposal here, and I think we would more
6678 importantly be doing the right thing. And I thank the
6679 gentlelady for her presentation.

6680 Ms. Lofgren. Thank you, and I would yield now.

6681 Ms. Jackson Lee. Mr. Chairman?

6682 Chairman Goodlatte. For what purpose does the
6683 gentlewoman from Texas seek recognition?

6684 Ms. Jackson Lee. To strike the last word.

6685 Chairman Goodlatte. The gentlewoman is recognized for
6686 5 minutes.

6687 Ms. Jackson Lee. Well, I think I just was moved to
6688 comment by Congresswoman Lofgren's very thoughtful offer,
6689 and to respond, Mr. Chairman, to the lack of response to
6690 what is already in the law, that is I think an appropriate
6691 fix to ensure that the consultation is both effective and
6692 required.

6693 You can add a reporting feature to it, but where we are

6694 now with this legislation is a shrinking of the footprint of
6695 America that has boded us well over the decades in terms of
6696 our international role and place of leadership. It is a
6697 frightening shrinking.

6698 We are on the judiciary committee, so we are not on the
6699 foreign affairs committee. But the holistic future of this
6700 country depends upon not only its domestic needs and the
6701 parochial terminology that is so destructive of America
6702 First because anyone who makes the comment that I am making
6703 would suggest, "You are not for America?" I absolutely love
6704 this Nation without question, and those who are within it,
6705 to give them an opportunity. But I also love and recognize
6706 the gift that America has given to the world, its status of
6707 leadership, its moral grounding that puts it lightyears
6708 above other nations around the world, western democracies
6709 included.

6710 This does not do anything but squeeze that footprint.
6711 And we have grown that footprint through the generosity of
6712 our citizens, either those who have gone to the front lines
6713 on D-Day, Vietnam, Korea, and beyond, or the wonderful
6714 volunteers, ecumenical organizations that have worked so
6715 extensively with those individuals who come to this country
6716 to do well and to do good.

6717 The Church World Service is 71 years old, the
6718 humanitarian organization. They are urging the members of

6719 the House Judiciary Committee to oppose H.R. 2826 because
6720 refugee resettlement is a longstanding lifesaving American
6721 tradition that has recently become unjustly maligned and
6722 politicized in the midst of today's global refugee crisis.
6723 The consequences of far reaching legislation such as this
6724 bill cannot be overstated. We know from sacred texts of
6725 which so many members profess that nations will be judged by
6726 how they treat the most vulnerable, the widow, the orphan,
6727 the refugee during trying times. There are refugee camps
6728 scattered across the earth from the continent of Africa and
6729 to Mideast and beyond.

6730 These refugees of whom I spent two Sundays ago, Mr.
6731 Conyers, and I am rising to support your amendment, during
6732 Ramadan I went to the Hawa Mosque where they give out food
6733 every weekend to tens upon tens, if I might say, newly
6734 minted refugees: humble, grateful, thankful, fleeing
6735 persecutions. I wanted to say individuals who are so
6736 grateful to be in this country. And the Church World
6737 Service knows that as well as the stories that we hear of
6738 refugees that have come to this country and done outstanding
6739 things.

6740 None of us want our citizens to be harmed, none of us.
6741 The New York mayor of Utica, New York, said their city had a
6742 rebirth. A family coming in from Laos opened a healthcare
6743 agency ranked by Columbus CEO Magazine as the fifth best

6744 healthcare agency. And I think the gentleman from
6745 Michigan's amendment takes us back to the position of
6746 leadership, and for any cities, counties, States that do not
6747 want refugees, there is a process for them to not have
6748 refugees, but Ms. Lofgren is right: counties and cities,
6749 like Houston, Harris County, have taken in refugees to no
6750 detriment to its citizenry. And I chaired the Interfaith
6751 Ministry for a number of years before coming to the United
6752 States Congress, one of the most joyful nonprofits I have
6753 had the chance of chairing. A faith organization that
6754 encounters Meals on Wheels, deals with young people, and for
6755 decades, have dealt and been the welcoming arm for refugees,
6756 of whom they remember today, and their children remember.

6757 This is a bill finding, screaming, and screeching
6758 toward a problem that does not exist, creating a problem,
6759 and narrowly defining who America is. I just do not accept
6760 it, and I ask the gentleman -- first of all, I ask to
6761 support Mr. Conyers' amendment, and then I conclude by
6762 saying, I ask the amendment be accepted, and I ask the bill
6763 to be reconsidered. I yield back.

6764 Chairman Goodlatte. For what purpose does the
6765 gentleman from Georgia --

6766 Mr. Johnson of Georgia. Move to strike the last word.

6767 Chairman Goodlatte. The gentleman is recognized for 5
6768 minutes.

6769 Mr. Johnson of Georgia. Thank you, Mr. Chairman, and I
6770 rise in support of the Conyers amendment, which would strike
6771 the portion of the deal that gives States and local
6772 governments the authority to prohibit resettlement of
6773 refugees in their communities, and I am struck by an email
6774 that I got from a constituent of mine on Monday.

6775 I met her on Saturday, this past Saturday, at World
6776 Refugee Day that we celebrated in Clarkston, Georgia, which
6777 is a refugee hub located in the 4th Congressional District.
6778 And at that event she told me about the fact that, if it
6779 were not for this country accepting refugees, that she would
6780 not be here. She told me that her grandparents escaped to
6781 this country from the USSR and Poland around 1917. She said
6782 that her paternal grandmother, Bessie, who was the middle
6783 child of a family of 16, was 16 years old when she escaped
6784 with her 8-year-old sister Rose. The family only had enough
6785 money to purchase tickets for just those two children, and
6786 when they arrived at Ellis Island in New York, they were
6787 almost sent back to the USSR.

6788 They spent a week in an Ellis Island cell before they
6789 were allowed in, and 2 years after they came here, the
6790 entire family back home was murdered and buried in a mass
6791 grave. The grave is unmarked, and she said that only her
6792 great grandfather Moses and her grandfather Harry were able
6793 to escape Poland, and the rest of the family perished in

6794 Auschwitz. And she told me that she could not, in good
6795 conscience, turn any refugee away. She said that leaving
6796 people to die is in direct contradiction to the foundation
6797 of this country and that our forefathers came here to escape
6798 oppression. They were fearless, and we must be too. And so
6799 she told me that we must be better people than we are being
6800 to be anti-refugee.

6801 Can you imagine back then if the State of New York or
6802 the county that Ellis Island is located in, those people,
6803 decided on their own that they did not want to accept any
6804 refugees? Can you imagine how many people would have been
6805 killed and how much would have been lost by America from the
6806 contribution made by the progeny of those who were allowed
6807 into this country as refugees many years ago? That is our
6808 history; that is our legacy. And that legacy is threatened
6809 by this harsh and mean-spirited bill, the underlying
6810 legislation here.

6811 Instead of actually discussing reforms to strengthen
6812 the refugee program, this bill, instead, targets those
6813 fleeing persecution, violence, terror, sexual slavery, and
6814 torture. It cuts by half the number of refugees eligible
6815 for admission. This bill would make it harder for refugees
6816 to get a green card and makes it even more difficult for a
6817 refugee to obtain asylum. The bill distorts the definition
6818 of the word "refugee" to mandate that, in order for a

6819 refugee to be granted asylum, the petitioner must show that
6820 threats of violence were specifically directed towards the
6821 individual seeking asylum. This change is inconsistent with
6822 U.S. and international law, and it would lead to the denial
6823 of thousands of applicants for asylum who are fleeing some
6824 of the most terrible environments in the world.

6825 Mr. Chairman, I ask that my colleagues support the very
6826 reasonable and very American Conyers amendment, and I ask
6827 that you also oppose the underlying bill, and with that, I
6828 yield back.

6829 Chairman Goodlatte. The question occurs on the
6830 amendment offered by the gentleman from Michigan.

6831 All those in favor, respond by saying aye.

6832 All those opposed, no.

6833 In the opinion of the chair, the noes have it. A
6834 recorded vote is requested, and the clerk will call the
6835 roll.

6836 Ms. Adcock. Mr. Goodlatte?

6837 Chairman Goodlatte. No.

6838 Ms. Adcock. Mr. Goodlatte votes no.

6839 Mr. Sensenbrenner?

6840 [No response.]

6841 Mr. Smith?

6842 [No response.]

6843 Mr. Chabot?

6844 Mr. Chabot. No.

6845 Ms. Adcock. Mr. Chabot votes no.

6846 Mr. Issa?

6847 [No response.]

6848 Mr. King?

6849 Mr. King. No.

6850 Ms. Adcock. Mr. King votes no.

6851 Mr. Franks?

6852 [No response.]

6853 Mr. Gohmert?

6854 Mr. Gohmert. No.

6855 Ms. Adcock. Mr. Gohmert votes no.

6856 Mr. Jordan?

6857 [No response.]

6858 Mr. Poe?

6859 [No response.]

6860 Mr. Chaffetz?

6861 [No response.]

6862 Mr. Marino?

6863 Mr. Marino. No.

6864 Ms. Adcock. Mr. Marino votes no.

6865 Mr. Gowdy?

6866 [No response.]

6867 Mr. Labrador?

6868 Mr. Labrador. No.

6869 Ms. Adcock. Mr. Labrador votes no.
6870 Mr. Farenthold?
6871 Mr. Farenthold. No.
6872 Ms. Adcock. Mr. Farenthold votes no.
6873 Mr. Collins?
6874 [No response.]
6875 Mr. DeSantis?
6876 [No response.]
6877 Mr. Buck?
6878 [No response.]
6879 Mr. Ratcliffe?
6880 Mr. Ratcliffe. No.
6881 Ms. Adcock. Mr. Ratcliffe votes no.
6882 Mrs. Roby?
6883 [No response.]
6884 Mr. Gaetz?
6885 Mr. Gaetz. No.
6886 Ms. Adcock. Mr. Gaetz votes no.
6887 Mr. Johnson of Louisiana?
6888 [No response.]
6889 Mr. Biggs?
6890 Mr. Biggs. No.
6891 Ms. Adcock. Mr. Biggs votes no.
6892 Mr. Rutherford?
6893 Mr. Rutherford. No.

6894 Ms. Adcock. Mr. Rutherford votes no.
6895 Mr. Conyers?
6896 Mr. Conyers. Aye.
6897 Ms. Adcock. Mr. Conyers votes aye.
6898 Mr. Nadler?
6899 [No response.]
6900 Ms. Lofgren?
6901 Ms. Lofgren. Aye.
6902 Ms. Adcock. Ms. Lofgren votes aye.
6903 Ms. Jackson Lee?
6904 Ms. Jackson Lee. Aye.
6905 Ms. Adcock. Ms. Jackson Lee votes aye.
6906 Mr. Cohen?
6907 [No response.]
6908 Mr. Johnson of Georgia?
6909 Mr. Johnson of Georgia. Aye.
6910 Ms. Adcock. Mr. Johnson votes aye.
6911 Mr. Deutch?
6912 Mr. Deutch. Aye.
6913 Ms. Adcock. Mr. Deutch votes aye.
6914 Mr. Gutierrez?
6915 [No response.]
6916 Ms. Bass?
6917 [No response.]
6918 Mr. Richmond?

6919 [No response.]

6920 Mr. Jeffries?

6921 [No response.]

6922 Mr. Cicilline?

6923 Mr. Cicilline. Aye.

6924 Ms. Adcock. Mr. Cicilline votes aye.

6925 Mr. Swalwell?

6926 [No response.]

6927 Mr. Lieu?

6928 [No response.]

6929 Mr. Raskin?

6930 [No response.]

6931 Ms. Jayapal?

6932 Ms. Jayapal. Aye.

6933 Ms. Adcock. Ms. Jayapal votes aye.

6934 Mr. Schneider?

6935 Mr. Schneider. Aye.

6936 Ms. Adcock. Mr. Schneider votes aye.

6937 Chairman Goodlatte. The gentleman from Florida, Mr.

6938 Gaetz? Has every member voted who wishes to vote? The

6939 clerk will report.

6940 Ms. Adcock. Mr. Chairman, 8 members voted aye; 11

6941 members voted no.

6942 Chairman Goodlatte. And the amendment is not agreed

6943 to.

6944 For what purpose does the gentleman from Iowa seek
6945 recognition?

6946 Mr. King. I have an amendment at the desk.

6947 Chairman Goodlatte. The clerk will report the
6948 amendment.

6949 Ms. Adcock. Amendment to the amendment in the nature
6950 of a substitute to H.R. 2826 offered by Mr. King of Iowa.
6951 Page 7, line 5.

6952 [The amendment of Mr. King follows:]

6953 ***** COMMITTEE INSERT *****

6954 Chairman Goodlatte. Without objection, the amendment
6955 is considered read, and the gentleman is recognized for 5
6956 minutes on his amendment.

6957 Mr. King. Thank you, Mr. Chairman. This is an
6958 amendment that I offered the last time this bill was marked
6959 up that passed the Judiciary Committee here by a vote of 15
6960 to 7, and it is one that I am just remiss that I did not
6961 present this to Labrador to be incorporated into the
6962 underlying bill.

6963 But what it does is it recognizes the limitations that
6964 exist in the bill, respects them. Under section 9 that lays
6965 out these limitations, and under current bill, says that any
6966 State in which the governor of that State or the State
6967 legislator have taken any action formally disapproving of
6968 resettlement in that State. That component that gives local
6969 control to the resettlement of refugees and my amendment
6970 adds to that, and any State, which also has a referendum or
6971 a plebiscite or a ballot initiative, that will also be
6972 respected as if it were a governor's decision or a State
6973 legislature's decision. It is really pretty simple, and I
6974 recognize that some States have a referendum process. Some
6975 states do not. And for those states that do, we want to
6976 make sure that we respect the authority of those states to
6977 offer the referendum, the ballot initiative, or the
6978 plebiscite.

6979 And so that is the summarization of this amendment. It
6980 is relatively simple, and I understand that it enjoys some
6981 support, so I urge its adoption.

6982 Chairman Goodlatte. Will the gentleman yield?

6983 Mr. King. I would be happy to yield to the chairman.

6984 Chairman Goodlatte. It has my support.

6985 Mr. King. And that concludes my opening statement, and
6986 I urge its adoption, and I yield back the balance of my
6987 time.

6988 Chairman Goodlatte. For what purpose does the
6989 gentlewoman from California seek recognition?

6990 Ms. Lofgren. I oppose this amendment, and I would like
6991 to say why.

6992 Chairman Goodlatte. The gentlewoman is recognized for
6993 5 minutes.

6994 Ms. Lofgren. As mentioned, this would alter section 9
6995 to allow voters to ban refugees. Now, the original bill is
6996 bad enough. It limits the exclusionary authority to
6997 governor, State legislatures, chief executives of a locality
6998 or the local legislature. This would expand the refugee ban
6999 to allow voters to decide whether to deny refugees the
7000 ability to resettle in their communities. I can foresee
7001 some very xenophobic election campaigns that will be a
7002 product of this amendment. It would take this prohibition
7003 to the next level, and I do not think emboldening anti-

7004 immigrant campaigns actually solves the problem in the
7005 underlying bill.

7006 I would also note that polling shows a decisive
7007 majority of Americans favor welcoming refugees. For
7008 example, Indiana governor, now Vice President Mike Pence,
7009 our former colleague, issued an order to ban Syrian refugees
7010 in Indiana. A local Indiana organization called Exodus
7011 Refugee Immigration got a preliminary injunction preventing
7012 Governor Pence from enacting his ban. And what was the
7013 basis for the injunction? The Federal judge in that case
7014 found that Governor Pence's directive clearly discriminated
7015 against Syrian refugees based on their national origin, a
7016 provision that is prohibited in the Immigration and
7017 Nationality Act.

7018 Allowing a vote on an exclusionary measure does not
7019 transform it into an acceptable action. You know, I recall,
7020 there was a time when neighborhoods were allowed to decide
7021 that they were white-only neighborhoods, where only white
7022 people were allowed to live and to buy a home. For example,
7023 in 1916, the city of St. Louis passed a ballot measure that
7024 created an ordinance that designated some areas -- and this
7025 is direct from their statute, not my language -- as "Negro
7026 blocks." That passed with a majority of voters, but it
7027 fomented a race-based ballot initiative, and St. Louis has
7028 followed and other parts of the country. The result was

7029 lasting and enduring patterns of segregation that still
7030 trouble our country to this day. I mean, they are a problem
7031 for our country. This could have the same impact.

7032 I do think that, depending on the rationale for denying
7033 refugees, it could also lead to litigation and
7034 unconstitutional problems. As you note, all the Federal
7035 courts that have looked at the Trump administration's travel
7036 ban have found it to be unconstitutional. Why? Because it
7037 is based in the view of these multitude of Federal courts,
7038 including judges appointed by Republican Presidents, that it
7039 was based on religion, and therefore, violated the
7040 Establishment of Religion Clause found in the First
7041 Amendment. I can easily envision that problem stemming from
7042 this amendment as well as, frankly, the underlying bill.

7043 So I think that this is an amendment that ought to be
7044 opposed. I certainly oppose it, and I would hope that we
7045 would see our way clear to not creating the kind of
7046 situation that our country was saddled with and still
7047 suffers from in terms of discrimination in housing that used
7048 to be legal, and fortunately, is no longer legal in this
7049 country. And, with that, I would yield back the balance of
7050 time.

7051 Chairman Goodlatte. For what purpose does the
7052 gentleman from Michigan seek recognition?

7053 Mr. Conyers. Mr. Chairman, I rise in opposition to the

7054 King amendment.

7055 Chairman Goodlatte. The gentleman is recognized for 5
7056 minutes.

7057 Mr. Conyers. I am not going to take that much time,
7058 because Congresswoman Lofgren has made a wonderful case in
7059 analyzing the situation and the history of this kind of
7060 problem.

7061 Ladies and gentlemen, this amendment takes us back to
7062 those early days of voter-supported segregation and would
7063 have a devastating impact on communities for years to come.
7064 And so, I hope those of you who have been around long enough
7065 to know how far we have come when segregated housing laws
7066 were the thing of common acceptance, have now been
7067 eradicated by the Supreme Court, and please, let's not turn
7068 the clock back at this point. I yield to the gentlelady.

7069 Ms. Lofgren. Would the gentleman yield? Something I
7070 forgot to say, but I have been thinking about, which is how
7071 we deal with refugees in this country very much shapes how
7072 America is viewed in the world. And to allow a governor or
7073 a city council or the town to vote against settling refugees
7074 is really delegating the prestige of the United States to a
7075 mayor of a small city or a large city, for that matter, and
7076 is very unwise.

7077 You know, we have suffered, in my judgment, through
7078 some of the comments made by our President that are hostile

7079 to the refugee program. We had been in a position of being
7080 kind of the leading light of freedom in the world. You
7081 know, the Statue of Liberty is there for a reason. That
7082 even though we could not accept all of the refugees,
7083 obviously, that exist in the world, but we set an example,
7084 and we hope that others will follow our example, and to
7085 delegate that decision so that our reputation as a Nation is
7086 damaged by mayors or a xenophobic electorate, I think, is a
7087 very serious mistake, and I thank the gentleman for yielding
7088 to me so that I could add that comment.

7089 Ms. Jackson Lee. Would the gentleman yield?

7090 Mr. Conyers. I would be pleased. First of all, I
7091 wanted to just express my gratitude for the historical
7092 recollection of the gentlelady from California, and I would
7093 be pleased to yield to the gentlelady from Texas at this
7094 point.

7095 Ms. Jackson Lee. I thank the gentleman, and I cannot
7096 read what the offer of the amendment intentions are, but I
7097 can assure my colleagues that sinister results will occur.
7098 Because the language says to take an action formally
7099 disapproving of resettlement, that, by its very language, is
7100 negative. And it draws, as Mr. Conyers mentioned, the kind
7101 of negative connotations of yesteryear, but more
7102 importantly, any election to disapprove obviously is
7103 victorious through negative representation of what you are

7104 trying to disapprove.

7105 I do not think it is necessary. It is overkill. We
7106 already have governors rejecting it and others rejecting it,
7107 and towns now able to reject it. We have already stated
7108 that the bill itself could be answered by strengthening the
7109 consultation, not bringing up this negative image of
7110 refugees, but we are obviously where we are.

7111 Now, let me finish by saying, on a lighter note, that,
7112 Mr. Chairman, the ladies of the softball team would wonder
7113 whether or not we could recess so that members could get to
7114 that game and support our members of Congress, Republicans
7115 and Democrats.

7116 Chairman Goodlatte. Would the gentlewoman yield?

7117 Ms. Jackson Lee. I would be happy to yield.

7118 Chairman Goodlatte. I announced about an hour ago that
7119 we would do so at 6:30. I would like to finish this
7120 amendment and then we will recess as soon as we are --

7121 Ms. Jackson Lee. Thank you, Mr. Chairman. I am sorry
7122 that I missed that statement. With that, I yield back to
7123 Mr. Conyers. Thank you.

7124 Chairman Goodlatte. For what purpose does the
7125 gentlewoman from Washington seek recognition?

7126 Ms. Jayapal. Move to strike the last word.

7127 Chairman Goodlatte. Gentlewoman is recognized for 5
7128 minutes.

7129 Ms. Jayapal. Thank you, Mr. Chairman. I rise in
7130 strong opposition to this amendment. Asking people to vote
7131 on whether or not to ban refugees has significant national
7132 security concerns in addition to all the excellent points
7133 that Congresswoman Lofgren and Congressman Conyers have made
7134 already. And I think it is important to note that this has
7135 never been a partisan issue whether or not we should support
7136 refugees. But I think it is important to introduce the
7137 national security perspective on this.

7138 And there was a statement just 2 years ago in support
7139 of the U.S. commitment to refugees signed by 10 Republicans,
7140 included Governor Jeb Bush, it included Senator Mel Martinez
7141 at the time, Honorable Carlos Gutierrez. And in this
7142 letter, they say, "Our policies towards refugees are at the
7143 heart of our American values, and as the 2010 Council on
7144 Foreign Relations Independent Taskforce on Immigration
7145 Policy stressed, the U.S. commitment to protect refugees
7146 from persecution is enshrined in international treaties and
7147 domestic U.S. laws that set the standard for the rest of the
7148 world. When American standards erode, refugees face greater
7149 risks everywhere." And the letter went on to say that, in
7150 fact, what Congress should do is eliminate many of the
7151 unjust barriers that deny or delay U.S. protection to
7152 legitimate refugees. And actually, it went on to talk about
7153 the need to pass comprehensive immigration reform.

7154 In addition, at the end of 2015, 20 national security
7155 leaders including both Republicans and Democrats, including
7156 Henry Kissinger, General Petraeus, and others said this.
7157 They said, "We must remain vigilant to keep our Nation safe
7158 from terrorists, whether foreign or homegrown, and from
7159 violence in all its forms. At the same time, we must remain
7160 true to our values. These are not mutually exclusive goals.
7161 In fact, resettlement initiatives help advance U.S. national
7162 security interests by supporting the stability of our allies
7163 and partners that are struggling to host large numbers of
7164 refugees."

7165 Mr. Chairman, my State, the State of Washington, first
7166 started admitting refugees when we had Governor Dan Evans, a
7167 Republican, a very good man who looked at the situation of
7168 the Vietnamese refugees at the time, and created a place for
7169 those refugees to come. He was so moved by the terrible
7170 situation and the plight of those Vietnamese refugees. It
7171 has continued to be a home for refugees across the world.
7172 It is one of the top 10 States for refugee resettlement.

7173 So I am not necessarily worried that in my home State
7174 we would find support for banning refugees, but I think that
7175 to leave an issue of this consequence, that has this level
7176 of magnitude for the United States' reputation in the world
7177 and for our national security interests, would be foolhardy.
7178 And I do not think that we would take other great national

7179 security interests that we have and say to the American
7180 public, "Okay, we are going to leave this to you." I think
7181 we would keep that jurisdictional responsibility as
7182 Congress.

7183 And so, I do not really understand why we would take
7184 any kind of a vote to allow the public to ban refugees from
7185 their communities when we know that generals, national
7186 security experts across the country have said that in order
7187 for us to be able to do what we do in other parts of the
7188 world we need to be able to provide protection to refugees
7189 in the those countries. And, in fact, in Washington State,
7190 in Seattle, we settled some of the first Iraqi refugees who
7191 were translators for U.S. Military Forces in Iraq. And I
7192 remember meeting with one of them. He had lost one of his
7193 limbs because a device exploded and he was caught in the
7194 middle of it. And had he stayed in Iraq, he would have
7195 faced tremendous persecution because he was actually helping
7196 U.S. Forces.

7197 So this has enormous implications, our policy around
7198 refugees; moral implications that have been spoken to so
7199 eloquently here, but also national security implications.
7200 And I would urge us to not give in to some desire to stir
7201 xenophobic attitudes in certain places across the country or
7202 use this for political gain, but instead to think about what
7203 is in the best interest of our national security and what

7204 upholds the values that have been so core and so critical to
7205 America as a shining light in the rest of the world. And I
7206 hope that we will reject this amendment. Thank you, Mr.
7207 Chairman.

7208 Ms. Lofgren. Would the gentlelady yield?

7209 Ms. Jayapal. I do.

7210 Ms. Lofgren. I would like to ask unanimous consent to
7211 put into the record a statement of the Cato Institute
7212 drafted by David Bier --

7213 Chairman Goodlatte. Without objection, it will be made
7214 a part of the record.

7215 Ms. Lofgren. -- as well as the Church World Services,
7216 the Hebrew --

7217 Chairman Goodlatte. Without objection, it will be made
7218 a part of the record.

7219 [The information follows:]

7220 ***** COMMITTEE INSERT *****

7221 Chairman Goodlatte. I do know the gentleman from
7222 Illinois wants to be recognized. I do know that the full
7223 amount was used by the preceding speaker, so I hope the
7224 gentleman will get his point across very efficiently.

7225 Mr. Schneider. I will be brief and I hope to be
7226 finished in much less than the full 5 minutes. But I do
7227 rise in strong, strong opposition to this amendment, an
7228 amendment that I take very personally.

7229 As we think about the prospect of a referendum, a
7230 political campaign that talked about banning refugees, it
7231 strikes me that it would take on two forms: A debate would
7232 be either playing on people's economic fears or playing to
7233 their xenophobic prejudices. I say this as the grandson of
7234 an immigrant to this country, a refugee from the pogroms of
7235 Tsarist Russia. What my colleague from Georgia spoke about
7236 earlier, and he mentioned a woman named Bessie, my
7237 grandmother Molly came with her five siblings, one of whom
7238 is named Bessie, who was probably 4 years old at the time.
7239 They came from a very dangerous place to a country that at
7240 that time was not such a welcoming place to Jewish people.
7241 It was a time of great antisemitism that played out in many
7242 places around this country.

7243 To come to the point where we are today, to have even
7244 the possibility of an election that would play to prejudice
7245 and xenophobia, to me seems to be in direct contradiction to

7246 the country that we are, to that More Perfect Union that our
7247 founders talked about. I take this as an affront, as a
7248 grandchild of a refugee; as a representative of communities
7249 that have welcomed refugees; of someone who through my
7250 entire life, whether it was Jews from the former Soviet
7251 Union or today Muslims and Christians from the violence in
7252 Syria, have worked to help refugees. This is not who we are
7253 and I urge my colleagues to strongly oppose this and vote
7254 against it, and I yield back.

7255 Chairman Goodlatte. A question occurs on the amendment
7256 offered by the gentleman from Iowa.

7257 Ms. Jackson Lee. Mr. Chairman.

7258 Chairman Goodlatte. For what purpose does the
7259 gentlewoman from Texas seek recognition? She has already
7260 spoken once on this.

7261 Ms. Jackson Lee. Mr. Chairman, yes, I have. I am just
7262 going to submit into the record the document from the Church
7263 World Service that indicates its extreme opposition, and as
7264 well that it is not in any way representative of what
7265 America is and what it is to the world.

7266 Chairman Goodlatte. Without objection, it will be made
7267 a part of the record.

7268 [The information follows:]

7269 ***** COMMITTEE INSERT *****

7270 Ms. Jackson Lee. Thank you. I yield back.

7271 Chairman Goodlatte. And a question occurs on the
7272 amendment offered by the gentleman from Iowa.

7273 All those in favor respond by saying aye.

7274 Those opposed, no.

7275 In the opinion of the chair, the ayes have it. The
7276 amendment is agreed to. With that, the --

7277 Ms. Lofgren. Could we have a recorded vote on that,
7278 Mr. Chairman?

7279 Chairman Goodlatte. A little slow, but we will go
7280 ahead. A recorded vote has been requested and the clerk
7281 will call the roll.

7282 Ms. Adcock. Mr. Goodlatte?

7283 Chairman Goodlatte. Aye.

7284 Ms. Adcock. Mr. Goodlatte votes aye.

7285 Mr. Sensenbrenner?

7286 [No response.]

7287 Mr. Smith?

7288 [No response.]

7289 Mr. Chabot?

7290 Mr. Chabot. Aye.

7291 Ms. Adcock. Mr. Chabot votes aye.

7292 Mr. Issa?

7293 [No response.]

7294 Mr. King?

7295 Mr. King. Aye.

7296 Ms. Adcock. Mr. King votes aye.

7297 Mr. Franks?

7298 [No response.]

7299 Mr. Gohmert?

7300 Mr. Gohmert. Aye.

7301 Ms. Adcock. Mr. Gohmert votes aye.

7302 Mr. Jordan?

7303 [No response.]

7304 Mr. Poe?

7305 [No response.]

7306 Mr. Chaffetz?

7307 [No response.]

7308 Mr. Marino?

7309 Mr. Marino. Yes.

7310 Ms. Adcock. Mr. Marino votes yes.

7311 Mr. Gowdy?

7312 [No response.]

7313 Mr. Labrador?

7314 [No response.]

7315 Mr. Farenthold?

7316 Mr. Farenthold. Aye.

7317 Ms. Adcock. Mr. Farenthold votes aye.

7318 Mr. Collins?

7319 [No response.]

7320 Mr. DeSantis?
7321 [No response.]
7322 Mr. Buck?
7323 [No response.]
7324 Mr. Ratcliffe?
7325 Mr. Ratcliffe. No.
7326 Ms. Adcock. Mr. Ratcliffe votes yes.
7327 Mrs. Roby?
7328 [No response.]
7329 Mr. Gaetz?
7330 Mr. Gaetz. Yes.
7331 Ms. Adcock. Mr. Gaetz votes yes.
7332 Mr. Johnson of Louisiana?
7333 [No response.]
7334 Mr. Biggs?
7335 Mr. Biggs. Aye.
7336 Ms. Adcock. Mr. Biggs votes aye.
7337 Mr. Rutherford?
7338 Mr. Rutherford. Yes.
7339 Ms. Adcock. Mr. Rutherford votes yes.
7340 Mr. Conyers?
7341 Mr. Conyers. No.
7342 Ms. Adcock. Mr. Conyers votes no.
7343 Mr. Nadler?
7344 [No response.]

7345 Ms. Lofgren?
7346 Ms. Lofgren. No.
7347 Ms. Adcock. Ms. Lofgren votes no.
7348 Ms. Jackson Lee?
7349 Ms. Jackson Lee. No.
7350 Ms. Adcock. Ms. Jackson Lee votes no.
7351 Mr. Cohen?
7352 [No response.]
7353 Mr. Johnson of Georgia?
7354 Mr. Johnson of Georgia. No.
7355 Ms. Adcock. Mr. Johnson votes no.
7356 Mr. Deutch?
7357 Mr. Deutch. No.
7358 Ms. Adcock. Mr. Deutch votes no.
7359 Mr. Gutierrez?
7360 [No response.]
7361 Ms. Bass?
7362 [No response.]
7363 Mr. Richmond?
7364 [No response.]
7365 Mr. Jeffries?
7366 [No response.]
7367 Mr. Cicilline?
7368 Mr. Cicilline. No.
7369 Ms. Adcock. Mr. Cicilline votes no.

7370 Mr. Swalwell?

7371 [No response.]

7372 Mr. Lieu?

7373 [No response.]

7374 Mr. Raskin?

7375 [No response.]

7376 Ms. Jayapal?

7377 Ms. Jayapal. No.

7378 Ms. Adcock. Ms. Jayapal votes no.

7379 Mr. Schneider?

7380 Mr. Schneider. No.

7381 Ms. Adcock. Mr. Schneider votes no.

7382 Chairman Goodlatte. The gentleman from Texas, Mr. Poe.

7383 Mr. Poe. Yes.

7384 Ms. Adcock. Mr. Poe votes yes.

7385 Chairman Goodlatte. Has every member voted who wishes

7386 to vote? The clerk will report.

7387 Ms. Adcock. Mr. Chairman, 11 members voted aye, 8

7388 members voted no.

7389 Chairman Goodlatte. The committee will stand in recess

7390 in a moment. I want to thank all the members who have

7391 persevered and stayed until this late hour. The committee

7392 will reconvene on this issue when we are able to issue

7393 notice, and I expect it be next week, but we do not have a

7394 set time yet. And with that, the committee will stand

7395 adjourned for the day.

7396 [Whereupon, at 6:38 p.m., the committee was adjourned.]