

1 ALDERSON COURT REPORTING

2 SHAYLAH LYNN BURRILL

3 HJU142000

4 MARKUP OF H.R. 2820, THE "DREAM ACT OF 2019;"

5 H.R. 2821, THE "AMERICAN PROMISE ACT OF 2019;" and

6 H.R. 549, THE "VENEZUELA TPS ACT OF 2019."

7 Wednesday, May 22, 2019

8 House of Representatives

9 Committee on the Judiciary

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:22 a.m., in
12 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
13 [chairman of the committee] presiding.

14 Present: Representatives Nadler, Lofgren, Jackson Lee,
15 Cohen, Johnson of Georgia, Deutch, Bass, Richmond, Jeffries,
16 Cicilline, Lieu, Raskin, Jayapal, Demings, Correa, Scanlon,
17 Garcia, Neguse, McBath, Stanton, Dean, Murcarsel-Powell,
18 Escobar, Collins, Sensenbrenner, Chabot, Gohmert, Jordan,
19 Buck, Roby, Gaetz, Johnson of Louisiana, Biggs, McClintock,
20 Lesko, Reschenthaler, Cline, Armstrong, and Steube.

21 Staff present: Lisette Morton, Director of Policy,
22 Planning, and Member Services; Madeline Strasser, Chief
23 Clerk; Julian Gerson, Staff Assistant; Moh Sharma, Member
24 Services and Outreach Advisor; Susan Jensen,
25 Parliamentarian/Senior Counsel; Betsy Lawrence, Immigration
26 Subcommittee Counsel; David Shahoulian, Immigration
27 Subcommittee Chief Counsel; Joshua Breisblatt, Immigration
28 Subcommittee Counsel; Rachel Calanni, Immigration
29 Subcommittee Professional Staff Member; Sarnata Reynolds,
30 Immigration Subcommittee Counsel; Brendan Belair, Minority
31 Chief of Staff; Robert Parmiter, Minority Deputy Staff
32 Director and Chief Counsel; Jon Ferro, Minority
33 Parliamentarian; Andrea Loving, Immigration Subcommittee
34 Minority Chief Counsel; Erica Barker, Minority Chief
35 Legislative Clerk; Andrea Woodard, Minority Professional
36 Staff Member; and James Rust, Minority Detailee/Counsel.
37

38 Chairman Nadler. The Judiciary Committee will please
39 come to order, a quorum being present.

40 Without objection, the chair is authorized to declare a
41 recess at any time.

42 Pursuant to Committee Rule II and House Rule 11, Clause
43 2, the chair may postpone further proceedings today on the
44 question of approving any measure or matter or adopting an
45 amendment for which a recorded vote for the ayes and nays are
46 ordered.

47 Pursuant to notice, I now call up H.R. 2820, the Dream
48 Act of 2019, for purposes of markup and move that the
49 committee report the bill favorably to the House.

50 The clerk will report the bill.

51 Ms. Strasser. H.R. 2820, to authorize the cancellation
52 of removal and adjustment of status of certain individuals
53 who are long-term United States residents and enter the
54 United States as children, and for other purposes.

55 Chairman Nadler. Without objection, the bill will be
56 considered as read and open for amendment at any point.

57 [The bill follows:]

58

59 Chairman Nadler. I will begin by recognizing myself for
60 an opening statement.

61 H.R. 2820, the Dream Act of 2019, is vital legislation
62 that would finally provide permanent protection for DREAMers,
63 the undocumented people who are brought to this country as
64 children, many of whom have lived here for most of their
65 lives. They are our neighbors and co-workers. They are
66 classmates with our children, and they serve in our military
67 with distinction. It is long past time that we make the same
68 commitment to them that they have made to our country.

69 Many DREAMers do not even know that they are
70 undocumented until their reach their mid-teens and seek to
71 work, drive, or go to college. This is when they discover
72 they are unable to work legally, to obtain drivers licenses
73 in most States, or to obtain financial assistance for
74 postsecondary education. Suddenly the bright futures they
75 imagined for themselves appear to come to a crashing end.

76 In 2012, to encourage these young people to come out of
77 the shadows and to enable them to contribute more fully to
78 our country, then Secretary of Homeland Security, Janet
79 Napolitano, announced the Deferred Action for Childhood
80 Arrivals initiative, or DACA. DACA is an exercise of
81 prosecutorial discretion, providing temporary relief from
82 deportation to DREAMers who meet certain criteria. DACA has
83 enabled almost 800,000 eligible young adults to work

84 lawfully, to attend school, and to plan their lives without
85 the constant threat of deportation.

86 Sadly, in September 2017, their futures were once again
87 thrown into uncertainty when the Trump Administration decided
88 to end DACA. Thankfully multiple temporary injunctions have
89 partially preserved the protection for DACA recipients for
90 the time being. Just last week, the Fourth Circuit held that
91 the Trump Administration's attempted termination of DACA was
92 unlawful.

93 DACA, however, has never been the long-term answer for
94 DREAMers. It is a far cry from the permanent protections
95 that they most deserve and need. That is why it is necessary
96 that we pass the Dream Act of 2019 today. This legislation
97 creates a program to allow DREAMers who came to the United
98 States before the age of 18 and who meet other very specific
99 eligibility requirements to earn permanent residence. It is
100 undeniable that DREAMers enrich our Nation. They are an
101 essential part of our communities where they contribute to
102 our thriving economy and make America a stronger, more
103 united, and more diverse Nation. DREAMers come from many
104 different backgrounds and all walks of life, but they are
105 connected by one common thread: their commitment to this
106 country.

107 If we do nothing to protect DREAMers, hundreds of
108 thousands of these young people will remain at risk of

109 imminent removal from their homes and separation from their
110 families. They will be sent to countries where they likely
111 have minimal ties and, in many cases, no ties at all. Having
112 grown up in America, many do not speak the language of their
113 country of birth, and they are completely unfamiliar with
114 that country's cultural norms and customs.

115 It would be manifestly unfair to remove them from the
116 only country they have ever really known and to send them to
117 what is essentially a foreign land. It would also be
118 decidedly foolish to deprive America of the economic and
119 social contributions that DREAMers to make their communities
120 every day. For this reason, it is vital that we pass the
121 Dream Act, remembering that DREAMers are our neighbors and
122 our peers, and that more than three-quarters of Americans
123 support congressional efforts to provide permanent
124 protections for them.

125 I would like to thank my colleagues, Lucille Roybal-
126 Allard, Pramila Jayapal, and Zoe Lofgren, the distinguished
127 chair of the Immigration Subcommittee, and I should add Nydia
128 Velazquez, for their tireless efforts to craft this bill and
129 to prepare it for markup. Their steadfast support for
130 DREAMers is to be commended.

131 Members on both sides of the aisle, and even, at times,
132 President Trump, have expressed sympathy for the DREAMers and
133 the desire to do right by them. I say to my colleagues,

134 today is our chance. We have legislation before us that
135 would end the legal uncertainty that hangs over the DREAMers
136 and would provide them the relief they so sorely need. I
137 hope that all of my colleagues will stand up for them when it
138 truly counts and will support the Dream Act of 2019 today.

139 I now recognize the ranking member of the Judiciary
140 Committee, the gentleman from Georgia, Mr. Collins, for his
141 opening statement.

142 Mr. Collins. Thank you, Mr. Chairman. Right now our
143 southern border in a state of complete and utter disaster.
144 Over the last several days, Customs and Border Patrol has
145 apprehended an average of 4,500 people per day. During the
146 first 7 months of this Fiscal Year, the number of people
147 apprehended has already surpassed any Fiscal Year total since
148 2009. And on one single day this month, 5,235 individuals
149 were apprehended. In April, there were 58,474 family unit
150 members and 8,897 unaccompanied alien minors apprehended, and
151 those numbers will be surpassed in May. The number of single
152 adult apprehensions has reached a 5-year high. Border Patrol
153 has encountered more than 150 large groups, those with over
154 100 people, so far this year. The largest group has upwards
155 of 450 people in it.

156 Border Patrol processing centers are far beyond
157 capacity. ICE detention centers are full. Even NGOs
158 providing shelter and other aid to migrants are completely

159 overwhelmed. Perhaps the worst part about the flood of
160 aliens coming to the border is the toll on children brought
161 on the journey. CPB has identified more than 3,000
162 potentially fraudulent family units, and aliens are admitting
163 that they have either borrowed, rented, or bought -- yes,
164 bought -- a child because they know that if they arrive at
165 the border with a child, they are all but guaranteed to be
166 admitted. Just last week, a 51-year-old Honduran national
167 who had already been deported brought an unrelated 6-month-
168 old with him to ensure that he would quickly be released by
169 United States authorities. The crisis is real and the crisis
170 is substantial.

171 Of course you don't have to take my word for it. Jeh
172 Johnson, the former Obama Administration DHS Secretary,
173 recently said, "We are truly in a crisis." In April, the
174 *Washington Post* editorial board said the southern border has
175 bloomed into a crisis that has overwhelmed existing
176 infrastructure and bureaucracy. Even Speaker Pelosi has
177 finally begun to admit there is a crisis on the border.

178 I believe the flood of migrants can be greatly reduced
179 and better protected by enacting legislation to fix the
180 Flores Settlement Agreement, amending the Trafficking Victims
181 Protection Act, and raising the credible fear standard. But
182 I am not the chairman, and I don't set the committee's
183 agenda.

184 So what has the majority done to address the situation?
185 Absolutely nothing. My colleagues have the chance to help
186 our overworked men and women of DHS, the overwhelmed NGOs,
187 and the American people who believe in our country's
188 sovereignty. Sadly, my colleagues are making us consider a
189 bill to worsen the border crisis by incentivizing more people
190 to cross our borders illegally in hopes of benefitting from
191 the Democrats' mass legalization scheme. No doubt at this
192 very minute the smuggling cartels are getting word out that
193 Congress is going to legalize people residing in America
194 illegally.

195 When this committee held a hearing on the DREAMers in
196 March, I implored the chairman, give us a bill that legalizes
197 some of the illegal immigrant population and that includes
198 enforcement measures to secure our border and enforce the law
199 inside our country. As I stated then, a bill that grants
200 mass legalization and shuns any real enforcement measures
201 will be opposed by Republicans for this political stunt that
202 it is. Today my Democratic colleagues are engaging in
203 exactly that. They had a chance to show that they are
204 serious about an immigration solution for DACA recipients and
205 perhaps even the DREAMers they have talked about protecting
206 for years. Instead, today we are considering a piece of
207 legislation that is simply a disingenuous political
208 statement.

209 H.R. 2820 provides a special path for citizenship for
210 millions of illegal immigrants. In doing that, it places the
211 interests of those who have violated our laws above the
212 interests of the men and woman who have waited patiently for
213 their green cards to become available. Of course the bill
214 provides the same path to legal non-immigrants, so the number
215 of potential beneficiaries is completely unknown. The bill
216 also allows criminal aliens and those who have committed
217 immigration fraud to receive green cards.

218 It ultimately rewards parents who brought many of these
219 individuals to the U.S. illegally with green cards and
220 eventual citizenship of their own. It incentivizes fraud
221 through lax documentation requirements and allows people to
222 skirt the requirements. It even allows aliens no longer in
223 the U.S. to apply for green cards. H.R. 2820 purports to
224 prevent alien gang members from eligibility, but the
225 prohibitions are so narrow it is virtually unworkable.

226 But before anyone talks about us not wanting to solve a
227 problem, that is simply not true. As evidenced by two floor
228 votes last year, the vast majority of Republicans want to
229 provide legal status for DACA recipients, but we want to do
230 it the right way to minimize fraud and to ensure criminals
231 cannot get the status so we don't find ourselves repeating
232 this conversation in 5 or 10 or 15 years as we have been
233 doing. H.R. 2820 accomplishes none of these goals, and I

234 will, therefore, urge my colleagues to oppose this
235 legislation.

236 With that, I yield back.

237 Chairman Nadler. Thank you, Mr. Collins. I now
238 recognize the chair of the Subcommittee on Immigration and
239 Citizenship, the gentlelady from California, Ms. Lofgren, for
240 her opening statement.

241 Ms. Lofgren. Thank you, Chairman Nadler. With today's
242 markup, the Judiciary Committee is taking an important step
243 towards the enactment of a law that would provide lawful
244 permanent residence to DREAMers. H.R. 2820, the Dream Act of
245 2019, is the latest version of vital legislation that would
246 finally bring certainty to undocumented youth in this country
247 who are American in every way, except on paper. Many of us
248 both inside and outside this room have been waiting for this
249 day for a long time.

250 Eighteen years ago, the first iteration of the Dream Act
251 was introduced. The term "DREAMer" was coined. In 2010, the
252 House passed the Dream Act, but it stalled when the Senate
253 came up 5 votes short in a cloture vote. Just a couple of
254 months ago, we set the stage for consideration of this bill
255 with a hearing to shine a spotlight on the plight of
256 undocumented young people as well as TPS and DED recipients,
257 and today is the first time that we move the Dream Act
258 through committee markup.

259 At the hearing last month, we were inspired by the
260 personal stories of several young DREAMers, each of whom has
261 chosen a different path in life, but all of whom have already
262 achieved great success. One such witness, Jin Park, is a
263 DACA recipient who grew up in New York City, graduated from
264 Harvard University, and recently became the first DACA
265 recipient to receive a Rhodes scholarship. We also heard
266 from Yazmin Irazoqui-Ruiz, who graduated summa cum laude from
267 the University of New Mexico. She is now in medical school,
268 and she intends to specialize in women's health and ensure
269 that all women have access to competent medical care. And we
270 also heard from Hilario Yanez, a DACA recipient, who lived in
271 a homeless shelter as a child, but went on to graduate from
272 the University of Houston and now works at a Fortune 500
273 company.

274 Each of these witnesses is truly extraordinary, and yet
275 they represent just a tiny fraction of all the DREAMers who
276 are out there, young adults who embrace this country as their
277 own and chase their dreams despite the difficulties they
278 faced with immigration status. We owe it to all of them to
279 get this done. But I would say it is not just about the
280 DREAMers. It is about our country. Why would we want to
281 oust the medical student? Why would we want to remove the
282 Rhodes Scholar from our country when they have so much to
283 offer all of us? So this is not just about fairness to the

284 de facto Americans who are the DREAMers. It is about
285 fairness to the United States who needs to fully benefit from
286 the talent, the energy, the commitment, and the patriotism
287 that the DREAMers represent.

288 As Chairman Nadler mentioned, approximately 800,000
289 DREAMers have been granted a temporary reprieve from removal
290 through the DACA Program. Since 2012 when DACA was
291 announced, bills have been introduced that would essentially
292 extend DACA for limited periods. But DACA or anything that
293 resembles DACA is not enough. If the Trump Administration
294 ultimately wins in court, DACA will become a thing of the
295 past, and far too many young people will be plunged back into
296 the shadows. Anything that provides less than lawful
297 permanent residence is insufficient, and that is why today's
298 markup is so important. We must pass the Dream Act and
299 eliminate this uncertainty by providing this group of people
300 with the stability that they need.

301 I want to thank Representative Lucille Roybal-Ballard,
302 Chairman Nadler, and Representative Jayapal for their
303 tireless work on this legislation. Their commitment to this
304 issue and thoughtful leadership has been essential to getting
305 this bill to markup. While the bill may not be perfect, the
306 bill before us provides a fair and reasonable opportunity for
307 DREAMers to apply for lawful permanent residence with tough
308 eligibility standards and discretion to consider unique

309 situations on a case-by-case basis. Applicants must pass
310 security and background checks, meet specific education
311 benchmarks, and are barred if they have serious criminal
312 records.

313 This legislation should not be controversial. The Dream
314 Act has enjoyed bipartisan support in the past with many of
315 these same provisions. So let's set aside partisanship and
316 support this important legislation so that DREAMers can
317 finally have the peace of mind that comes with lawful
318 permanent residence and so that America can finally benefit
319 from all their energy, intelligence, hard work, and
320 patriotism.

321 With today's markup, we take the first towards solving
322 this moral crisis once and for all. And I yield back.

323 Chairman Nadler. Thank you, Ms. Lofgren. I now
324 recognize the ranking member of the Immigration Subcommittee,
325 the gentleman from Colorado, Mr. Buck, for his opening
326 statement.

327 Mr. Buck. Thank you, Mr. Chairman. We are here to
328 discuss an important issue that should cross political lines.
329 We should be working together on this committee to craft a
330 compassionate solution that addresses the no-win situation
331 DACA recipients face, while also giving our country the tools
332 we need to secure our border for good. But we wouldn't need
333 to be here today if the Democrats were serious about solving

334 this issue, serious about giving the approximately 800,000
335 recipients in this country real hope, serious about not using
336 these young immigrants as political pawns in their push for
337 an open borders utopia.

338 Unfortunately, my Democratic colleagues ignore the
339 serious crisis at the border and are now pushing amnesty,
340 continuously rejecting border security measures, and calling
341 for the dissolution of ICE act like a bright red neon sign
342 inviting more immigrants to make the dangerous trek to our
343 border. The Democrats are also ignoring the key fact that
344 past amnesty measures have pushed more people to make the
345 perilous journey in hopes of receiving similar treatment.

346 Take Senator Feinstein's bill, the Unaccompanied Alien
347 Child Protection act, that provided unaccompanied children
348 with pro bono legal counsel and family reunification instead
349 of a promise to return these children home. When this
350 legislation was signed into law in December 2008, it showed
351 countless individuals in Central and South America how their
352 children could cross the border and remain here if they
353 played their cards right. The stats bear this out. In
354 Fiscal Year 2008, 8,041 unaccompanied children were
355 apprehended at the border. In Fiscal Year 2018 alone, 50,036
356 unaccompanied children were apprehended.

357 Clearly the message made its way south that the U.S.
358 wouldn't turn away unaccompanied children, which spawned a

359 flood of children making the dangerous journey north through
360 extreme weather conditions, often at the hands of brutal
361 coyotes, because they had been told that if they come to
362 America, they won't be sent home. This isn't compassion. It
363 is reckless, misguided, and dangerous. Yet Democrats refuse
364 to come to the table to find a real solution.

365 Just last year Republicans put forward a bill in good
366 faith that provided that real solution for these young
367 immigrants. We offered a pathway forward that effectively
368 melded a compassionate answer for these young immigrants with
369 immediate improvements to border security and robust
370 screening and fraud prevention to deny status to criminals
371 and gang members. More importantly, Republicans extended an
372 open hand to Democrats to help us solve this problem once and
373 for all, but holding strong to their positions, Democrats
374 refused to budge. They chose to not take part in
375 negotiations and voted in lock step with then Minority Leader
376 Pelosi to cast aside the dream of helping DACA recipients.
377 You heard that right. Not one single Democrat voted to help
378 DACA recipients. Instead they chose to use these children as
379 chips in a political poker game.

380 Flash forward to today and Democrats are still grasping
381 at straws. The chairman and Speaker Pelosi are offering a
382 bill today that stands no chance of becoming law. And worst
383 of all, they are still using DACA recipients as pawns. The

384 Dream Act of 2019 does nothing to address the systemic issues
385 facing our immigration system. Instead the Democrats have
386 offered an amnesty-only bill that would apply to every
387 DREAMer, whether they applied for DACA or not, to apply for
388 permanent legal residency and eventual citizenship.

389 There are other problems with this bill. Administration
390 officials have already said this bill would be operationally
391 unworkable if it is signed into law. It includes impossible
392 mandates and an unworkable cap on application fees. It will
393 only serve to further flood the system with fraudulent
394 applications and force DHS officials to reprioritize their
395 adjudication caseloads, pushing individuals who are trying to
396 enter the country legally to the back of the line. USCIS
397 officials won't be able to access background check materials
398 to see whether we are potentially allowing gang members and
399 violent offenders to enter our country.

400 As I said before this committee in March, the American
401 people are compassionate. We are willing to help these young
402 individuals who are here through no fault of their own. But
403 they know that this bill does not provide a real solution.
404 It is just another amnesty without any meaningful changes to
405 enhance our Nation's security.

406 Mr. Chairman, my Republican colleagues and I are eagerly
407 awaiting an opportunity to work with you to craft a real
408 solution to protect DACA recipients and solve our crisis at

409 the border just as we did last year. But we can't pretend
410 that this bill is the answer or that Democrats are doing
411 anything but using DACA recipients as pawns to further their
412 portfolio agenda. I yield back.

413 Chairman Nadler. Thank you, Mr. Buck. Without
414 objection, all other opening statements will be included in
415 the record.

416 I now recognize myself for purposes of offering
417 amendment in the nature of a substitute. The clerk will
418 report the amendment.

419 Ms. Strasser. Amendment in the nature of a substitute
420 to H.R. 2820, offered by Mr. Nadler. Strike all that follows
421 after the enacting clause and insert the following.

422 Chairman Nadler. Without objection, the amendment in
423 the nature of a substitute will be considered as read and
424 shall be considered as base text for purposes of amendment.

425 [The amendment in the nature of substitute of Mr. Nadler
426 follows:]

427

428 Chairman Nadler. I will recognize myself to explain the
429 amendment.

430 Most of the changes in this amendment are of a technical
431 nature. For example, the underlying bill used two different
432 terms for the same concept, "termination" and "revocation of
433 status." The amendment revises the measure so that it
434 uniformly refers to "revocation of status" without changing
435 the substance of the bill.

436 Aside from these technical revisions, the amendment in
437 the nature of a substitute makes three substantive changes.
438 The first is the inclusion of a new paragraph that lists the
439 factors the Secretary must consider when exercising his or
440 her discretionary authority to provisionally deny applicants
441 who pose a threat to public safety. The second corrects a
442 drafting error in the underlying bill pertaining to the
443 provision that allows DREAMers with conditional status to
444 remove those conditions based on employment. As amended, the
445 text of this provision simply reverts back to how it appeared
446 in H.R. 6 from which H.R. 2820 is derived. The third
447 substantive change adds a new definition for "appropriate
448 United States district court" to harmonize the bill's two
449 judicial review provisions.

450 All of these changes are relatively minor, and they
451 improve an already good bill. Therefore, I urge my
452 colleagues to support the amendment in the nature of a

453 substitute, and I yield back the balance of my time.

454 I will now recognize the ranking member of the full
455 committee, Mr. Collins, for any comments he may have on the
456 amendment.

457 Mr. Collins. Thank you, Mr. Chairman. We accept the
458 changes that have been made. I do not believe they make an
459 already good bill better because it is not an already good
460 bill because of the things we had pointed out earlier. If
461 they were, then we would love to be able to join in this and
462 make a solution here. But it is acceptable as far as the
463 amendment in the nature of a substitute.

464 Chairman Nadler. I thank the gentleman. For what
465 purpose does the gentlelady from Washington seek recognition?

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

467 Chairman Nadler. The gentlelady is recognized.

468 Ms. Jayapal. Thank you, Mr. Chairman, and I want to
469 start by thanking you and our Immigration Subcommittee
470 Chairwoman Lofgren for your tremendous leadership over
471 decades honestly on issues pertaining to the immigration
472 system and the advocacy for comprehensive, human immigration
473 reform.

474 Words can't express the immense pride that I feel today
475 in bringing this bill forward for this historic markup of the
476 Dream Act. It has been 18 years since the original Dream Act
477 was introduced. We have organized in the streets and in the

478 halls of Congress to get to this moment. And I just want to
479 take a moment to thank the DREAMers, their moms and dads,
480 their families and friends, and everyone who has put in their
481 blood, sweat, and tears to get us to this moment.

482 At the heart and the core of this bill are people who
483 are American in every single way but paper, people who came
484 to the United States at a young age, some as young as 1 month
485 old, who are rooted in our communities, a part of our
486 families, and our schools, and our workplaces. An estimated
487 2.1 million DREAMers would be eligible to apply for legal
488 status under this bill.

489 And I would like to share the stories of two DREAMers
490 who call my district home: Paul and Jose Quinones, who moved
491 to the United States when Paul was 7 and Jose was just 2
492 years old. Both brothers grew up participating in highly-
493 capable programs at their schools. Their teachers would
494 often talk about the high expectations that they had for
495 them, and that the brothers would be the next generation of
496 leaders that the community needed. Paul and Jose were less
497 certain about their future given their undocumented status,
498 but then DACA was announced and that changed everything.

499 Paul received DACA, and he enrolled at Gonzaga
500 University where he obtained a B.A. in economics and
501 political science. Upon graduating, he went to work at the
502 Washington State Legislature and then the Office of the Mayor

503 of Seattle. Seeing all that his brother was able to
504 accomplish with DACA, Jose was getting ready to apply.
505 Unfortunately, President Trump cruelly terminated the program
506 right before he began his engineering studies at the
507 University of Washington, and Jose's future, along with
508 millions of others, is more uncertain than ever.

509 Esther is another DREAMer who interned in my office here
510 in D.C. last year. She came to the United States with her
511 parents and younger sister when she was just 3 years old from
512 South Korea. When they arrived on a visa, Esther's parents
513 sought help from an immigration lawyer to obtain more
514 permanent legal status. They filled out their applications.
515 They paid their dues. They gave the lawyer most of the money
516 they had, and he ran away with all of it. He scammed them
517 and left them with nothing. Esther's parents' visas expired,
518 and they had little money. They pushed their kids around in
519 a shopping cart because a stroller was too expensive. But
520 they started over. They built their lives in the United
521 States. They raised a smart, passionate daughter who went to
522 Harvard, and the DACA status that Esther obtained in 2013
523 helped to give her the freedom to pursue her own American
524 Dream.

525 Even when Esther's DACA status was secure, she said that
526 typical "safe spaces," like hospitals and police stations and
527 doctors' offices, filled her with fear. Because DACA doesn't

528 afford protections to her family, she often hides her status
529 and wonders what would happen if somebody that she trusted
530 outed them to the immigration authorities.

531 Today we have this incredible opportunity for young
532 people, like Esther and Jose and Paul and so many of you who
533 are in the audience, to take this first step of reporting the
534 bill favorably to the House floor. This first step to
535 establish a roadmap to citizenship, not just for DREAMers
536 like Esther and Jose and Paul, but also for the 795,000 --
537 795,000 -- U.S.-born children who have parents who are
538 DREAMers. That is 795,000 children who won't have to worry
539 about being separated from their moms and dads. So if
540 Republicans care about family separation, this is a good
541 interim step.

542 But it isn't just about families. It is also about
543 doing what is best for our workforce and our economy. We
544 know that DREAMers work in nearly every occupation:
545 teachers, service providers, entrepreneurs, construction
546 workers, innovators, doctors, researchers, you name it. And
547 households that include DREAMers make tremendous
548 contributions to our economy, generating billions of dollars
549 in State, local, and Federal taxes. The benefits are
550 immense.

551 But most importantly, we have a chance to redefine, to
552 reclaim the values that make us truly great as a Nation by

553 passing this Dream Act. It is noteworthy that Sunday marks
554 the 95th anniversary of enactment of the Immigration Act of
555 1924, which enacted racist quotas that limited the number of
556 immigrants allowed entry, and prohibiting the entry of Asian
557 immigrants. And today I sit in the House as the first South
558 Asian-American woman ever elected to the House, and 1 of only
559 14 immigrants out of 535 in the House of Representatives.

560 This is a first step, not a last, and I want to thank
561 you, Mr. Chairman, and Subcommittee Chairman Zoe Lofgren for
562 everything that you have done. Let's pass this bill, and
563 let's advance these commonsense, human solutions for our
564 DREAMers and upholding the rights of everyone.

565 Chairman Nadler. I thank the gentlelady. For what
566 purpose does the gentleman from Ohio seek recognition?

567 Mr. Chabot. Mr. Chairman, I have an amendment at the
568 desk.

569 Chairman Nadler. The clerk will report the amendment.

570 Ms. Lofgren. Mr. Chairman, I reserve a point of order.

571 Chairman Nadler. The gentlelady reserves a point of
572 order.

573 Ms. Strasser. Amendment to the amendment in the nature
574 of a substitute to H.R. 2820, offered by Mr. Chabot of Ohio.

575 Mr. Chabot. Mr. Chairman, I would ask that the
576 amendment be considered as read.

577 Chairman Nadler. Without objection.

578 [The amendment of Mr. Chabot follows:]

579

580 Mr. Chabot. Thank you, Mr. Chairman.

581 Chairman Nadler. The gentleman is recognized to speak
582 on the amendment.

583 Mr. Chabot. Thank you, Mr. Chairman. Thousands and
584 thousands of Americans are injured and killed by drunk drives
585 in this country every year. Mothers Against Drunk Drivers
586 estimates that for every time a person gets picked up for a
587 DUI or DWI or whatever that particular State calls driving
588 under the influence or drunk driving, for every time they get
589 picked up and convicted, they have probably driven drunk 75
590 to 100 times when they didn't get picked up, and were still
591 exactly the same danger to the motoring public and
592 pedestrians as they were when they did get picked up.

593 And I think on both sides of the aisle, we would all
594 agree that as members of Congress, it is our responsibility
595 to do everything that we can to keep the American people, to
596 keep families safe, to keep drunk drivers off our highways
597 and off our streets. One of the many problems that I have
598 with this legislation is that as written it would have just
599 the opposite effect with respect to drunk driving.

600 Presently our immigration laws make inadmissible into
601 the country individuals involved in crimes of moral
602 turpitude. And while H.R. 2820 adds exclusions for any
603 felony offense or 3 or more misdemeanor offenses, I would
604 argue that the exclusions currently in law and in H.R. 2820

605 do not go far enough to keep drivers on our Nation's roadways
606 and pedestrians safe.

607 H.R. 2820 makes it ineligible for aliens to adjust their
608 status if they have three or more misdemeanors. However, the
609 applicability of up to two misdemeanor offenses can be waived
610 if the alien has not been convicted of an offense in the
611 previous 10-year period. As such, an alien could have 4
612 convictions and a pending arrest and still have his status
613 adjusted under this bill.

614 My amendment is simple. It ensures that individuals who
615 have been convicted of a DUI offense, and I am talking about
616 a conviction here, not just that they drove, you know, many,
617 many times, but an actual conviction for a DUI offense that
618 caused a serious injury to another or a person that has been
619 convicted of two or more DUIs. So if a person, again, just
620 to repeat that, either a DUI that you have had a serious
621 injury to an individual or two DUIs, that person would be
622 ineligible to have their status adjusted.

623 I would hope that my colleagues on both sides of the
624 aisle would support this amendment that would help keep
625 impaired drivers off our roads. We should not be passing
626 laws which shield drunk drivers from removal or reward them
627 for their dangerous conduct by fast tracking them to get a
628 green card. And if you vote against this amendment, in
629 essence, that is what you are doing.

630 I would also like to compliment my colleague on the
631 other side of the aisle -- I don't think he is here right now
632 -- but Mr. Cohen of Tennessee for working with me on another
633 piece of legislation that we have been trying to pass for
634 some time now relative to DUI. And that would be that we
635 actually have a way of determining if people have multiple
636 offenses in different States. Right now it is very hard to
637 know, and I happen to be in southwest Ohio, Cincinnati.

638 And oftentimes, and I practiced law for almost 2 decades
639 before coming here, and people oftentimes, you know, they
640 will say they have no DUIs, this is a first-time offense.
641 And it may be a first-time offense in Ohio, but it turns out
642 they have got one in Indiana, which is very close, or two in
643 Kentucky. So they are oftentimes treated and they don't
644 necessarily get caught for doing that. So this would make it
645 much easier for law enforcement to determine that a person
646 has multiple DUI offenses, and that it is not just a first-
647 time offense when they would be treated much less severely.

648 So but that is not this bill. This bill would do what I
649 said before. It would basically just say if you have a DUI
650 and it has caused serious injury to another person, that you
651 would be ineligible, or if you have two DUIs, whether or not
652 there was an injury involved or not. With that, I yield
653 back.

654 Mr. Cicilline. Mr. Chabot, would you yield for a

655 question?

656 Mr. Chabot. Yes, I would be happy to yield.

657 Ms. Lofgren. Mr. Chairman?

658 Mr. Cicilline. Thank you.

659 Mr. Chabot. Yes.

660 Mr. Cicilline. I am just wondering if someone is
661 convicted of driving under the influence with a cause of
662 serious bodily injury or death, are you aware of any
663 jurisdiction in which that is not a felony, and in which they
664 would already be barred under the existing language of the
665 statute?

666 Mr. Chabot. They are oftentimes only convicted of a
667 misdemeanor DUI, so.

668 Mr. Cicilline. No, but I am saying your amendment says
669 if someone is convicted of driving under the influence or
670 impaired driving and it was the cause of serious bodily
671 injury or death of another person, that already exists in the
672 underlying bill because that would be a felony in every
673 jurisdiction.

674 Mr. Chabot. Yeah, it doesn't require the proof of the
675 serious bodily injury and the conviction.

676 Chairman Nadler. The gentleman's time has expired.

677 Ms. Lofgren. Mr. Chairman?

678 Chairman Nadler. For what purpose does the gentlelady
679 from California seek recognition?

680 Ms. Lofgren. I oppose the amendment and I will tell you
681 why. DUI is a very serious issue, and no one wants to see
682 individuals who are true threats to public safety obtain
683 relief under this bill. The bill accomplishes that by
684 barring applicants convicted of serious offense or repeat
685 offenses. But here is the important thing. It authorizes
686 the Secretary to deny those who pose a threat to public
687 safety, even if they have a single misdemeanor.

688 So let's break this down. As the gentleman from Rhode
689 Island has mentioned, someone who is convicted of an offense
690 of driving while intoxicated that causes a serious bodily
691 injury or death has committed a felony and is barred under
692 the bill. Anyone who is convicted further of an offense that
693 is punishable by a maximum term of imprisonment of 1 year is
694 barred from relief. So that felony DUI conviction is already
695 covered in the bill.

696 If you have 1 conviction for a DUI with a suspended
697 license and you knew your license was suspended, you have
698 committed a crime of moral turpitude actually, and that bars
699 you under another section of the bill if you are sentenced to
700 more than 6 months in jail. And also if you have more than 2
701 misdemeanor convictions, you are out. These are tough
702 provisions, but as I have said, to ensure that no one who
703 poses a threat to public safety slips through the cracks, the
704 bill gives the Secretary discretion to provisionally deny an

705 applicant with even a single DUI conviction.

706 Now, this was a provision that was not added lightly.
707 Considering what the Administration's attitude has been
708 towards immigrants, it is difficult to provide the current
709 Secretary with the authority to provisionally deny applicants
710 based on a single misdemeanor conviction, not to mention
711 juvenile delinquency adjudications, neither of which are
712 disqualifying for other immigrants. But we do need to keep
713 our country safe, so we must trust that the Administration
714 will exercise the generous discretion that the bill provides
715 in a manner that places value on the safety of all Americans.
716 And amendments that seek to further restrict eligibility
717 requirements really are not well crafted.

718 It is true that a single DUI conviction is a serious
719 matter, but we could look to Congress. There are members of
720 Congress, including, well, I don't want to mention names, who
721 have been convicted of DUIs, and they serve with us, and they
722 are not removed from the country. So people make mistakes,
723 and laws and policy decisions should reflect that. And so
724 for these reasons and because we have protected the public
725 safety in the underlying bill, the amendment, although I am
726 sure offered in good faith, should be --

727 Mr. Collins. Would the gentlelady yield for a second?

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

729 Mr. Collins. Thank you, and just in a moment of

730 substance, and we are going to talk more about that. But
731 just in reference to where you just stated that they are not
732 being removed from the countries as members who have a DUI.
733 That is exactly right. They are American citizens. They are
734 under a different standard here, and we are not talking about
735 American citizens at this point. Just to make clear.

736 Chairman Nadler. Would the gentlelady yield?

737 Ms. Lofgren. I would be happy to yield to the chairman.

738 Chairman Nadler. But we are talking about what poses a
739 public safety threat. And someone who is brought here at a
740 year or two old and has a DUI conviction maybe from years ago
741 poses no more and no less of a public safety threat than a
742 member of Congress who has a DUI conviction from several
743 years ago. This legislation is intended to recognize
744 reality, that these people are Americans. They are Americans
745 in every sense except for a piece of paper. And to imply
746 that we should have one standard for members of Congress who
747 can have a DUI conviction and another for DREAMers where a
748 single DUI under whatever circumstances should automatically
749 expel them from the country is simply wrong. I yield back.

750 Ms. Lofgren. Reclaiming my time, I will just say this,
751 that we have built into this bill a failsafe measure so that
752 if the Secretary finds that an individual poses a public
753 safety threat to our country, they are denied. And I think
754 that is the bottom line provision that protects our public

755 safety. I am sure that our friends across the aisle do not
756 question the integrity, nor do we, of the Secretary of
757 Homeland Security and his toughness in applying that
758 standard. And with that, Mr. Chairman, I see that my time
759 has expired.

760 Chairman Nadler. The gentlelady's time has expired.

761 Mr. Biggs. Mr. Chairman?

762 Chairman Nadler. For what purpose does the gentleman
763 from Arizona seek recognition?

764 Mr. Biggs. Move to strike the last word.

765 Chairman Nadler. The gentleman is recognized.

766 Mr. Biggs. Thank you, Mr. Chairman. I just want to
767 briefly comment on the statement that someone who is
768 convicted of a DUI where seriously bodily injury or a death
769 has occurred is always a felony, that is simply not accurate.
770 I had an extensive legal practice in this area of law, and I
771 can tell you that there are many times in my county that the
772 county attorney would turn these down and someone would get a
773 DUI misdemeanor conviction, though they had imposed serious
774 physical injury or death. So it is simply inaccurate to say
775 that this is not the case.

776 But having aid that, I am sure that many of you have had
777 the opportunity, as I have, to meet with DACA-eligible
778 individuals. DACA implemented by the Obama Administration
779 covered entrants who came illegally into the United States

780 prior to 2012, effectively impacting those from 2007 to 2012.
781 Those who came before 2007 or after 2012 were ineligible for
782 deferred action, meaning that any action, including removal
783 from the United States, was deferred for that population.

784 There were approximately 800,000 individuals who
785 registered as DACA applicants. Forty thousand were found to
786 be eligible to be in the country under some other statutory
787 authority, and 70,000 were found to ineligible at first
788 blush. The remaining 690,000 have had their status under the
789 law effectively stayed for these last years. Groups on both
790 sides of this issue have guesstimated that there may be
791 between 1 and 1.2 million who are eligible to apply for DACA
792 but failed to apply for whatever reason.

793 So advocates for DACA amnesty have urged that we grant
794 unconditional amnesty for the 690,000 who applied and the
795 addition 1 to 1.2 million who failed to follow even the Obama
796 Administration's relatively simple DACA requirement of
797 registration. If that occurs, we will have nearly 2 million
798 given amnesty.

799 I have only met one person, and it was actually in this
800 hearing -- some of you may recall this -- who was ever in
801 favor of limiting the DACA amnesty to DACA recipients. They
802 all, with the exception of the one individual who testified
803 in here, all want their parents who were the ones who
804 ostensibly brought the DACA person into the country illegally

805 in the first place, to be granted an amnesty status as well.

806 Most DACA recipients want amnesty for themselves and
807 their illegal alien parents. The number of these illegal
808 aliens is conservatively estimated at more than 2 million.
809 Thus, if we add these figures together, we will be granting
810 amnesty to nearly 4 million people at the low end of the
811 estimates that I have seen.

812 And of course we have the issue of moral imperatives.
813 Was it morally acceptable for the Obama Administration to set
814 arbitrary brackets protecting individuals who were illegally
815 brought into the country between 2007 and 2012 while
816 excluding protections for all other similarly-situated, who
817 were brought into the country outside of those brackets?
818 What then is the moral justification for preventing DACA
819 protection for those outside the brackets? And I am asking
820 that because we are talking today literally about additional
821 millions of people who would seek similar amnesty, and this
822 particular bill, 2820, goes well beyond even the DACA
823 applicants.

824 So the moral imperative has always been to treat all
825 people the same, and what we see here is a distinction. And
826 my colleagues on the other side wish to expand that
827 population that they are going to give preferential treatment
828 to. So it becomes an incentive to come and stay in this
829 country illegally. The majority bill is not really an

830 amnesty bill for the DACA population who applied under the
831 rules implemented by the Obama Administration. It actually
832 expands the number of people who will get amnesty.

833 This is the reality of this vexing issue. To whom will
834 the Democrats give amnesty and to whom will the Republicans
835 give amnesty? And so we sit here and I see expansion on the
836 parts of the Democrats in this bill, and it is going to keep
837 going. And I view this, as someone just said, a first step,
838 and I think that is indeed what the intention is to a
839 universal amnesty.

840 So, Mr. Chairman, I think Mr. Chabot's amendment is
841 correct. It is correct factually. It is imperative that you
842 have this language in there. I would urge my colleagues to
843 support Mr. Chabot's --

844 Ms. Lofgren. Would the gentleman yield?

845 Mr. Biggs. For the 7 seconds? Yes, ma'am.

846 Ms. Lofgren. I just wanted to point out that the first
847 provision in Mr. Chabot's amendment would also be
848 disqualifying because it is a crime of moral turpitude, which
849 is already barred under the bill. So to some extent, the
850 amendment is superfluous, and I thank the gentleman for
851 yielding.

852 Chairman Nadler. The gentleman's time has expired. For
853 what purpose does the gentleman from Arizona, Mr. Stanton,
854 seek recognition?

855 Mr. Stanton. Mr. Chair, I move to strike the last word.

856 Chairman Nadler. The gentleman is recognized.

857 Mr. Stanton. Thank you very much, Mr. Chairman. I
858 respect my colleague and friend from Arizona. I respectfully
859 disagree with him on this important issue. I want to thank
860 you, Mr. Chairman and Chairwoman Lofgren, chair of the
861 important subcommittee, and Congresswoman Jayapal. It is has
862 been a lot of fun working with you on this very, very
863 important issue.

864 Today is a historic day for our Judiciary Committee. We
865 have the privilege of discussing immigration bills that will
866 affect an estimated 2 million people in the United States.
867 DREAMers, TPS, and DED holders have been woven into the
868 fabric of our country for decades. We know that they are
869 teachers in our schools, leaders in our community, the owners
870 of local businesses back in our districts. They are
871 Americans just like and I do. DREAMers are constantly
872 reminded of their undocumented status when they are not
873 legally able to work, travel abroad, obtain a driver's
874 license, or receive Federal financial aid. These everyday
875 things that we as citizens don't give a second thought about
876 will finally be obtainable for these individuals with the
877 passage of this piece of legislation.

878 My State, Arizona, is one of the States with the highest
879 number of DREAMers to stand to benefit from this legislation.

880 There are 9,000 DREAMers in my district alone, young people
881 who have to confront the stressful factors associated with
882 their undocumented status every single day, and I want to
883 highlight one of them. Reyna Montoya, a DREAMer, an educator
884 who has caused ripples of positive change in my district.
885 She graduated from Arizona State University with a bachelor's
886 of art, later earned a master's degree in secondary education
887 from Grand Canyon University. She became a public high
888 school teacher in Phoenix. She has grown into a remarkable
889 young woman, despite the fear, anxiety, and stress associated
890 with having undocumented status in our country.

891 She used dance as her refuge for dealing with these
892 emotions and the possibility of losing her dad to
893 deportation. She founded Aliento, an organization located in
894 Mesa, Arizona that supports other undocumented youth,
895 children, and mixed-status families through art, leadership
896 development, organizing, and education. Aliento has become a
897 place where young people can go to process their feelings
898 while simultaneously changing the policies and structures
899 causing trauma in the first place, a place more communities
900 in America need.

901 Last year Reyna earned a spot on Forbes' 30 under 30
902 Social Entrepreneurs List for finding a way to turn an
903 impossible situation into a catalyst for positive change. If
904 Reyna, an individual deeply impacted by Congress' inaction,

905 can inspire such change, we as members of this body have a
906 moral responsibility to fix the system that is outdated,
907 unjust, and broken. Today we are taking that first step. We
908 are marking up legislation that forces us to confront the
909 responsibility that we have to DREAMers, TPS, and DED holders
910 in our communities, to do everything in our power to pass
911 legislation that finally recognizes their presence, their
912 work, their dignity, their contributions, and ultimately
913 their humanity.

914 Mr. Chairman, I would like to insert into the record two
915 publications, one titled, "Undocumented Status: The Impact
916 on Teens and Their Families Living in the United States," and
917 one other, "Turning Trauma Into Hope For Arizona's DACA
918 Recipients." I yield back. Thank you.

919 Chairman Nadler. Without objection. Without objection.

920 [The information follows:]

921

922 Chairman Nadler. The gentleman yields back. The
923 gentleman from Louisiana. For what purpose does the
924 gentleman from Louisiana seek recognition?

925 Mr. Johnson of Louisiana. Thank you, Mr. Chairman.
926 Move to strike the last word.

927 Chairman Nadler. The gentleman is recognized.

928 Mr. Johnson of Louisiana. Thank you, and I want to
929 yield my time to Mr. Chabot.

930 Mr. Chabot. He is yielding it to me. Thank you very
931 much for yielding. I greatly appreciate it. Just a couple
932 of points. First of all, DUIs are almost never crimes of
933 moral turpitude, and case by case shows that. Secondly, also
934 the public safety option is so restrictive because a
935 Secretary himself or herself is the only one who can do this
936 waiver. And what DHS Secretary has the time to look at every
937 single case that specifically says in the legislation, "the
938 Secretary of DHS may, as a matter of non-delegable
939 discretion," meaning that he or she has to take that decision
940 themselves. They can't have, you know, one of their staff
941 people or some underling take care of it. They have to do
942 that themselves. It is non-delegable.

943 And then finally, our number one priority ought to be
944 protecting the public, and this is an opportunity to actually
945 step up and do that. We are talking about somebody here who
946 not just had a DUI, but they had a DUI in which a person was

947 either killed as a result of this person driving drunk. So a
948 person was killed. We are talking about somebody that could
949 be one of your family members, or a person that received a
950 serious injury, seriously bodily injury. So we are not
951 talking about psychological injury. We are talking about
952 serious injury. It could be the loss of an eye, for example,
953 and there are cases in which these things are talked about.
954 It could be the loss of a limb or the loss of use of a limb,
955 permanent generally. It could mean, for example, a serious
956 disfigurement.

957 So we are talking about the person has suffered some
958 serious damage as a result of a person driving drunk, or in
959 the other case, we are talking about not only did they do it
960 once, but they did it a second time or multiple times. And
961 so these are folks who are not U.S. citizens, who we are
962 going to make an exception and allow them to stay here.

963 If we are going to do it, we ought to be doing it for
964 people that are going to act responsibly, that are going to
965 be good citizens of this Nation, that are going to work,
966 support their families, keep their fellow citizens safe. But
967 we are talking here about people that have driven drunk and
968 seriously injured people already, or have done it twice. And
969 as the Mothers Against Drunk Drivers organization will tell
970 you, again, every time a person gets picked up, you know, we
971 are talking about multiple times that they have done this and

972 not gotten picked up for it.

973 So our priority ought to be protecting the American
974 public, innocent people out there. And this amendment makes
975 it very clear: if you vote for the amendment, that is what
976 you are doing. If you are against this amendment, you are
977 putting the American public at risk. And if my Democratic
978 colleagues are so sure that under the bill these people would
979 be denied, then they should have no problem accepting the
980 amendment.

981 And I thank the gentleman for yielding, and I yield back
982 my time to him.

983 Mr. Johnson of Louisiana. I thank the gentleman, and I
984 would just urge support for the amendment in an abundance of
985 caution. I yield back.

986 Chairman Nadler. For what purpose does the gentlelady
987 from Texas seek recognition?

988 Ms. Jackson Lee. I will yield to him first, Mr.
989 Chairman. I will go after him. Thank you.

990 Voice. Mr. Chair?

991 Chairman Nadler. The gentleman from California.

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

993 Mr. Correa. Mr. Chairman, I move to strike the last
994 word.

995 Chairman Nadler. The gentleman is recognized.

996 Mr. Correa. Mr. Chairman, my district, I am proud to

997 say, is home to the largest number of DREAMers in this
998 country, and I want to correct the record about who DREAMers
999 really are. They are U.S. Marines. Jose Giralva lived in my
1000 district in Santa Ana. He enlisted in the United States
1001 Marine Corps and he was deployed to Iraq. In 2003 at the age
1002 of 21 he was killed. He made the ultimate sacrifice for the
1003 United States. He was the first service member out of Orange
1004 County to die in Iraq, and he was a DREAMer, and he received
1005 his U.S. citizenship posthumously after he made the ultimate
1006 sacrifice. This is who the DREAMers are. Mr. Chairman.

1007 Chairman Nadler. The gentleman yields back. Who seeks
1008 recognition?

1009 Mr. Collins. Mr. Chairman?

1010 Chairman Nadler. The gentleman from Georgia. For what
1011 purpose does he seek recognition?

1012 Mr. Collins. I seek to strike the last word.

1013 Chairman Nadler. The gentleman is recognized.

1014 Mr. Collins. I am not going to take long. Just, again,
1015 I think the points that have been made by the gentleman from
1016 Ohio are valid points. I think, as he has, in fact, pointed
1017 out, there is discussion here. This is why this bill, I
1018 think as I have stated from the outset, should have been, you
1019 know, looked at a lot harder so that we could actually find
1020 the real solutions that actually solve this problem instead
1021 of moving forward with this. I support the gentleman's

1022 amendment and yield back.

1023 Chairman Nadler. For what purpose does the gentlelady
1024 from Texas seek recognition?

1025 Ms. Jackson Lee. Strike the last word.

1026 Chairman Nadler. The gentlelady is recognized.

1027 Ms. Jackson Lee. Mr. Chairman, I think you would admit
1028 that we have good friends on the other side of the aisle.

1029 For those of us who have been on this committee, we have had

1030 the opportunity to engage, and certainly I have done that

1031 with Mr. Chabot, so I respect his concerns. I think it is

1032 important to emphasize the pain and desperation of DREAMers

1033 and individuals who would benefit under both the American

1034 Promise Act and, of course, the acting dealing with the TPS

1035 and Dream Act as well.

1036 I have interacted with all of them. We proudly boast in

1037 Houston as being one of the most diverse cities in the

1038 Nation, speaking 98 languages, plus I think it has grown. I

1039 relish going to schools, speaking before audiences that

1040 remind me of the United Nations. And so juxtaposed along

1041 that is my longstanding work with Mothers Against Drunk

1042 Driving, and respecting the concerns. That is why this

1043 legislation didn't fool around. We already have a strict,

1044 stringent, absolutely airtight language because the members

1045 who wrote this legislation as we have done over the years --

1046 I have introduced comprehensive immigration reform for 2

1047 decades plus -- we would not allow, if you will, the safety
1048 and security of the Nation to be jeopardized.

1049 I just came out of Homeland Security where people were
1050 complaining about those who are coming across the border. My
1051 friends, 189,000-plus of them are family units. Their 11-
1052 year-old is like Laura. Some of them have even lost their
1053 life as children. But we have today dealing with is those
1054 who are here and who have been working extensively. So let
1055 me just share with you, first, in this legislation, anyone
1056 who is convicted of an offense that is punishable by a
1057 maximum term of imprisonment of more than 1 years is barred
1058 from relief. That means that whether you killed someone,
1059 harmed someone, or they just bypassed your car and you were
1060 caught drunk or under the influence. So a person with a
1061 felony DUI conviction is absolutely barred, and the majority
1062 of States will charge a person with a felony on their second
1063 or third DUI offense.

1064 Then secondly, if you have one conviction for DUI with a
1065 suspended license and you knew your license was suspended, I
1066 am saddened about that because some people say I did not
1067 know. You have committed a crime involving a moral
1068 turpitude. If you are sentenced to more than 6 months in
1069 jail, you are out. If you have two misdemeanor convictions,
1070 you are out. We already have this in the bill. I want Mr.
1071 Chabot to be comforted by the fact injury or death, you are

1072 already out. I don't want it to get to that. You are out.

1073 And so I think we need to know the pain that people are
1074 suffering. I meet with DREAMers all the time. They intern
1075 in my district office and in my Washington office. I work
1076 with an organization called FIEL with Cesar Espinosa. We are
1077 like the frontline team in our community. He is a young man
1078 who had to watch his brother struggle to become a citizen.
1079 We met him in Houston.

1080 He himself is a DREAMer, but he never stops working. He
1081 takes cases no matter who you are, and most of the time you
1082 have no resources. He finds pro bono attorneys for desperate
1083 little ones like Laura, who was wrongly deported while she
1084 was in the courtroom 10 different times, and the last time
1085 the clerk said, "Oh, you are not supposed to be here, you are
1086 not on the docket." And that very act and word of that
1087 burdened clerk, overwhelmed, overworked, trying to do their
1088 job, put into motion a deportation order for an 11-year-old,
1089 the most joyous little 11-year-old Laura who sits in a
1090 classroom today, thank god, learning and loving America.

1091 So I would simply say that I know the gentleman is well
1092 intentioned, but I am confident that we have legislation that
1093 would not have made a misstep to leave out that important
1094 element of protecting all of us. And I join my friend from
1095 California, Mr. Correa. We know a lot of military personnel.
1096 In fact, Congresswoman Lofgren and her being chair and

1097 ranking member back and forth, she knows that we worked on
1098 this issue with military personnel, posthumous and alive. We
1099 have worked on it with their family members. We had
1100 desperate situations where people are fighting in Iraq and
1101 were almost deported or their family members were deported.

1102 We have seen this, and all we are trying to do is to
1103 bring relief to people who want to do nothing more than serve
1104 this Nation and contribute to the greatest experiment in the
1105 world, and that is the United States of America. And so I
1106 respectfully have to oppose the amendment because I believe
1107 it is well stated in the legislation, and I would not stand
1108 for anything less, nor would my colleagues. And I am very
1109 grateful for the fact that we take very seriously that
1110 responsibility, but we also take seriously, Mr. Chairman, the
1111 wonderful people that are in need today.

1112 I yield back.

1113 Chairman Nadler. I thank the gentlelady.

1114 For what purpose does the gentleman from Texas seek
1115 recognition?

1116 Mr. Gohmert. Move to strike the last word.

1117 Chairman Nadler. The gentleman is recognized.

1118 Mr. Gohmert. Thank you, Mr. Chairman.

1119 I appreciate the assurances from people across the aisle
1120 that multiple driving while intoxicated, or DUIs, are crimes
1121 of moral turpitude, hitting someone, causing bodily injury is

1122 -- while intoxicated and driving is moral turpitude, but
1123 normally, those are crimes according to a State. And in the
1124 State of Texas, I know before I became chief justice of the
1125 Tyler Court of Appeals, they had just ruled that it was not a
1126 crime of moral turpitude to even be involved in a criminally
1127 negligent homicide where someone was killed.

1128 So I appreciate the assurances across the aisle that,
1129 oh, no, they would not be eligible. They would be eliminated
1130 because that involves moral turpitude. Well, apparently, it
1131 depends on the State, and the States of which I am familiar
1132 with the law, including Texas, that is not necessarily so.
1133 And in most cases, it would not be so.

1134 And having had to sentence a man who was in the United
1135 States illegally, he should have been charged with a felony
1136 before his ninth DWI, but that his ninth one, he was in a
1137 wreck and caused serious bodily injury. He ends up in my
1138 court. And anyway, I was surprised he was back in my court
1139 6 months later because he was deported.

1140 And within 6 months, he was deported. I said, "How did
1141 you get back?" He said, well, they took me to the border,
1142 watched me walk across. And when they drove away, I walked
1143 back across. And I was drunk again and had another accident
1144 and hurt some people, and so here I am again. He was
1145 deported 90 days later, regardless of the sentence, but came
1146 right back.

1147 Look, until the border is secured, these kind of actions
1148 are not -- I mean, the main purpose they accomplish is
1149 creating a massive lure to people to come into this country
1150 illegally. And some people say, oh, well, you are hateful.
1151 You are hard-hearted. Look, when I look at the Hispanic
1152 culture, somebody -- well, you must hate Hispanics. They
1153 don't know my heart.

1154 I know you don't like to generalize, but the huge
1155 majority of Hispanics I know, they have a love and devotion
1156 to God, a devotion to family, hard work ethic, which I think
1157 are three things that contribute to make us the greatest
1158 country ever. I want more of that in my country, a lot more.

1159 But it needs to be legal, and I was just sent a picture
1160 by one of our Border Patrol men yesterday. A 6- and 8-year-
1161 old standing right in front of them. They were sent
1162 unaccompanied. Why? Because they were told if you will just
1163 get in, they are legalizing people like you. Get in there,
1164 and then maybe we can come be legal parents for you down the
1165 road.

1166 But just as the Border Patrol tell me all over our
1167 Southern border, when you guys talk about legalization, any
1168 type of amnesty whatsoever, we get a huge surge. And we also
1169 know every time there are more children that come, there are
1170 children that don't make it. There are women raped. We know
1171 Doctors without Borders report an unusually large percentage

1172 of women that were raped multiple times in route here.

1173 Why don't we get the border secured as a joint effort,
1174 and then you may be surprised what I will agree to. But
1175 until the border is secured, all that we are doing by having
1176 this markup is drawing more people in. More women will be
1177 raped. More people will be harmed. Let us get the border
1178 secured together, and then we can have an overall agreement
1179 on what we do about the people that are here.

1180 This amendment is important because many States,
1181 including Texas, which now has the sector that is most
1182 traveled by people coming into the country illegally, it is
1183 not -- most of the time not a crime of moral turpitude. So
1184 let us just approve the amendment, and then that will take
1185 care of it. It won't be an issue.

1186 And I yield back.

1187 Chairman Nadler. The gentleman yields back. For what
1188 purpose does the gentleman from Maryland seek recognition?

1189 Mr. Raskin. Move to strike the last word.

1190 Chairman Nadler. The gentleman is recognized.

1191 Mr. Raskin. Thank you, Mr. Chairman.

1192 Today is a very exciting day for more than a million
1193 DREAMers around the country, who have the opportunity through
1194 the legislative action of this committee to get on with their
1195 lives, to dispel the uncertainty, to dispel the anxiety, and
1196 to go ahead and to become full-blown members of our community

1197 who can work and go to school here without the constant fear
1198 of being deported.

1199 Thousands of them live in my district, and these are
1200 young people who went to our schools in Montgomery,
1201 Frederick, or Carroll County. They have grown up here
1202 because the Supreme Court said it is their constitutional
1203 right.

1204 They have graduated from our high schools. A lot of
1205 them have gone on to college. A lot of them are serving in
1206 the Armed Forces. And all of them are trying to help their
1207 families, support their families under very trying
1208 circumstances, and I am delighted we are moving forward.

1209 So I want to speak strongly for the bill, Mr. Chairman.
1210 I also want to speak about the gentleman's amendment, which I
1211 know is very sincerely well-intentioned. We lose thousands
1212 of people a year to drunk drivers in America. Florida is a
1213 State where hundreds of people die because of the
1214 recklessness of people who get into a car drunk, go out and
1215 drive recklessly.

1216 I lost my cousin that way. And I became a huge enemy of
1217 drunk driving and the liquor industry, which supports lax
1218 laws. And when I went to the Maryland State Senate, I fought
1219 the liquor industry every year until we passed legislation to
1220 compel the use of ignition interlock devices in the cars of
1221 anyone, anyone who has been convicted of a drunk driving

1222 offense. If we are serious about cracking down on drunk
1223 driving, if we are serious about making our roads safe for
1224 our people, let us take up that legislation, Mr. Chairman.

1225 And I would love to work with my friend from Ohio and
1226 anyone from across the aisle or on my side of the aisle in
1227 doing that. Let us create laws that cause the States to
1228 impose the ignition interlock device. What this is, is a
1229 breathalyzer that you put on your steering wheel, and the car
1230 won't start if you fail the breathalyzer. That is a way we
1231 are really going to save lives here.

1232 Now as for the gentleman's amendment, I don't think we
1233 can do much better than to give the answer of Ms. Lofgren,
1234 who says we have built into our legislation the idea that
1235 anybody with a felony drunk driving conviction is out. And
1236 then we give the Secretary the opportunity to exercise
1237 exclusive discretion to say we are going to find that there
1238 is a public safety threat provided by somebody who even has
1239 just one DUI conviction, and we are going to exclude them
1240 from the benefits of this program.

1241 And I know a lot of people think that is too harsh. I
1242 don't think it is too harsh. I think the Secretary should
1243 have that authority, and I do think that that Secretary -- I
1244 do think that that authority is properly proposed in the
1245 Secretary himself or herself. I don't think it should be
1246 delegated to other people. I think the Secretary should have

1247 to make that call about whether there is a public safety
1248 threat that is caused by someone.

1249 Obviously, someone who has actually killed someone or
1250 seriously injured someone, they are likely to be out anyway,
1251 but any other kind of public safety threat. It goes beyond
1252 what the gentleman's amendment is saying. Any public safety
1253 threat can be decided upon by the Secretary.

1254 So as a champion of the DREAMers who live in my district
1255 and a supporter of the DREAMers across the country, and as a
1256 fierce opponent of drunk driving and someone who wants
1257 Congress to act more strongly, I am in opposition of that
1258 amendment, and I am in support of our legislation.

1259 I yield back to you, Mr. Chairman.

1260 Chairman Nadler. I thank the gentleman.

1261 Who seeks recognition? The gentleman from Georgia?

1262 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

1263 Chairman Nadler. For what purpose does the gentleman
1264 seek recognition?

1265 Mr. Johnson of Georgia. I move to strike the last word.

1266 Chairman Nadler. The gentleman is recognized.

1267 Mr. Johnson of Georgia. Thank you, Mr. Chairman.

1268 We will be here for quite some time today dealing with
1269 amendments from my friends on the other side of the aisle,
1270 whose sole purpose is to remain loyal members of the Trump
1271 Republican Party, and they will oppose all efforts to come to

1272 a reasonable accord on comprehensive immigration reform, and
1273 they will oppose relief for DACA recipients.

1274 And they would do that by saying that they support, you
1275 know, laws that would help. But they will oppose every
1276 single measure that Democrats put forward. Why? Because
1277 they are members of -- they are loyal members of the Trump
1278 Republican Party.

1279 I can't help but to think back to June or July of 2015
1280 when Trump and his lovely wife got on the elevator and
1281 descended Trump Tower and held a press conference and
1282 immediately lit into all Latinos as being Mexicans who are
1283 rapists and murderers and drug dealers coming across the
1284 border to kill and rape and main Americans. And that is
1285 where we are today, those who support that idea and oppose
1286 immigration and those who are trying to put forth legislation
1287 that is humane, reasonable, and well overdue, and that
1288 protects innocent young people, among others.

1289 And so this whole issue of, you know, anyone who has a
1290 single conviction for driving while intoxicated, when such
1291 impaired driving was the cause of serious bodily injury or
1292 death to another person, they know that in every State in the
1293 Union, all 50 States, such conduct would be a felony. They
1294 also know that under the legislation that is being proposed,
1295 that individuals will not be let in if they have a felony
1296 conviction.

1297 And so what this amendment does is enables my friends to
1298 scare people who are watching and frighten them into being
1299 opposed to this very reasonable legislation, and we are going
1300 to sit through this for the rest of the day today. So buckle
1301 your seatbelts, grab your popcorn if you are out there
1302 watching C-SPAN, and enjoy my prediction, which I am afraid
1303 is going to be an accurate one.

1304 And another prediction I will make is not one member of
1305 the other side will oppose any measure that Democrats put
1306 forth today. They will all be in lock-step opposition as
1307 loyal members of the Trump Republican Party brigade.

1308 And with that --

1309 Mr. Gohmert. Will the gentleman yield for a question?

1310 Mr. Johnson of Georgia. Yes, I would. I would.

1311 Mr. Gohmert. And I really appreciate your point that
1312 people that are disqualified by these type of offenses will
1313 not be getting in already. So my question is, if you believe
1314 that people with convictions like are mentioned in the
1315 amendment are not going to be getting in, then why -- why the
1316 opposition --

1317 Mr. Johnson of Georgia. They are here, and they should
1318 be granted relief under this legislation.

1319 Mr. Gohmert. So it shouldn't matter that the amendment
1320 were adopted.

1321 Mr. Johnson of Georgia. Well, because it is just simply

1322 submitted to frighten the people, and that is the point that
1323 I am trying to make. We are going to entertain these kinds
1324 of amendments all day today, perhaps on into the night. And
1325 if you look closely at them, the sole purpose is to frighten
1326 and inflame passions of Americans against the people that we
1327 are trying to help.

1328 Mr. Chabot. Mr. Chairman, point of parliamentary
1329 inquiry.

1330 Chairman Nadler. The gentleman will state his point of
1331 parliamentary inquiry.

1332 Mr. Chabot. Aren't we supposed to not talk about
1333 motives of amendments? And he is saying that this is the --
1334 the purpose of this is to frighten people. It is not the
1335 case, first of all, but I don't think you are allowed to say
1336 what he is saying.

1337 Mr. Johnson of Georgia. The gentleman --

1338 Chairman Nadler. I would --

1339 [Gavel sounding.]

1340 Chairman Nadler. The gentleman is correct. I would
1341 remind all our committee members the House rules and
1342 precedents require us to refrain from making inappropriate
1343 personal references or accusations as to motive, and I will
1344 leave it at that.

1345 Mr. Johnson of Georgia. And so in light of that,
1346 Mr. Chairman, I will say that I apologize to the gentleman

1347 for being offensive, and I don't mean to impugn motives. But

1348 the effect of what is happening is to inflame passions.

1349 And with that, I will yield back.

1350 Chairman Nadler. The gentleman yields back his time.

1351 The question occurs on the amendment.

1352 Those in favor, say aye.

1353 Opposed, no.

1354 In the opinion of the chair, the nays have it, and the

1355 amendment is not agreed to.

1356 Mr. Collins. Roll call.

1357 Chairman Nadler. A roll call vote is requested. The

1358 clerk will call the roll.

1359 Ms. Strasser. Mr. Nadler?

1360 Chairman Nadler. No.

1361 Ms. Strasser. Mr. Nadler votes no.

1362 Ms. Lofgren?

1363 Ms. Lofgren. No.

1364 Ms. Strasser. Ms. Lofgren votes no.

1365 Ms. Jackson Lee?

1366 Ms. Jackson Lee. No.

1367 Ms. Strasser. Ms. Jackson Lee votes no.

1368 Mr. Cohen?

1369 Mr. Cohen. No.

1370 Ms. Strasser. Mr. Cohen votes no.

1371 Mr. Johnson of Georgia?

1372 Mr. Johnson of Georgia. No.

1373 Ms. Strasser. Mr. Johnson of Georgia votes no.

1374 Mr. Deutch?

1375 Mr. Deutch. No.

1376 Ms. Strasser. Mr. Deutch votes no.

1377 Ms. Bass?

1378 Mr. Richmond?

1379 Mr. Richmond. No.

1380 Ms. Strasser. Mr. Richmond votes no.

1381 Mr. Jeffries?

1382 Mr. Jeffries. No.

1383 Ms. Strasser. Mr. Jeffries votes no.

1384 Mr. Cicilline?

1385 Mr. Swalwell?

1386 Mr. Lieu?

1387 Mr. Lieu. No.

1388 Ms. Strasser. Mr. Lieu votes no.

1389 Mr. Raskin?

1390 Mr. Raskin. No.

1391 Ms. Strasser. Mr. Raskin votes no.

1392 Ms. Jayapal?

1393 Ms. Jayapal. No.

1394 Ms. Strasser. Ms. Jayapal votes no.

1395 Mrs. Demings?

1396 Mrs. Demings. No.

1397 Ms. Strasser. Mrs. Demings votes no.
1398 Mr. Correa?
1399 Mr. Correa. No.
1400 Ms. Strasser. Mr. Correa votes no.
1401 Ms. Scanlon?
1402 Ms. Scanlon. No.
1403 Ms. Strasser. Ms. Scanlon votes no.
1404 Ms. Garcia?
1405 Ms. Garcia. No.
1406 Ms. Strasser. Ms. Garcia votes no.
1407 Mr. Neguse?
1408 Mrs. McBath?
1409 Mr. Stanton?
1410 Mr. Stanton. No.
1411 Ms. Strasser. Mr. Stanton votes no.
1412 Ms. Dean?
1413 Ms. Dean. No.
1414 Ms. Strasser. Ms. Dean votes no.
1415 Ms. Mucarsel-Powell?
1416 Ms. Mucarsel-Powell. No.
1417 Ms. Strasser. Ms. Mucarsel-Powell votes no.
1418 Ms. Escobar?
1419 Ms. Escobar. No.
1420 Ms. Strasser. Ms. Escobar votes no.
1421 Mr. Collins?

1422 Mr. Collins. Aye.

1423 Ms. Strasser. Mr. Collins votes aye.

1424 Mr. Sensenbrenner?

1425 Mr. Chabot?

1426 Mr. Chabot. Aye.

1427 Ms. Strasser. Mr. Chabot votes aye.

1428 Mr. Gohmert?

1429 Mr. Gohmert. Aye.

1430 Ms. Strasser. Mr. Gohmert votes aye.

1431 Mr. Jordan?

1432 Mr. Buck?

1433 Mr. Buck. Aye.

1434 Ms. Strasser. Mr. Buck votes aye.

1435 Mr. Ratcliffe?

1436 Mrs. Roby?

1437 Mr. Gaetz?

1438 Mr. Johnson of Louisiana?

1439 Mr. Johnson of Louisiana. Aye.

1440 Ms. Strasser. Mr. Johnson of Louisiana votes aye.

1441 Mr. Biggs?

1442 Mr. Biggs. Aye.

1443 Ms. Strasser. Mr. Biggs votes aye.

1444 Mr. McClintock?

1445 Mrs. Lesko?

1446 Mrs. Lesko. Aye.

1447 Ms. Strasser. Mrs. Lesko votes aye.

1448 Mr. Reschenthaler?

1449 Mr. Reschenthaler. Aye.

1450 Ms. Strasser. Mr. Reschenthaler votes aye.

1451 Mr. Cline?

1452 Mr. Cline. Aye.

1453 Ms. Strasser. Mr. Cline votes aye.

1454 Mr. Armstrong?

1455 Mr. Steube?

1456 Mr. Steube. Yes.

1457 Ms. Strasser. Mr. Steube votes yes.

1458 Chairman Nadler. The gentleman from Rhode Island? The

1459 gentleman from Rhode Island?

1460 Mr. Cicilline. No.

1461 Ms. Strasser. Mr. Cicilline votes no.

1462 Chairman Nadler. Does anyone else wish to vote?

1463 [No response.]

1464 Chairman Nadler. The clerk will report.

1465 [Pause.]

1466 Ms. Strasser. Mr. Chairman, there are 10 ayes and 20

1467 noes.

1468 Chairman Nadler. The amendment is not agreed to.

1469 Before we go on to the next, let me announce that we

1470 often do not break for lunch because there are usually votes

1471 at 1:00 p.m. or 1:30 p.m., and you can get a sandwich in the

1472 cloakroom. However, votes are not scheduled today until
1473 after 4:00 p.m.

1474 So I am just serving notice now that the committee will
1475 stand in recess at 12:15 p.m. or, hopefully, shortly
1476 thereafter if we are in the middle of an amendment, for an
1477 hour and a quarter until 1:30 p.m., more or less. I will
1478 announce the exact time when we come to it.

1479 For what purpose does the gentleman from Texas seek
1480 recognition?

1481 Mr. Gohmert. Mr. Chairman, I have an amendment at the
1482 desk.

1483 Ms. Lofgren. I reserve a point of order.

1484 Chairman Nadler. The clerk will report the amendment.
1485 The gentlelady reserves a point of order.

1486 Ms. Strasser. Amendment to the amendment in the nature
1487 of a substitute to H.R. 2820, offered by Mr. Gohmert of
1488 Texas.

1489 Mr. Gohmert. I waive the --

1490 Chairman Nadler. The gentleman is recognized.

1491 Mr. Gohmert. I seek to waive the reading of the --

1492 Chairman Nadler. Oh, without objection, the amendment
1493 is considered as read. I am sorry.

1494 [The amendment of Mr. Gohmert follows:]

1495

1496 Mr. Gohmert. Thank you, Mr. Chairman.

1497 Chairman Nadler. The gentleman is recognized.

1498 Mr. Gohmert. Thank you, Mr. Chairman.

1499 There is no impure motive, no intent to scare anyone.

1500 It is an attempt to deal with facts. Having been a
1501 prosecutor in Texas, having been a felony judge in Texas and
1502 a chief justice, I have seen these situations, and I am very
1503 concerned about the way the bill is drafted.

1504 And I know my friend across the aisle from Maryland
1505 mentioned a moment ago that it would be good and it is
1506 appropriate to have only the Secretary of Homeland Security
1507 be able to make a call on an individual. That is a real
1508 problem. What it means is that call is not going to be made
1509 99.999 percent of the time. The Secretary simply cannot make
1510 those calls individually when there is so much else involved
1511 in her or his job.

1512 My amendment would ensure that gang members are not put
1513 on the fast track to a green card through this bill, the
1514 Dream Act. Proponents of this bill say, oh, that it
1515 prohibits gang members from receiving green cards already.
1516 Well, through a legislative sleight of hand, this bill cannot
1517 stop gang members getting a green card.

1518 As written, the bill prohibits the Secretary of Homeland
1519 Security from delegating authority to deny any applications
1520 from gang members. So she or he, as Secretary, can't

1521 delegate that. It is specifically in the bill, and I would
1522 submit by putting it in there, whoever actually drafted that
1523 language knew that this will mean that the huge majority of
1524 gang members will not be prohibited from getting a green card
1525 because the Secretary is the only person that can actually
1526 deny an application due to gang affiliation.

1527 In addition, the bill explicitly states that the DHS
1528 Secretary cannot consider any evidence from State or Federal
1529 databases in determining if an alien is affiliated with a
1530 gang, no matter how detailed or substantive that database is
1531 with facts. So here again, it is another provision added to
1532 the bill to prevent a brutal gang member from being prevented
1533 from coming in.

1534 And who is normally the victims of foreign gang members?
1535 It is normally other immigrants. Whether legal or illegally
1536 entering the country, it is normally immigrants around them
1537 that get killed. It is a dangerous situation, and this
1538 protection of people who are gang members, the way this is
1539 drafted, is really absurd.

1540 The Secretary of Homeland Security should be able to
1541 consider all information from all credible sources. Now
1542 under this bill, a gang member would have to basically tell
1543 the Secretary that he or she was a gang member and then
1544 provide evidence to back that up that was not hearsay for the
1545 Secretary to be able to deny an application for a green card.

1546 So my amendment fixes both of these problems. It
1547 replaces the overly restrictive definition of gang
1548 involvement as well, with the definition that is already in
1549 Federal statutes. This bill, the way it is drafted now,
1550 requires "knowing, willful, voluntary participation" in
1551 addition to the Federal definition, which renders the gang
1552 provisions useless.

1553 All gang members would have to do is say that his or her
1554 participation was not voluntary, but because of some fear of
1555 retaliation, and then they would get the green card. That is
1556 all it would take.

1557 And I would ask unanimous consent an article be added to
1558 the record from May 17, 2019, from the Baltimore Sun in the
1559 record, as well as an article from U.S. Immigration and
1560 Customs Enforcement from yesterday, "ICE Seeks Custody of
1561 Teen Murder Suspects for a Second Time."

1562 This just went on. This 14-year-old immigrant Hispanic
1563 girl was killed by other minor illegal immigrant --

1564 Chairman Nadler. Without objection, the document will
1565 be entered into the record and --

1566 [The information follows:]

1567

1568 Mr. Gohmert. My time has expired. I would ask we vote
1569 this through.

1570 Thank you.

1571 Chairman Nadler. The time of the gentleman has expired.
1572 I now recognize myself in opposition to the amendment.

1573 This amendment is completely unnecessary as the bill
1574 already provides all the authority the Secretary needs to
1575 deny relief to real gang members. Section 101(c)(3)(C) of
1576 the bill expressly authorizes the Secretary to deny an
1577 application if a person has directly participated in criminal
1578 gang activities.

1579 The authority is so broad that the Secretary can even
1580 deny an applicant on these grounds when there is no
1581 underlying conviction. Considering how broad this authority
1582 is, the bill includes strong due process protections to
1583 ensure applicants are not deported based on mere allegations
1584 or unreliable evidence.

1585 For example, the bill requires the Secretary to
1586 demonstrate that the applicant actually participates in some
1587 illegal gang activity and is not just stereotyped based on
1588 clothing, tattoos, or the communities in which they live.
1589 This is critical because ICE and other law enforcement
1590 agencies often classify young individuals as gang members
1591 based on little more than a hunch.

1592 For example, Mark Morgan, President Trump's nominee to

1593 serve as head of ICE, said in a recent interview on Fox News
1594 concerning migrant children that he can tell a future gang
1595 member by looking into his or her eyes. "I have looked at
1596 them, and I have looked at their eyes. And I have said that
1597 is a soon-to-be MS-13 gang member. It is unequivocal."

1598 Like that ridiculous rhetoric, this empty amendment is
1599 nothing but a headline grabber. It is another attempt by
1600 Republicans to paint immigrants as dangerous and has nothing
1601 to do with keeping our community safe.

1602 No one here is interested in handing out green cards to
1603 dangerous individuals, but we are also not going to legislate
1604 racial profiling into our immigration laws. This amendment
1605 would do just that by allowing DHS to deny relief based on
1606 little more than a hunch with no due process at all.

1607 "The Secretary has reason to believe." What the heck
1608 does that mean? Since when do we deprive people of
1609 substantive rights in this country because somebody has
1610 reason to believe? As noted above, the bill allows the
1611 Secretary to deny relief even when there is no conviction,
1612 but only so long as the Secretary can show real participation
1613 by clear and convincing evidence in illegal gang activities.
1614 That is tough, but fair.

1615 And the gentleman refers to gang databases. Gang
1616 databases are notoriously unreliable. They are filled with
1617 errors and biased subjective intelligence. Given those

1618 fundamental problems, there is no justification whatsoever
1619 for denying relief to a DREAMer based on a hit in a gang
1620 database.

1621 Law enforcement agencies often utilize arbitrary or
1622 overly broad criteria to flag people as gang members or
1623 associates, including wearing certain clothing or colors,
1624 living in certain neighborhoods, talking to suspected gang
1625 members, talking to or appearing in a photo with a suspected
1626 gang member. These kinds of actions result in the
1627 disproportionate targeting of individuals who live in areas
1628 with gang activity, often lower socioeconomic neighborhoods
1629 with high numbers of immigrants.

1630 In some jurisdictions, youth can be placed in a gang
1631 database by school police, school security, or school staff
1632 based on mere suspicion of gang involvement, such as having a
1633 particular hairstyle or wearing certain kinds of jewelry.
1634 This results in law enforcement mistakenly labeling
1635 individuals as gang members or associates even if they are
1636 not in a gang and have never been convicted of a crime.

1637 Most individuals don't even know they are in a database,
1638 but once they discover that they are mentioned in one, it is
1639 incredibly difficult to challenge the determination.

1640 Ms. Lofgren. Would the gentleman --

1641 Chairman Nadler. But the bill, as written, gives the
1642 Secretary the ability to exclude anyone based on actual

1643 conduct in criminal gang activity. That should be the
1644 standard in the law -- actual conduct, not association with
1645 people that somebody thinks are gang members. We have due
1646 process in this country, and we are not going to tear it up
1647 in this instance.

1648 I yield to the gentlelady.

1649 Ms. Lofgren. I thank the gentleman for yielding.

1650 I agree with your comments, but I would like to make one
1651 further clarification. If you look at the underlying bill,
1652 it says that the databases shall not establish the
1653 participation. That doesn't mean it cannot be considered.
1654 It means that that alone cannot establish the underlying
1655 offense, number one.

1656 And number two, to Mr. Nadler's point, these databases
1657 can be terribly erroneous. There was an audit of
1658 California's database, CalGang, and they found that many of
1659 the law enforcement agencies couldn't substantiate a
1660 significant proportion of the entries in the database.

1661 So we have a clear and convincing evidentiary standard
1662 that could include the databases but has to have other
1663 evidence. And the idea that someone would claim that it was
1664 involuntary, this is not an arbitrary proceeding. This is a
1665 proceeding that relates to evidence, not just allegation.

1666 So I think I am sure the gentleman means well with this
1667 amendment, but I think this issue of gangs is very

1668 competently covered in the underlying bill.

1669 And I thank the gentleman for yielding.

1670 Chairman Nadler. I thank the gentlelady.

1671 Reclaiming my time for a few seconds, I just want to say

1672 also in summary, we do not in this country deny people's

1673 substantive rights because of a reason to believe that they

1674 have done something wrong. That is not our standard in

1675 criminal justice. It is not our standard in anything.

1676 We do not deprive people of rights for reason to

1677 believe. Totalitarian countries do that, not the United

1678 States. And that by itself is a reason to defeat this

1679 amendment.

1680 I yield back.

1681 The gentleman from Colorado? For what purpose does the

1682 gentleman from Colorado seek recognition?

1683 Mr. Buck. Move to strike the last word.

1684 Chairman Nadler. The gentleman is recognized.

1685 Mr. Buck. Mr. Chairman, there are times when I disagree

1686 with you. I have to tell you, I disagree with you very

1687 strongly on this issue.

1688 I worked in law enforcement for 25 years. I worked with

1689 local police departments for 10 years as an elected district

1690 attorney, and I could not be more proud of how the gang units

1691 in local police departments took their responsibility to

1692 identify gang members seriously. They did not act on little

1693 more than a hunch.

1694 They identified gang members oftentimes by confession,
1695 by interviewing gang members and recording that on a tape.
1696 They identified gang members by tattoos. Gang members don't
1697 put tattoos on themselves arbitrarily. If you are identified
1698 -- if you put a 13 on you, you are identified with a
1699 particular gang. And if that gang identifies you with that
1700 13, and you are not a member of that gang, you pay a heavy
1701 price for that.

1702 So there are a number of things. If you wear red in the
1703 wrong part of town, you are going to pay a heavy price. The
1704 identification of an individual by tattoos, by the colors
1705 they wear, by their associations, by their confessions, most
1706 police departments have a very strict standard, where you
1707 have to have six or seven different identifiers before you
1708 can make it onto a gang database. You can only stay on that
1709 gang database for 2 years before you are removed from a gang
1710 database, unless you have an identifier that is -- that
1711 refreshes, for lack of a better term, your position in that
1712 gang database.

1713 I know you did not intend to impugn the integrity of
1714 police departments around this country. But I think to
1715 suggest that they put individuals on gang databases with
1716 little more than a hunch is unfortunate.

1717 Chairman Nadler. Will the gentleman yield?

1718 Mr. Buck. Yes, I will yield.

1719 Chairman Nadler. Will the gentleman yield?

1720 Mr. Buck. I would yield to the chairman.

1721 Chairman Nadler. Oh, thank you.

1722 Most police departments may behave responsibly. Most
1723 police officers may behave responsibly. Not everyone does.

1724 We had a situation in the New York Time Magazine a few
1725 months ago where some 15-year-old kid in a high school was
1726 deported because he was doodling and wrote "MS" -- or I don't
1727 remember what he wrote, but he wrote something that the
1728 school security officer thought to be gang related. Whereas
1729 in fact, it had to do with his hometown in El Salvador.

1730 Under the bill, being in a gang database is one of
1731 several identifiers which can be used, but not sufficient by
1732 itself. And I think American standards of justice always
1733 require that there be -- now in this bill, we are not saying
1734 beyond a reasonable doubt. We are saying clear and
1735 convincing evidence, which is a lesser standard, but it is
1736 more of a standard than the Secretary having reason to
1737 believe. You can't do that. At least I don't think you can
1738 do that in the United States.

1739 Mr. Buck. And I just wanted to clarify, as I said, I
1740 don't believe the chairman intended to impugn the integrity
1741 of police departments. Having worked with gang units, they
1742 are incredibly careful on who they identify.

1743 And I will yield -- reclaiming my time, I will yield to
1744 the gentleman from Florida.

1745 Mr. Gaetz. I thank the gentleman for yielding.

1746 A significant distinction here is that we are not
1747 dealing with people who have a long history in every
1748 circumstance in the United States of their activity, and so I
1749 can understand the chairman's point as it would relate to
1750 people upon whom we would have a greater basket of
1751 information. But when you are dealing with people who have
1752 crossed the border illegally and may not have been in the
1753 country for a long period of time, you have to have a lower
1754 standard because you don't necessarily have a ton of
1755 evidence.

1756 If somebody shows up wearing a Zetas necklace, I feel
1757 like that ought to be sufficient. If someone shows up with a
1758 Sinaloa tattoo, that ought to be sufficient. And by
1759 hamstringing our law enforcement and not giving them the
1760 ability to reject any type of amnesty for gang members, you
1761 invite more of this illegal immigration.

1762 It is so clear to me, after having been on the border
1763 with colleagues from the committee, that the decisions we
1764 make here inform on what the human traffickers and drug
1765 traffickers and cartels do. And so if we take the position
1766 that you are allowed entry despite some evidence of gang
1767 activity, we are going to see more criminal gang members in

1768 the United States.

1769 And though it is a little odd to me that the majority is
1770 pursuing any amnesty bill at a time when we have such a
1771 crisis on the border, it would seemingly be even more unwise
1772 to extend that amnesty to people who are the most likely to
1773 to do harm to American citizens.

1774 I yield back to the gentleman from Colorado.

1775 Chairman Nadler. For what purpose does the gentlelady
1776 from California seek recognition?

1777 Ms. Lofgren. Well, he has got more time.

1778 Mr. Buck. I yield back.

1779 Chairman Nadler. Oh, I am sorry.

1780 Ms. Lofgren. And I forgot to say I withdrew my point of
1781 order. But --

1782 Chairman Nadler. Point of order is well withdrawn.

1783 Ms. Lofgren. It is withdrawn. I just want to clarify a
1784 couple of things. First, we are talking about individuals
1785 who are already living in the United States, people who have
1786 come as children to the United States. This is not an issue
1787 as to people entering the United States. So I think it is
1788 important to clarify that.

1789 As to the provisions in the underlying bill, it is
1790 pretty tough. An alien, described in this subparagraph,
1791 within the 5 years immediately preceding the date of
1792 application has knowingly, willfully, and voluntarily

1793 participated in offenses committed by a criminal street gang
1794 with the intent to promote or further the commission of some
1795 offense. And it relates to Title 18 of the U.S. Code.

1796 This is the criminal code that we adopted as a Congress,
1797 and we directly incorporate the U.S. Code, the Criminal Code
1798 into this provision. So the idea is that the Secretary, even
1799 if there is no criminal offense, if there is a gang person
1800 who has violated Title 18, then that person can be precluded
1801 from participating in this program.

1802 And there are many people who are honestly immigration
1803 advocacy groups that were very anxious about the lack of a
1804 criminal conviction in this case. But I do think it is
1805 important that the Secretary have the opportunity to keep us
1806 safe and to deny someone who has violated Title 18 from
1807 participating -- 521, the Criminal Street Gang Provision --
1808 from participating in this program.

1809 I think it is also important to note, as was mentioned,
1810 the database issue can be considered, but it can't be
1811 definitive. There has to be evidence. If you don't have a
1812 criminal conviction, you have to have some evidence for
1813 eliminating this person's application.

1814 And that is because they are not just entering the U.S.,
1815 they have been living here among us. They are our neighbors.
1816 They are going to school with our kids. They are de facto
1817 Americans except for the paperwork, and that is why these due

1818 process provisions are enormously important for this to be a
1819 reasonable bill, which I think --

1820 Mrs. Demings. Would the gentlewoman yield?

1821 Ms. Lofgren. I would be happy to yield.

1822 Mrs. Demings. Thank you so much.

1823 I want to thank my Republican colleagues for praising
1824 law enforcement today. I have been waiting on that since
1825 several weeks we have argued now to protect the rule of law.
1826 That has been clearly violated over the last 2 years.

1827 Let me just say this, as a law enforcement officer,
1828 someone who co-chaired the regional gang task force in the
1829 State of Florida. Police officers who investigate gangs
1830 never use one indicator to determine who is a gang member and
1831 who is not. There is a series -- there are a series of
1832 indicators that we review.

1833 And let me also remind my colleagues on the other side
1834 of the aisle, while racial profiling has unfortunately been
1835 used in this country to determine who were criminals and who
1836 were not, thank you, Mr. Chairman, for saying the
1837 overwhelming number of law enforcements do it right. They
1838 do. But racial profiling is not an acceptable indicator.

1839 If this discussion is about public safety, the arguments
1840 that have been put forth by my Republican colleagues are
1841 totally unjustified.

1842 Thank you, gentlelady, and I yield back.

1843 Ms. Lofgren. Thank you.

1844 And it is great to have the former police chief here who
1845 can talk about her experience. I will just note that the
1846 2016 audit of CalGang's database, called CalGang, identified
1847 42 individuals who were under the age of 1 year old in the
1848 gang database. Now that obviously is wrong.

1849 Now that doesn't mean that the police officers are bad
1850 people or that they aren't doing their best or that we don't
1851 respect their efforts. It is just that there can be errors
1852 in this. And you can't just say this is the answer, this is
1853 the definitive solution without more evidence.

1854 So I just wanted to make sure that we clarified that,
1855 and I, with that, would yield back the balance of my time.

1856 Chairman Nadler. The question occurs on the amendment.

1857 Mr. Collins. The gentlelady from Arizona.

1858 Chairman Nadler. For what purpose does the gentlelady
1859 from Arizona seek recognition?

1860 Mrs. Lesko. Thank you, Mr. Chair. I move to strike the
1861 last word.

1862 Chairman Nadler. The gentlelady is recognized.

1863 Mrs. Lesko. Yes, I think it is unclear. This language
1864 in the bill is unclear what it says. On page 11, (D)
1865 Evidentiary Limitation, for purposes of subparagraph (C),
1866 allegations of gang membership obtained from a State or
1867 Federal in-house or local database or a network of databases

1868 used for the purpose of recording and sharing activities of
1869 alleged gang members across law enforcement agencies shall
1870 not -- not establish the participation described in such
1871 paragraphs, meaning --

1872 So what some of the lawyers over here that I talked to,
1873 all of them that I talked to, said, what that means is you
1874 can't use it.

1875 Ms. Lofgren. No.

1876 Mrs. Lesko. You can't use what is in the database at
1877 all. So I think it is really quite unclear because if I know
1878 what you are saying --

1879 Ms. Lofgren. Would the gentlelady --

1880 Mrs. Lesko. -- is that you could use it, but what we
1881 are hearing -- I am hearing on my side is lawyers saying, no,
1882 that is really unclear. From their description of this, it
1883 means --

1884 Chairman Nadler. Would the gentlelady yield to answer a
1885 question?

1886 Mrs. Lesko. As soon as I could finish, please.

1887 Ms. Lofgren. Sure.

1888 Mrs. Lesko. That it says you can't even use it. And so
1889 I do support my colleague's amendment so that it is clear.
1890 Because I think we all have the same goal. We don't want
1891 gang members to be given a green card.

1892 So, yes, I will yield.

1893 Ms. Lofgren. I thank the gentlelady for yielding.

1894 I don't think there is any ambiguity. The provision
1895 says the "shall not establish the participation." "Shall not
1896 establish" doesn't mean that it cannot be used as an
1897 evidentiary matter. It is not conclusive. It does not
1898 establish the point, but it can be, as the Secretary compiles
1899 evidence to make a clear and convincing case, this could be
1900 part of it.

1901 If all he has got is the database, it is insufficient to
1902 meet that clear and convincing evidence.

1903 Mrs. Lesko. And thank you, I would like to just reclaim
1904 my time --

1905 Ms. Lofgren. I yield back.

1906 Mrs. Lesko. -- for a minute. I think it could be
1907 clearer if it said it shall not solely establish or something
1908 to that effect. But I am telling you, I have asked several
1909 people, lawyers on our side, and they believe that it would
1910 prevent the use of the database that law enforcement has
1911 worked on.

1912 And so, again, I support my colleague's amendment.

1913 Mr. Gohmert. Would the gentlelady -- would the
1914 gentlelady yield?

1915 Mrs. Lesko. Yes, I will yield.

1916 Mr. Gohmert. Yes. It is not just attorneys on this
1917 side, but in the memorandum from it says the Honorable

1918 Jerrold Nadler, Chairman, to members of the House Judiciary
1919 Committee, on page 5, it says Section 101(c)(3)(D) prohibits
1920 the use of gang databases to establish gang participation.

1921 It doesn't say that it cannot be the sole determinative
1922 factor. It says you cannot use them. And so --

1923 Chairman Nadler. Would the gentleman yield?

1924 Mr. Gohmert. -- I am just using your own words,

1925 Mr. Chairman.

1926 Chairman Nadler. Would the gentleman yield?

1927 Mr. Gohmert. And it is my friend Mrs. Lesko's time.

1928 Chairman Nadler. Would the gentlelady yield?

1929 Mrs. Lesko. Yes, I will.

1930 Chairman Nadler. Thank you.

1931 "Establish" is used as a legal term meaning determine,
1932 determine definitively. So when it says shall not establish,
1933 when the memo says shall not establish, it means that by
1934 itself, it cannot determine it definitively. It does not
1935 mean it cannot be a factor or one of several data points form
1936 several pieces of information.

1937 The word "establish" has a very definite meaning.

1938 "Establish" means you proved it. It doesn't prove it. It is
1939 one point of evidence. And that is what the bill means --

1940 Mrs. Lesko. So --

1941 Chairman Nadler. -- and that is what this memo means.

1942 Mrs. Lesko -- can I reclaim my time?

1943 Chairman Nadler. Sure.

1944 Mrs. Lesko. Do you believe it is the -- Chairman, I
1945 just have a question then. Do you believe then that the
1946 information in the database from State or Federal in-house or
1947 local databases, the network, can be used by the Secretary
1948 then to help establish --

1949 Chairman Nadler. Yes.

1950 Mrs. Lesko. -- that there is gang members?

1951 Chairman Nadler. Yes. That is the whole point. It can
1952 be used to help establish. It cannot be used by itself to
1953 establish.

1954 Mr. Gohmert. You should have said that.

1955 Ms. Jayapal. Mr. Chairman?

1956 Chairman Nadler. For what --

1957 Ms. Jayapal. Can I move to --

1958 Chairman Nadler. Yes, for what purpose does the
1959 gentlelady from Washington seek recognition?

1960 Ms. Jayapal. Thank you, Mr. Chairman. Move to strike
1961 the last word.

1962 Chairman Nadler. The gentlelady is recognized.

1963 Ms. Jayapal. Thank you.

1964 Mr. Chairman, we have established that the gang
1965 databases can be used as one factor, but I want to just say
1966 the problems that we see with the gang databases and why they
1967 cannot be the only factor, gang databases sound like a really

1968 helpful technological answer to a scary problem, but the
1969 reality is they are full of inaccurate information, and they
1970 are racially biased in who they do and don't include.

1971 And specifically, young men of color are often entered
1972 into these databases for noncriminal activities. And once
1973 they are in the database, it is virtually impossible to get
1974 out of them.

1975 So what is a gang database? A gang database can be
1976 operated by law enforcement, city, State, or region. There
1977 is no uniform criteria for who is a gang member or even what
1978 a gang is. So who is in the database really varies widely.

1979 They are also a vehicle for racial profiling -- while
1980 white gang affiliated youth are under policed, while youth of
1981 color are over policed. Which means that the gang databases
1982 rely primarily -- they contain primarily information about
1983 people of color. And I just want to give you a couple of
1984 stunning statistics.

1985 Ninety-nine percent of the people in New York City's
1986 gang database are people of color. Seventy percent of the
1987 people in Chicago's gang database are black, 25 percent are
1988 Latinx, and less than 5 percent are white. Ninety-five-
1989 point-three percent of people added to the Chicago gang
1990 database before they turned 18 are black or Latinx.

1991 In Portland, Oregon, the police stopped using gang
1992 designations in their database after a report revealed that

1993 81 percent of the people flagged as gang members were people
1994 of color.

1995 So there are no clear, uniform set of criteria for
1996 adding a person, and most people are added to the CalGang
1997 California gang database even though they have never been
1998 arrested or accused of criminal activity, and I will have a
1999 couple of reports to ask for unanimous consent to enter into
2000 the record.

2001 The Cook County, Illinois, Sheriff's Office has a
2002 25,000-person gang database that includes hundreds of people
2003 whose gang affiliations are not known and hundreds of others
2004 who are dead. State gang databases are riddled with
2005 inaccuracies. A California State auditor report revealed
2006 that the CalGang database contained "questionable information
2007 that may violate individual privacy rights."

2008 A group of four men in Illinois sued the Chicago Police
2009 Department, arguing the gang database was racially biased and
2010 full of mistakes, which led to false arrests, lost job
2011 opportunities, and deportation proceedings. People, mostly
2012 young black and Latino men, have been entered into gang
2013 databases for giving a friend a ride, liking posts on
2014 Facebook, or possessing a single unopened beer can.

2015 In New York City, the New York Police Department places
2016 people in their gang database merely based on who they appear
2017 with in their social media postings. A 31-year-old dance

2018 instructor in California was entered into a gang database
2019 because he lives in a working class neighborhood in South Los
2020 Angeles and was pulled over -- not even arrested, but just
2021 pulled over -- while giving an old friend from high school a
2022 ride home.

2023 A young man in Chicago was arrested for being in
2024 possession of a single unopened Bud Light can. And although
2025 he was never prosecuted, he was entered into the Chicago gang
2026 database, which later prevented him from being able to get
2027 immigration relief through the DACA program.

2028 So I think these gang databases are a constitutional
2029 gray area with little to no due process. And unlike criminal
2030 trials, where defendants may see the evidence against them
2031 and defend themselves, people may be placed into a gang
2032 database without ever being told. They often have no way of
2033 appealing that decision. There may be no clear decision-
2034 maker, in fact, and the mostly young people who are placed in
2035 these databases have no counsel assisting them to appeal
2036 being placed into those databases.

2037 I have two reports that I would like to ask unanimous
2038 consent --

2039 Chairman Nadler. Without objection.

2040 [The information follows:]

2041

2042 Ms. Jayapal. Thank you, Mr. Chairman.

2043 And so I just want to say we have included the ability
2044 for these gang databases to be one part of what the Secretary
2045 considers, but they cannot be the sole thing that is relied
2046 on because they are shown to be riddled with inaccuracies and
2047 fallacies.

2048 And just yesterday in Ed and Labor, we talked about this
2049 in terms of barriers to employment for everybody. This
2050 doesn't just affect immigrants, of course. It affects
2051 everybody. And so this is something that the chairman, Bobby
2052 Scott, has a bill on, and I think it is really something we
2053 need to continue to look at and refine so that these
2054 databases are actually useful.

2055 Chairman Nadler. Would the gentlelady yield?

2056 Ms. Jayapal. I will.

2057 Chairman Nadler. Thank you.

2058 I just want to remind people that this amendment does
2059 not deal only with gang databases. It says -- which is
2060 problematic by itself. But it says the Secretary -- you can
2061 exclude someone because the Secretary has reason to believe
2062 the alien is a member of a gang. We don't deprive people of
2063 rights in this country because someone has reason to believe
2064 without any standard of proof.

2065 Ms. Jayapal. I yield back.

2066 Chairman Nadler. The gentleman from Arizona? For what

2067 purpose does the gentleman from Arizona seek recognition?

2068 Mr. Biggs. Move to strike the last word.

2069 Chairman Nadler. The gentleman is recognized.

2070 Mr. Biggs. Thank you, Mr. Chairman.

2071 I support the amendment, and I yield to my friend, the
2072 ranking member, Mr. Collins.

2073 Mr. Collins. Thank you. I appreciate it.

2074 And look, we have just established this. I think the
2075 interesting thing is, and it has been very well documented
2076 from the majority that "shall not establish" in other words
2077 be the only thing. But however, by wording it in the way you
2078 have done, if someone does a due diligence check and they
2079 have nothing in front of them except the individual who is
2080 there, and they have done a database check and that is their
2081 indicator that this person rightly or wrongly, or probably in
2082 most cases, mostly right to be on the database, then by this
2083 language right here, the Secretary has to let them in.

2084 They cannot --

2085 Chairman Nadler. No.

2086 Mr. Collins. Mr. Chairman, it says "shall not
2087 establish." This is -- you might want to check this from not
2088 just my side, but your side. If it is the only thing you are
2089 using, which now you have bound the Secretary's hands on the
2090 vast majority of good policy and police work that has been
2091 done. So if it is on the database, and that is the only

2092 thing after doing due diligence that they have to go on, the
2093 Secretary's hands are bound and cannot, even if they are on
2094 the database, even with good reason, even with everything
2095 there, they cannot.

2096 This amendment fixes that, but the wording of the bill
2097 itself ties the Secretary's hands. It does, if that is the
2098 only thing. And you can deny it, but you can read it.

2099 Chairman Nadler. Would the gentleman yield?

2100 Mr. Collins. It is not my time.

2101 Mr. Biggs. Reclaiming my time, and I yield to the
2102 gentleman from Texas, Mr. Gohmert.

2103 Mr. Gohmert. I thank my friend.

2104 And I appreciate the concern of the chairman about the
2105 reason to believe standard, and I would direct him to the
2106 Immigration and Naturalization Act because he will find that
2107 those terms "reason to belief" offered and made part of the
2108 law by Democrats over the years is throughout. In fact, if
2109 you go look at Section 212, it says any alien through the
2110 consular office or the Attorney General knows or has reason
2111 to believe. This kind of stuff is throughout the law. So I
2112 appreciate the newfound concern.

2113 And also I want to say I appreciate my friend from
2114 California acknowledging there is no evil intent in offering
2115 this, and I greatly appreciate that. Unlike the chairman,
2116 and I didn't ask his words be taken down because then he

2117 would have to find himself having made inappropriate
2118 comments. But to state earlier as you did that the intent of
2119 this amendment is to scare, basically fearmonger, is totally
2120 inappropriate.

2121 And it is not true. There are problems in the law, and
2122 you are going to leave -- if this becomes law, as you have
2123 unamended here, it becomes law, gang members will be left in
2124 this country to kill and create mayhem. These were 14-year-
2125 olds just this week in Maryland that I referenced and are
2126 part of the record now. And this killing goes on.

2127 But if you look at the amendment, in addition to using
2128 the same standard that Democrats put into this law about
2129 reason to believe that now they are so offended by, it says
2130 that the person making the determination can be delegated
2131 because of the end of the amendment, but that you can look at
2132 all of these pieces of evidence.

2133 And I am not familiar with the California database, and
2134 I certainly take my friend from California at her word when
2135 she says that it is not trustworthy. Fine, but it should not
2136 be -- or other States who have very good databases, like my
2137 friend Mr. Buck pointed out, where the names are eliminated
2138 every 2 years. You have to have new information, new
2139 evidence of gang activity and affiliation.

2140 But when you are identifying gang members, all of these
2141 things come into play, and there is no racial profiling here.

2142 It is about is this person a member of a gang?

2143 And if we are going to decide as a matter of fact that
2144 this committee thinks it is just fine to have lots of deadly
2145 violent gang members here, and it is fine to leave most of
2146 them here, well, you can be assured the amendment in the
2147 nature of a substitute will allow that without this
2148 amendment, and you will continue to have the kind of murders.
2149 You get machete, baseball bat, this kind of stuff --

2150 Ms. Mucarsel-Powell. Mr. Chairman?

2151 Mr. Gohmert. Mr. Chairman, I move to strike the last
2152 word.

2153 Ms. Mucarsel-Powell. Can I please respond? This is
2154 really getting a little out of hand here.

2155 Mr. Gohmert. Well, thank you for using my time, but it
2156 is my time, and it is not getting out of hand. We are
2157 talking about trying to save lives. That is the intent of
2158 this amendment, and it will help the overall bill, and I ask
2159 people to vote for it.

2160 Chairman Nadler. The gentleman's time has expired. For
2161 what purpose does the gentlelady from Florida seek
2162 recognition?

2163 Ms. Mucarsel-Powell. Thank you, Mr. Chairman. I move
2164 to strike the last word.

2165 Chairman Nadler. The gentlelady is recognized.

2166 Ms. Mucarsel-Powell. Mr. Gohmert, I didn't see this

2167 much excitement when we were here for hours trying to save
2168 lives trying to pass the gun reform bill, universal
2169 background checks. I did not see that much interest in
2170 protecting lives.

2171 Mr. Gohmert. We have different ways of trying to do
2172 that.

2173 Ms. Mucarsel-Powell. We lose more lives to gun violence
2174 --

2175 [Gavel sounding.]

2176 Chairman Nadler. The gentlelady has the time.

2177 Ms. Mucarsel-Powell. -- in this country than we do to
2178 immigrants committing crimes. Now, first of all, welcome to
2179 all of you for being here. This is your House. You have
2180 entered the people's house. You are Americans, except in
2181 paper, and we will make sure that by the end of this hearing,
2182 we pass the DREAMer, TPS, and Venezuelan TPS bill through
2183 committee.

2184 So thank you for being here with us. And I apologize
2185 for any --

2186 [Applause.]

2187 Ms. Mucarsel-Powell. -- insulting comments. Because I
2188 just want to also remind my colleagues across the aisle, when
2189 you use language like "illegal aliens," I would like for you
2190 to just take one moment and see how everyone reacts to that
2191 language. I am an immigrant. I am not an extraterrestrial.

2192 No one here is an alien. We are immigrants that have come
2193 here to work and to contribute.

2194 Mr. Gohmert --

2195 Mr. Gohmert. Would the lady yield? Would the
2196 gentlelady yield?

2197 Ms. Mucarsel-Powell. No, not yet. I am keeping my time
2198 here. We have millions of DREAMers that have been waiting
2199 for this moment, and I just want to bring up a fact as it
2200 relates to this amendment.

2201 In 2017, Customs and Border Patrol showed that it
2202 apprehended over 310,000 undocumented persons. Of those,
2203 only 228 were identified as affiliated with any gang. That
2204 represents 0.0007 percent of the individuals apprehended.

2205 Now let me make something very clear. None of us want
2206 to give green cards or citizenship to dangerous criminals or
2207 gangsters. I want to make that very sure that everyone
2208 understands. But the bill accomplishes that by barring
2209 applicants convicted of a series or repeat offenses and by
2210 giving the Secretary the discretion to deny anyone who poses
2211 a significant threat to public safety.

2212 Now to my Republican colleagues, you either trust the
2213 Secretary of the Department of Homeland Security that was
2214 appointed by your President, or you don't. So the bill
2215 before us makes a smart, targeted, and effective approach to
2216 the criminal and other bars of eligibility.

2217 What I am very concerned about is that comments like the
2218 one from my colleague across the aisle, Matt Gaetz from
2219 Florida, saying that one tattoo should be enough to make the
2220 decision that someone belongs to a gang is extremely
2221 dangerous and extreme. It is racial profiling.

2222 And let me remind Mr. Gaetz that in Florida alone, we
2223 have close to 200,000 DREAMers that are waiting and watching
2224 to see what we are going to do today in this committee.

2225 Now one last thing that I would like to point out. In
2226 2013, the United Nations High Commission for Refugees
2227 interviewed over 400 refugees from across the world, and most
2228 of them who are being displaced to the United States, 63
2229 percent from El Salvador, they have reported that they have
2230 experienced or have been threatened with gang-related
2231 violence. So most of the people coming here, they are
2232 escaping gang violence themselves. They are not coming to
2233 commit crimes.

2234 Now I would like to yield to my colleague here,
2235 Veronica.

2236 Ms. Escobar. Thank you so much to my colleague. You
2237 articulated so beautifully many of the points that I wanted
2238 to make.

2239 I want to just say one last thing, and I want to
2240 acknowledge the work that my colleague Zoe Lofgren did on
2241 this bill, and I want to assure the public of a couple of

2242 things.

2243 Number one, Ms. Lofgren and the folks on this committee
2244 who want to see progress on this thought long and hard about
2245 all of the ways to make sure that we propose a bill that we
2246 can be proud of, and that does two things. That keeps
2247 communities safe, but number two, keeps our promise to
2248 DREAMers and to their families.

2249 What saddens me about today, and we are about to engage
2250 in many hours of this, is that brown people, you will see,
2251 will be demonized over and over and over again. And they are
2252 being done -- they are being demonized in this way to fuel a
2253 belief about us that we don't belong here or that we are
2254 unworthy of citizenship. We are. You are. And we are going
2255 to work through the night if we have to to make sure we get
2256 this bill passed.

2257 Chairman Nadler. Does the gentlelady yield back? Does
2258 the gentlelady yield back?

2259 The time of the gentlelady has expired.

2260 Ms. Mucarsel-Powell. I yield back.

2261 Ms. Lofgren. Mr. Chairman? You promised a recess for
2262 lunch.

2263 Chairman Nadler. The committee will now stand in
2264 recess, as I announced before. We are 8 minutes late.

2265 The committee will stand in recess until 1:30 p.m. The
2266 committee is in recess.

2267 [Recess.]

2268 Chairman Nadler. The committee will come to order
2269 following our generous lunch recess. For anything else, I
2270 want to ask unanimous consent to put into the record
2271 statements in support of the bill by 2, 4, 6, 8 -- by about
2272 15 different groups from the American Immigration Lawyers
2273 Association, America's Voice, New York Immigration Coalition,
2274 National Council of Jewish Women, and a few others. Without
2275 objection, these are entered into the record.

2276 [The information follows:]

2277

2278 Chairman Nadler. Before we proceed, I want remind
2279 members of the following. The critical issues we are
2280 addressing today, which go to the very core of our
2281 constitutional democracy, understandably bring out strong
2282 passions in us, as they do in the American people.
2283 Nonetheless, I must again remind all our committee members
2284 that House rules and precedents require us to refrain from
2285 impugning the personal motives of another member, accusing a
2286 member of bigotry or racism, claiming that the member is
2287 hypocritical or lacks decency, questioning a member's
2288 sincerity, or accusing a member of making a falsehood. These
2289 admonitions apply as well to remarks impugning the motives
2290 behind legislation.

2291 Members are certainly permitted to voice critical
2292 opinions of Congress and the House and the political parties.
2293 So I hope that what should be a spirited discussion of these
2294 issues today will stay focused on the issues, not on the
2295 motives of the people addressing the issues, and we will take
2296 care to keep our comments in compliance with House rules for
2297 decorum.

2298 When we recessed, we were discussing the amendment by
2299 the gentleman from Texas, Mr. Gohmert, and I now recognize
2300 the gentlelady from Texas, who is seeking recognition. For
2301 what purpose does the gentlelady seek recognition?

2302 Ms. Jackson Lee. To strike the last word.

2303 Chairman Nadler. The last word is duly struck and the
2304 lady is recognized.

2305 Ms. Jackson Lee. Let me ask, my colleague has indicated
2306 -- expressed appreciation to those who have come to see the
2307 civic process who are in the audience, and some of them,
2308 their lives are being impacted by our discussion, and we want
2309 to be upholding the standards, Mr. Chairman, that you have
2310 offered, and we want to do this in keeping with the desperate
2311 needs of so many.

2312 So Mr. Gohmert and I certainly have worked together, and
2313 I can appreciate his concern. But I must bring my life
2314 experience to the table, and I also will indicate that the
2315 language has reason to believe he is correct. It is in other
2316 legislation that has not been negated.

2317 And so our legislation has a particular focus, and those
2318 of us who live in communities where we understand the
2319 unfortunate circumstances of racial profiling and the idea
2320 that someone may think you are something, there is no doubt
2321 that no one will stand against the dastardly acts of MS-13.
2322 We have seen them. If you live in this area during the week
2323 you have heard -- when I say live in this area, those of us
2324 who are not from this region -- but we can hear news reports
2325 and we know that there are certain dastardly acts going on
2326 under the leadership of MS-13, and we want nothing to do with
2327 them.

2328 But we also know that young people, those are impacted,
2329 who have a future in life, may be subjected to reason to
2330 believe with maybe good intentions, but it may be defined by
2331 who you are. And I think that is troublesome and I think we
2332 have written this language in a way that protects the
2333 American people but gives the right balance to make a fair
2334 assessment of those who are seeking relief.

2335 Section 101(c) (3) (C) of the bill expressly authorizes
2336 the Secretary to deny an application if a person has directly
2337 participated in criminal gang activities, not passed by the
2338 gang, or someone believes they saw something that looked like
2339 you. The authority is so broad that the Secretary can even
2340 deny an applicant on these grounds when there is no
2341 underlying conviction.

2342 We wanted to be sure and safe, but for those of us who
2343 have interacted with DREAMers and others who we have seen
2344 interact in our communities, who we have listened to the
2345 desperate pleas of their family members, we understand. Or
2346 in the instance of those of us who are African Americans who
2347 have been fighting against racial profiling for such a long
2348 time, it is readily well known.

2349 And let me juxtapose this against the good law
2350 enforcement and other professionals in and out of the
2351 immigration system. There are good people. But we know that
2352 the cases of racial profiling are not lacking, and some have

2353 even lost their life because of unfortunate circumstances.

2354 And so I want to put into the record this particular
2355 comment. For example, the gentleman who was nominated to
2356 serve as head of ICE by this Administration said, in a recent
2357 interview of FOX News, concerning migrant children, maybe
2358 little Laura, who is 11 years, who was unfairly deported
2359 because she was in the courtroom and someone overworked, as I
2360 said in my earlier statement, told her she did not need to be
2361 in the courtroom. And lo and behold, after coming for 10
2362 times, she got a deportation order -- an 11-year-old girl,
2363 back to El Salvador, where they had fled violence.

2364 But this is his statement. Nominated to serve as head
2365 of ICE, he said in a recent interview on Fox News concerning
2366 migrant children that he can tell a future gang member by
2367 looking into his or her eyes. I have looked at them and I
2368 have looked at their eyes, and I have said, that is a soon-
2369 to-be MS-13 gang member. It is unequivocal. Maybe if you
2370 are an African migrant you are soon to be black identity,
2371 terrorists.

2372 Look into your eyes, of 10-month-old Roger that I held
2373 in my arms? Or look into the eyes of a toddler.

2374 Mr. Chairman, let me just say that I appreciate the
2375 intent but I am comfortable with years of experience dealing
2376 with these issues on this Judiciary Committee, this august
2377 committee, and that we have framed it in a way that we will

2378 protect the American people, but we will do justice to those

2379 who seek justice.

2380 I yield back.

2381 [The information follows:]

2382

2383 Mr. McClintock. Mr. Chairman?

2384 Chairman Nadler. The gentleman from California is
2385 recognized.

2386 Mr. McClintock. Thank you, Mr. Chairman.

2387 Chairman Nadler. For what purpose is the gentleman
2388 seeking recognition?

2389 Mr. McClintock. To strike the last word --

2390 Chairman Nadler. The gentleman is recognized.

2391 Mr. McClintock. -- and I yield my time to Mr. Biggs.

2392 Mr. Biggs. I thank the gentleman for yielding time, and
2393 I raise this not to be facetious or to bring jocularly into
2394 this hearing. I am serious about this, because prior to our
2395 recess, someone had mentioned that they had taken great
2396 offense to the term "alien" or "illegal alien."

2397 And so I -- a couple of things came to my mind as I
2398 looked at that legal term of our "alien," which is actually
2399 on page 1, line 13 of the bill itself, and on page 2 -- four
2400 times when you read the bill the term "alien" is repeatedly
2401 used. And the reason it is used is because it is a legal
2402 term of art.

2403 And so to help the person who was offended so they will
2404 know that there is no need to be offended, that we are
2405 speaking strictly, whatever side, whether you support the
2406 bill or don't support the bill, we are talking about in terms
2407 of legal language.

2408 I was reminded of a song by Sting, which actually
2409 explains this term. It is called "An Englishman in New
2410 York." And in that song the refrain goes very simply, as he
2411 explains through the chorus and the verse all of the British
2412 habits that he retains, that make him British and an
2413 Englishman. But he is legally visiting New York.

2414 And so the chorus says, "I am alien. I am a legal
2415 alien. I am an Englishman in New York."

2416 There is a distinction, you see, because an alien means
2417 that you are a person who is not a citizen of the country in
2418 which you live. You may be legal. You may be illegal. If
2419 you are legal, you have obtained the requisite authorization
2420 to be in the country as an alien, or you are not a citizen.
2421 If you are illegal, it means you have not obtained the
2422 requisite authority to be here, so you are an alien.

2423 So it is not meant to offend. It is merely meant to
2424 convey a legal term and a legal meaning.

2425 So again, I am not trying to be facetious or jocular in
2426 any way. I am just trying to explain it because it seemed
2427 like there might have been some confusion on the part of
2428 that. And I would just, again, say, if one were to look at
2429 the bill that the person was propounding, you cannot find too
2430 many pages without the -- apparently the offending language
2431 in there.

2432 I yield back to the --

2433 Ms. Jayapal. Would the gentleman yield?

2434 Mr. Biggs. -- to the gentleman from California.

2435 Mr. McClintock. Reclaiming my time, I yield the balance
2436 to Mr. Gohmert.

2437 Mr. Gohmert. Thank you. I appreciate it, my friend
2438 from California.

2439 So I was criticized for using the word "alien." It is
2440 repeatedly used by the chairman in his amendment in the
2441 nature of a substitute. I am sure the chairman didn't mean
2442 anything offensive by use of that term "alien," just as I did
2443 not.

2444 And then a little tongue in cheek. I was commended for
2445 finally joining the defendant -- or joining the Democrats in
2446 fighting violence, and obviously people on this panel ought
2447 to know something about the background of the people they are
2448 belittling. I have spent a great deal of my adult life
2449 fighting violence and fighting it successfully. We have
2450 different ways. The ways I used as a prosecutor and as a
2451 felony judge to -- for general deterrence, specific
2452 deterrence. It was part of my job. I helped diminish
2453 violence. So I am glad to have some of my Democratic friends
2454 coming late to the game to join me in that fight.

2455 We see that maldeath and I am not sure what that stands
2456 for, but apparently they have sent out word to my colleagues
2457 across the aisle that they are opposed to the Gohmert

2458 amendment, and I know they -- I am sure they didn't do it
2459 intentionally but -- mischaracterized the amendment. They
2460 said that "this amendment would expand the definition of
2461 criminal gang participation to define gang membership to
2462 include being listed on a Federal, State, or local gang
2463 database," and that is simply not the case so they don't have
2464 to worry. They are wrong about that. What it does is allow
2465 the Secretary to consider all credible evidence of membership
2466 participation in a street gang, including evidence that may
2467 be obtained through a database. But there has to be
2468 sufficient evidence in the database that would be appropriate
2469 to be considered and used.

2470 And the article -- I know someone was offended and said
2471 I was getting out of control when I mentioned being beat by a
2472 baseball bat and stabbed repeatedly with a machete. That is
2473 from what just happened by an alien who was in the country
2474 illegally, multiple aliens, and part of a gang, and that is
2475 what they did to this 14-year-old girl.

2476 I yield back.

2477 Chairman Nadler. The gentleman yields back.

2478 The question occurs on the amendment.

2479 All in favor of the amendment, say aye.

2480 All opposed, say no.

2481 The noes have it. The amendment is not agreed to.

2482 Roll call is requested. The Clerk will call the roll.

2483 Ms. Strasser. Mr. Nadler?
2484 Chairman Nadler. No.
2485 Ms. Strasser. Mr. Nadler votes no.
2486 Ms. Lofgren?
2487 Ms. Lofgren. No.
2488 Ms. Strasser. Ms. Lofgren votes no.
2489 Ms. Jackson Lee?
2490 Mr. Cohen?
2491 Mr. Johnson of Georgia?
2492 Mr. Johnson of Georgia. No.
2493 Ms. Strasser. Mr. Johnson of Georgia votes no.
2494 Mr. Deutch?
2495 Ms. Bass?
2496 Mr. Richmond?
2497 Mr. Jeffries?
2498 Mr. Cicilline?
2499 Mr. Cicilline. No.
2500 Ms. Strasser. Mr. Cicilline votes no.
2501 Mr. Swalwell?
2502 Mr. Lieu?
2503 Mr. Lieu. No.
2504 Ms. Strasser. Mr. Lieu votes no.
2505 Mr. Raskin?
2506 Mr. Raskin. No.
2507 Ms. Strasser. Mr. Raskin votes no.

2508 Ms. Jayapal?
2509 Ms. Jayapal. No.
2510 Ms. Strasser. Ms. Jayapal votes no.
2511 Mrs. Demings?
2512 Mrs. Demings. No.
2513 Ms. Strasser. Mrs. Demings votes no.
2514 Mr. Correa?
2515 Mr. Correa. No.
2516 Ms. Strasser. Mr. Correa votes no.
2517 Ms. Scanlon?
2518 Ms. Scanlon. No.
2519 Ms. Strasser. Ms. Scanlon votes no.
2520 Ms. Garcia?
2521 Ms. Garcia. No.
2522 Ms. Strasser. Ms. Garcia votes no.
2523 Mr. Neguse?
2524 Mrs. McBath?
2525 Mr. Stanton?
2526 Ms. Dean?
2527 Ms. Dean. No.
2528 Ms. Strasser. Ms. Dean votes no.
2529 Ms. Mucarsel-Powell?
2530 Ms. Mucarsel-Powell. No.
2531 Ms. Strasser. Ms. Mucarsel-Powell votes no.
2532 Ms. Escobar?

2533 Ms. Escobar. No.

2534 Ms. Strasser. Ms. Escobar votes no.

2535 Mr. Collins?

2536 Mr. Collins. Aye.

2537 Ms. Strasser. Mr. Collins votes aye.

2538 Mr. Sensenbrenner?

2539 Mr. Chabot?

2540 Mr. Gohmert?

2541 Mr. Gohmert. Yes.

2542 Ms. Strasser. Mr. Gohmert votes yes.

2543 Mr. Jordan?

2544 Mr. Buck?

2545 Mr. Buck. Aye.

2546 Ms. Strasser. Mr. Buck votes aye.

2547 Mr. Ratcliffe?

2548 Mrs. Roby?

2549 Mr. Gaetz?

2550 Mr. Johnson of Louisiana?

2551 Mr. Johnson of Louisiana. Aye.

2552 Ms. Strasser. Mr. Johnson of Louisiana votes aye.

2553 Mr. Biggs?

2554 Mr. Biggs. Aye.

2555 Ms. Strasser. Mr. Biggs votes aye.

2556 Mr. McClintock?

2557 Mr. McClintock. Aye.

2558 Ms. Strasser. Mr. McClintock votes aye.

2559 Mrs. Lesko?

2560 Mrs. Lesko. Aye.

2561 Ms. Strasser. Mrs. Lesko votes aye.

2562 Mr. Reschenthaler?

2563 Mr. Reschenthaler. Aye.

2564 Ms. Strasser. Mr. Reschenthaler votes aye.

2565 Mr. Cline?

2566 Mr. Cline. Aye.

2567 Ms. Strasser. Mr. Cline votes aye.

2568 Mr. Armstrong?

2569 Mr. Steube?

2570 Mr. Steube. Yes.

2571 Ms. Strasser. Mr. Steube votes yes.

2572 Chairman Nadler. The gentleman from Tennessee?

2573 Mr. Cohen. No.

2574 Ms. Strasser. Mr. Cohen votes no.

2575 Chairman Nadler. The gentleman from Florida?

2576 Mr. Deutch. No.

2577 Ms. Strasser. Mr. Deutch votes no.

2578 Chairman Nadler. The gentleman from Colorado?

2579 Mr. Neguse. No.

2580 Ms. Strasser. Mr. Neguse votes no.

2581 Mr. Chairman, there are 10 ayes and 17 noes.

2582 Chairman Nadler. The amendment is not agreed to. Any

2583 other amendments --

2584 The gentleman from Colorado?

2585 Mr. Buck. I have an amendment at the desk, Mr.

2586 Chairman.

2587 Ms. Lofgren. I reserve a point of order.

2588 Chairman Nadler. The Clerk will report the amendment.

2589 The gentlelady reserves a point of order.

2590 Ms. Strasser. Block number 1 to ANS for H.R. 2820

2591 description:

2592 Provides that the Secretary shall have access to the
2593 Interstate Identification Index system, III system, which is
2594 accessible by way of the National Crime Information Center,
2595 NCIC, portal when conducting any of the background checks
2596 required by this legislation. This access will allow the
2597 USCIS to adjudicate applications more efficiently and
2598 accurately --

2599 Chairman Nadler. Without objection, the amendment is
2600 considered as read. The gentleman is recognized to explain
2601 his amendment.

2602 [The amendment of Mr. Buck follows:]

2603

2604 Mr. Buck. Thank you, Mr. Chairman. Mr. Chairman, I
2605 have looked high and low for common ground with the chair of
2606 this committee and I think I have found it with this
2607 amendment.

2608 My amendment is very simple. What it does is it allows
2609 the United States Customs and Immigration Service access to
2610 the very best and most comprehensive background check
2611 database the government has in order to assess whether an
2612 applicant has a criminal history. According to USCIS, the
2613 right database is the full Interstate Identification Index,
2614 or III, Interstate Identification Index, III database. USCIS
2615 needs access to this database to conduct background checks.
2616 Without access, the agency will not be able to tell us
2617 whether an applicant poses a public safety or national
2618 security risk. In addition to the benefit of denial, certain
2619 information may establish grounds for administrative
2620 investigation, criminal referral, and in initiation of
2621 removal proceedings.

2622 USCIS has needed access to III for some time. Since
2623 2013, they have adjudicated nearly 50 million benefit
2624 requests without full access to criminal history records of
2625 the applicants. My amendment will give USCIS access to the
2626 III database so that they can use that in processing
2627 applications filed in response to this bill.

2628 This is the right thing to do. We should not tie DHS's

2629 hands by denying them access to critical information. We
2630 should let DHS fully vet applicants using the best
2631 information we have available.

2632 9/11 happened because Congress allowed a wall to remain
2633 in place. That wall denied access to critical intelligence
2634 information to domestic law enforcement agencies. Today a
2635 similar wall is in place that denies USCIS access to the best
2636 information available about a foreign national's criminal
2637 history. We need to tear down that wall. We need to give
2638 USCIS the right tools to do the job that Congress is
2639 directing them to do.

2640 Mr. Chairman, I have heard, on the last amendment, a
2641 number of my colleagues on the other side of the aisle talk
2642 about the need for -- and how this bill includes public
2643 safety safeguards. This amendment just gives the government
2644 access to information that it needs to make that evaluation,
2645 and I would ask for the full committee's support.

2646 And I yield back.

2647 Chairman Nadler. Would the --

2648 Mr. Buck. Yes.

2649 Chairman Nadler. Pardon the ignorance but exactly what
2650 is the Interstate Identification Index, III, system that you
2651 referenced here?

2652 Mr. Buck. So, Mr. Chairman, there are -- this is a
2653 national, an NCIC, National Information System --

2654 Chairman Nadler. Right.

2655 Mr. Buck. -- Criminal Information, and then there is a
2656 state. So in Colorado we have the CCIC. Not all states
2657 allow criminal information to go into the NCIC, and not all
2658 states allow criminal information -- I am sorry. Not all
2659 states allow criminal index information to be used for -- by
2660 non-law enforcement agencies. USCIS is a non-law enforcement
2661 agency. It is not like the FBI or other law enforcement
2662 agencies. So this would give the --

2663 Chairman Nadler. Reclaiming my time --

2664 Mr. Buck. You can have it.

2665 Chairman Nadler. -- the bill says, the sentence that
2666 you want to amend, says, "The Secretary shall use biometric,
2667 biographic, and other data that the Secretary determines
2668 appropriate to conduct security and law enforcement
2669 background checks, and determine" blah-blah. You would add,
2670 the Secretary should use all this data that he deems
2671 appropriate, including checks in this system.

2672 My first question is, if he deems it appropriate, can he
2673 do it under the terms of this bill without your amendment?

2674 Mr. Buck. No, because he doesn't have access to
2675 criminal information. This is not a criminal agency and
2676 doesn't have access to criminal databases. So they need
2677 Congress to authorize --

2678 Chairman Nadler. So what kind of information would

2679 there be here that he wouldn't have access to?

2680 Mr. Buck. So an individual who is convicted in one of
2681 the states -- and I can list those states for you, if you
2682 would like --

2683 Chairman Nadler. Don't list the states. Just go ahead.

2684 Mr. Buck. There are 11 of them and they include
2685 California and Texas --

2686 Chairman Nadler. Okay.

2687 Mr. Buck. -- relevant states for our purposes of
2688 immigration.

2689 Chairman Nadler. And for those states, what would this
2690 do?

2691 Mr. Buck. Those states prohibit non-law enforcement
2692 agencies having access to the data that they put into NCIC.

2693 Chairman Nadler. So this would override the state
2694 prohibition.

2695 Mr. Buck. This would allow Congress -- this would
2696 designate USCIS, for this purpose, to have access to that
2697 information.

2698 Chairman Nadler. Despite the state prohibition.

2699 Mr. Buck. Well, the states are prohibiting it from
2700 being used for a criminal database check.

2701 Chairman Nadler. Okay. I think I understand what you
2702 are talking about now. Okay.

2703 Ms. Lofgren. Mr. Chairman?

2704 Mr. Raskin. Mr. Chairman?

2705 Chairman Nadler. Let me just say, before I recognize
2706 anyone else, I am inclined to say that this amendment may be
2707 okay. I am not prepared to accept it now, because we really
2708 have to look at the implications of it. Based just on the
2709 very sparse information we just got it is not enough. But I
2710 am prepared to work -- if you withdraw the amendment we will
2711 work with you toward seeing if it makes sense to put it in
2712 before the bill gets to the floor. I am not making a
2713 commitment to do it or not to do it except to explore it,
2714 because I really don't know at this point.

2715 Mr. Buck. Would it be possible to reoffer it at the end
2716 of the markup?

2717 Chairman Nadler. I would have to oppose it because we
2718 don't have nearly enough information. Before the floor, we
2719 will consider it. We will talk with you and maybe we will
2720 say yes and maybe we will say no. I don't know. But let me
2721 just say this. We are not going to know a heck -- I don't
2722 know that we will know a heck of a lot more before the end of
2723 the markup, but maybe we will. I don't know. I won't make a
2724 commitment on that.

2725 Mr. Buck. Well, I will ask -- I will withdraw it now.
2726 I will ask the chair at the end of the markup whether the
2727 chair would be willing to consider my amendment at that time.

2728 Chairman Nadler. Sure.

2729 Mr. Buck. Could we ask for postpone?

2730 Chairman Nadler. Yes. Yes.

2731 Mr. Buck. Because postponing consideration of this
2732 amendment, because we have got -

2733 Mr. Collins. -- this is going to be a long markup.
2734 They can do that.

2735 Chairman Nadler. Certainly. Certainly. Certainly.

2736 Mr. Buck. I will do that.

2737 Chairman Nadler. You can withdraw the amendment without
2738 prejudice. You can offer it again later. I may have the
2739 same answer. I may have a different answer. We will see.

2740 Mr. Buck. I will withdraw the amendment, Mr. Chairman.

2741 Chairman Nadler. The amendment is withdrawn,
2742 temporarily.

2743 Are there any other amendments?

2744 The gentleman from -- for what purpose does the
2745 gentleman from Arizona seek recognition?

2746 Mr. Biggs. I have an amendment at the desk.

2747 Chairman Nadler. The gentleman will report the
2748 amendment.

2749 Ms. Lofgren. I reserve a point of order.

2750 Chairman Nadler. And the gentlelady reserves a point of
2751 order.

2752 Ms. Strasser. Amendment to the amendment in the nature
2753 of a substitute to H.R. 2820, offered by Mr. Biggs of

2754 Arizona.

2755 Chairman Nadler. The amendment is considered as read,

2756 and the gentleman is recognized to explain his amendment.

2757 [The amendment of Mr. Biggs follows:]

2758

2759 Mr. Biggs. Thank you, Mr. Chairman. My amendment deals
2760 with confidentiality, and H.R. 2820 contains an expansive
2761 confidentiality provision that prevents information contained
2762 in an application from being used for certain law enforcement
2763 purposes, including immigration enforcement.

2764 The bill specifically states, and I quote, "The
2765 Secretary may not disclose or use information, including
2766 information provided during administrative or judicial
2767 review, provided in applications filed under this act or in
2768 requests for DACA, for the purpose of immigration
2769 enforcement," close quote.

2770 Instead, the information can only be shared with law
2771 enforcement authorities for considering the application,
2772 national security purposes, or investigation and prosecuting
2773 felony offenses not related to immigration status. This
2774 would allow aliens who submit fraudulent applications that
2775 prove they are illegally in the United States to escape
2776 prosecution or deportation. Similar confidentiality
2777 provisions in the 1986 amnesty incentivized widespread fraud
2778 in the program and have hampered law enforcement efforts.

2779 My amendment would strike the confidentiality provisions
2780 in the bill and replace them with regulations that are
2781 currently in place for aliens applying for temporary
2782 protected status. This would allow for information in the
2783 applications to be used by Department of Homeland Security or

2784 any federal or state law enforcement agency for enforcement
2785 of the act, or in any criminal proceeding.

2786 Given that currently there are more than 400,000 people
2787 who have temporary protected status, these privacy
2788 regulations clearly are not serving as a deterrent to filing
2789 honest applications. It is disappointing that efforts
2790 weren't made to prevent fraud in the system, but I believe
2791 this amendment is a step towards rooting out fraud, and so I
2792 would encourage everyone to support my amendment.

2793 And with that I yield back.

2794 Chairman Nadler. The gentleman yields.

2795 Ms. Lofgren. Mr. Chairman?

2796 Chairman Nadler. The gentlelady from California. For
2797 what purpose is the gentlelady seeking recognition?

2798 Ms. Lofgren. I have -- I move to strike the last word,
2799 and I withdraw my reservation.

2800 Chairman Nadler. The lady is recognized.

2801 Ms. Lofgren. I oppose the amendment, although I am sure
2802 it is well intentioned. We do have some fraud prevention
2803 provisions in the bill. But the confidentiality provisions
2804 in the bill are very important. Confidentiality has been
2805 recognized as critical to the success of a variety of
2806 immigration benefits and initiatives, including VAWA, U visa,
2807 special immigrant programs, as well as previous legalization
2808 efforts. Confidentiality provisions are critical to gaining

2809 the trust of qualified individuals and to yield maximum
2810 participation, and this bill is no different.

2811 What is different in this bill is the narrowness of the
2812 confidentiality provisions. Past bills have prohibited the
2813 use of information provided by applicants for any reason
2814 other than to make a decision on an application, but this
2815 bill actually provides for much more. It allows such
2816 information to be shared, to identify and prevent fraudulent
2817 claims, for national security purposes, or for the
2818 investigation of prosecution of any felony offense not
2819 related to immigration status.

2820 All applicants under this bill, those who have never
2821 been in removal proceedings, and those with final removal
2822 orders will be asked to come forward and disclose sensitive
2823 information related to their immigration status, their
2824 immigration history, their lack of current status, and they
2825 will likely need to disclose sensitive information about
2826 their family members as well.

2827 The President and his immigration -- and his
2828 administration have been hostile to immigrants in their
2829 rhetoric from the beginning, and the immigrant community is
2830 understandably fearful, and I would say justified in their
2831 concern about what might happen with this information if
2832 there are not clear limitations set forth in the bill. And
2833 for this reason the confidentiality provisions in the bill

2834 prohibit the use of information disclosed in applications for
2835 immigration enforcement purposes.

2836 Now if this prohibition is watered down or even removed,
2837 information disclosed in any application could be used for
2838 any purpose, including targeting family members for
2839 enforcement, and that would defeat the very purpose of this
2840 bill.

2841 I think the bill takes a very smart, balanced approach
2842 to confidentiality by giving assurances to applicants that
2843 their information will not be used for immigration
2844 enforcement while giving more than enough leeway to DHS and
2845 other federal law enforcement agencies to carry out their
2846 mission.

2847 So I think this amendment is unnecessary and also
2848 destructive of the confidentiality provisions included in the
2849 bill. I would point out further, as I said earlier, the
2850 bill's limits are narrow. Information could be used for
2851 fraud, national security purposes, or prosecution of non-
2852 immigration felony offenses.

2853 And with that, Mr. Chairman, I would yield back.

2854 Mr. Collins. Mr. Chairman?

2855 Chairman Nadler. The gentlelady yields back.

2856 For what purpose does the gentleman from Georgia seek
2857 recognition?

2858 Mr. Collins. I move to strike the last word.

2859 Chairman Nadler. The gentleman is recognized.

2860 Mr. Collins. Thank you, Mr. Chairman. Look, I am in
2861 support of the amendment. I think it is really interesting
2862 and I appreciate the gentlelady from California. We have had
2863 some great conversations about this over time, and especially
2864 some of the best conversations we have had about the coming
2865 forward and giving information has come from your side,
2866 especially our former member, the gentleman from Chicago, Mr.
2867 Gutierrez, who was very critical of the DACA program because
2868 of the very things that you just cited.

2869 And I think that is something that is really interesting
2870 here because the very program that President Obama actually
2871 put forward was causing people to actually have to do some of
2872 the similar things. So it is an interesting point to make
2873 now in opposition to as the very program itself calls this to
2874 happen.

2875 So with that I yield to the gentleman from Arizona.

2876 Mr. Biggs. I thank the gentleman from Georgia, and I
2877 just want to point out something that I think is important
2878 for clarification. I see people in our audience that are
2879 wearing t-shirts that say "Save TPS," and I get that because
2880 we are going to consider two bills dealing with TPS later in
2881 this markup session, whether it is today or tomorrow or
2882 whenever it may be.

2883 But I am a little bit baffled because I look at the H.R.

2884 549, and this is for TPS for Venezuelans, and that is an
2885 interesting thing because my amendment provides the same
2886 confidentiality that the majority's 549 is going to apply to
2887 all those TPS applicants. And I am trying to understand why
2888 you are comfortable with that kind of confidentiality
2889 requirement for the Venezuelans seeking TPS but you are not
2890 comfortable with it for DACA, in this particular bill.

2891 I do think that my proposal, my proposed amendment
2892 provides adequate confidentiality but it also helps prevent
2893 fraud, and that is really -- we are trying to find that sweet
2894 spot. Apparently we found it in TPS, but that is not quite
2895 good enough for this.

2896 I would urge everyone to reconsider and vote for my
2897 amendment.

2898 With that I yield back to the gentleman from Georgia.

2899 Ms. Lofgren. Would the gentleman yield?

2900 Chairman Nadler. The gentleman yielded back.

2901 Who seeks recognition? The gentl lady from Texas, Ms.
2902 Escobar.

2903 Ms. Escobar. Thank you, Mr. Chairman.

2904 Ms. Lofgren. I am sorry. I had mine up too. Never
2905 mind.

2906 Chairman Nadler. Ms. Escobar is recognized.

2907 Ms. Escobar. Thank you. Move to strike the last word.

2908 Chairman Nadler. The last word is duly struck.

2909 Ms. Escobar. Mr. Chairman, I oppose this amendment, and
2910 as Ms. Lofgren mentioned, the confidentiality that has been
2911 crafted so far is something that has gone through significant
2912 setting and debate and discussion internally between many of
2913 us who are all along the spectrum on this particular bill.

2914 But I want us to remember that DREAMers were promised
2915 something, and that promise was made years ago. And even
2916 when our current President ran for office, as a candidate, he
2917 promised DREAMers that he would protect them. That promise,
2918 we saw, was broken, and it was broken even after these
2919 vulnerable young people provided the government with all of
2920 their information, because they believed that the promise was
2921 going to be kept.

2922 After that promise was broken, we then witnessed, in my
2923 community, firsthand, El Paso, through the Tornillo Child
2924 Detention Facility, we witnessed firsthand how children were
2925 used as a lure for their families, and it was a trap in order
2926 to try to create more of a deportation mechanism for family
2927 members.

2928 And so why would we believe, at this point, that this
2929 administration can be trusted with the most vulnerable
2930 information for a population who was promised relief over and
2931 over and over again, only to be -- to see that promise broken
2932 over and over and over again?

2933 Ms. Garcia, I am happy to yield to you, if you would

2934 like.

2935 Ms. Garcia. I thank the gentlelady from Texas, and, Mr.
2936 Chairman, I too want to speak against this amendment. As Ms.
2937 Lofgren has already stated, this is about preventing fraud.
2938 That is covered under the current bill as amended. And if
2939 this is just fraud to me any reason, I think it would have a
2940 very negative, chilling effect on many of the folks that we
2941 represent. I know in my district, where we have many
2942 thousands and thousands of dreams, and is a heavily Latino
2943 population district in Houston, if people knew that
2944 information was going to be shared and confidentiality would
2945 be breached, people probably would not apply, and they would
2946 ask people not to apply because it would be in fear of what
2947 retaliation or what else may happen, not just to them but
2948 everyone in their household. They wouldn't feel safe to go
2949 to school. They wouldn't feel safe to go to church, to go to
2950 a hospital, to go to a courthouse. There would be no safe
2951 place in our community.

2952 Mr. Biggs. Would the gentlelady yield?

2953 Ms. Garcia. So I strenuously rise to oppose this
2954 amendment. I think that the approach that has been used in
2955 the bill is very balanced and covers all the critical needs
2956 for any of the agencies that he is discussing.

2957 Mr. Biggs. Would the gentlelady yield?

2958 Ms. Garcia. Sure.

2959 Ms. Escobar. I reclaim my time.

2960 Ms. Garcia. You reclaim your time.

2961 Ms. Escobar. Yes. Yes.

2962 Mr. Biggs. Would the gentlelady yield?

2963 Chairman Nadler. The gentlelady from Texas --

2964 Ms. Escobar. For a quick question, if you have a quick
2965 question.

2966 Mr. Biggs. I do have a question.

2967 Ms. Escobar. Okay. I yield.

2968 Mr. Biggs. Thank you. My question is, is the concern
2969 that you have is that this will chill -- it will provide a
2970 chilling effect if my amendment were in place? I guess my
2971 question is, you don't see the same chilling effect under the
2972 TPS bill, H.R. 549, that we are going to consider. Why is
2973 this uniquely different?

2974 And then, as well, can we deport somebody if we
2975 determine from their application that the individual is
2976 ineligible? The provisions under the current bill doesn't
2977 seem to indicate that that would be possible. That is the
2978 kind of question I am trying to get at.

2979 Ms. Escobar. Mr. Biggs, Thank you. Actually, if we
2980 could have made those amendments and offered more
2981 confidentiality to TPS recipients I would have liked to have
2982 done that.

2983 This population, again, very vulnerable, has been made

2984 -- we have made a promise to them, promises that were made by
2985 a prior administration, promises that were made by a
2986 candidate who then became President of the United States,
2987 promises that have been not kept. And communities,
2988 vulnerable communities are living in fear.

2989 And so if we want folks to come forward and to provide
2990 all that information we have to protect them. And so I think
2991 the protections that already exist against fraud in the
2992 current bill are sufficient, and I yield back.

2993 Chairman Nadler. The gentlelady -- oh. Who seeks time?

2994 All right. The gentleman from Louisiana.

2995 Mr. Richmond. Mr. Chairman, I would oppose the
2996 amendment for all the same reasons, but I would like to yield
2997 a few minutes, two minutes, to Zoe Lofgren.

2998 Ms. Lofgren. Thank you. I just thought it would be
2999 important to put into the discussion here the actual language
3000 in the underlying bill of what can be shared. "For
3001 assistance in the consideration, the obligation for justice
3002 of status under this act, to identify or prevent fraudulent
3003 claims, for national security purposes, or for the
3004 investigation or prosecution of any felony offense that is
3005 not related to immigration status."

3006 So I think anything that is a concern raised by this
3007 amendment is covered in the underlying bill, but the threat
3008 that immigrants feel is palpable. I know that from -- as a

3009 Californian, that, you know, I have got constituents who are
3010 U.S. citizens with legal resident, permanent resident
3011 spouses, who are afraid to get an official document. So the
3012 level of fear is very high, and if we don't have
3013 confidentiality in this process, other than for these
3014 exceptions, we will really chill participation. And I thank
3015 the gentleman very much for allowing me to speak, and I yield
3016 back.

3017 Mr. Collins. Would my friend from Louisiana yield to
3018 me?

3019 Mr. Richmond. Sure.

3020 Mr. Collins. Thank you. And just real quickly -- and I
3021 understand the argument here, chilling, and that was actually
3022 argued, as I said just a few minutes ago, by Mr. Gutierrez
3023 when he was here. That was one of his biggest arguments
3024 against the DACA, you know, program itself, is that it forced
3025 this problem.

3026 But I don't think the chilling effect -- and we can
3027 argue about how or not, but there have been 400,000 folks
3028 apply for TPS. There does not seem to be a chilling effect
3029 in that regard. And I think, you know, applying the same
3030 standards, you know, is something that could be valid here.

3031 And I appreciate the gentleman from Louisiana yielding.

3032 Mr. Richmond. I still disagree with you and I yield
3033 back.

3034 Chairman Nadler. The gentleman yields back.

3035 The question occurs on the amendment.

3036 All in favor of the amendment, say aye.

3037 Opposed, no.

3038 The amendment is not adopted, is not agreed to.

3039 Roll call vote is requested. The Clerk will call the

3040 roll.

3041 Ms. Strasser. Mr. Nadler?

3042 Chairman Nadler. No.

3043 Ms. Strasser. Mr. Nadler votes no.

3044 Ms. Lofgren?

3045 Ms. Lofgren. No.

3046 Ms. Strasser. Ms. Lofgren votes no.

3047 Ms. Jackson Lee?

3048 Mr. Cohen?

3049 Mr. Johnson of Georgia?

3050 Mr. Johnson of Georgia. No.

3051 Ms. Strasser. Mr. Johnson of Georgia votes no.

3052 Mr. Deutch?

3053 Ms. Bass?

3054 Mr. Richmond?

3055 Mr. Richmond. No.

3056 Ms. Strasser. Mr. Richmond votes no.

3057 Mr. Jeffries?

3058 Mr. Cicilline?

3059 Mr. Cicilline. No.

3060 Ms. Strasser. Mr. Cicilline votes no.

3061 Mr. Swalwell?

3062 Mr. Lieu?

3063 Mr. Lieu. No.

3064 Ms. Strasser. Mr. Lieu votes no.

3065 Mr. Raskin?

3066 Mr. Raskin. No.

3067 Ms. Strasser. Mr. Raskin votes no.

3068 Ms. Jayapal?

3069 Ms. Jayapal. No.

3070 Ms. Strasser. Ms. Jayapal votes no.

3071 Mrs. Demings?

3072 Mrs. Demings. No.

3073 Ms. Strasser. Mrs. Demings votes no.

3074 Mr. Correa?

3075 Mr. Correa. No.

3076 Ms. Strasser. Mr. Correa votes no.

3077 Ms. Scanlon?

3078 Ms. Scanlon. No.

3079 Ms. Strasser. Ms. Scanlon votes no.

3080 Ms. Garcia?

3081 Ms. Garcia. No.

3082 Ms. Strasser. Ms. Garcia votes no.

3083 Mr. Neguse?

3084 Mr. Neguse. No.

3085 Ms. Strasser. Mr. Neguse votes no.

3086 Mrs. McBath?

3087 Mr. Stanton?

3088 Mr. Stanton. No.

3089 Ms. Strasser. Mr. Stanton votes no.

3090 Ms. Dean?

3091 Ms. Dean. No.

3092 Ms. Strasser. Ms. Dean votes no.

3093 Ms. Mucarsel-Powell?

3094 Ms. Mucarsel-Powell. No.

3095 Ms. Strasser. Ms. Mucarsel-Powell votes no.

3096 Ms. Escobar?

3097 Ms. Escobar. No.

3098 Ms. Strasser. Ms. Escobar votes no.

3099 Mr. Collins?

3100 Mr. Collins. Aye.

3101 Ms. Strasser. Mr. Collins votes aye.

3102 Mr. Sensenbrenner?

3103 Mr. Sensenbrenner. Aye.

3104 Ms. Strasser. Mr. Sensenbrenner votes aye.

3105 Mr. Chabot?

3106 Mr. Gohmert?

3107 Mr. Gohmert. Aye.

3108 Ms. Strasser. Mr. Gohmert votes aye.

3109 Mr. Jordan?
3110 Mr. Buck?
3111 Mr. Buck. Aye.
3112 Ms. Strasser. Mr. Buck votes aye.
3113 Mr. Ratcliffe?
3114 Mrs. Roby?
3115 Mr. Gaetz?
3116 Mr. Johnson of Louisiana?
3117 Mr. Johnson of Louisiana. Aye.
3118 Ms. Strasser. Mr. Johnson of Louisiana votes aye.
3119 Mr. Biggs?
3120 Mr. Biggs. Aye.
3121 Ms. Strasser. Mr. Biggs votes aye.
3122 Mr. McClintock?
3123 Mr. McClintock. Aye.
3124 Ms. Strasser. Mr. McClintock votes aye.
3125 Mrs. Lesko?
3126 Mrs. Lesko. Aye.
3127 Ms. Strasser. Mrs. Lesko votes aye.
3128 Mr. Reschenthaler?
3129 Mr. Cline?
3130 Mr. Cline. Aye.
3131 Ms. Strasser. Mr. Cline votes aye.
3132 Mr. Armstrong?
3133 Mr. Steube?

3134 Mr. Steube. Yes.

3135 Ms. Strasser. Mr. Steube votes yes.

3136 Chairman Nadler. The gentleman from Florida?

3137 Mr. Deutch. No.

3138 Ms. Strasser. Mr. Deutch votes no.

3139 Chairman Nadler. Are there any other members who wish
3140 to vote who haven't voted?

3141 The Clerk will report.

3142 Ms. Strasser. Mr. Chairman, there are 10 ayes and 18
3143 noes.

3144 Chairman Nadler. The amendment is not agreed to. Are
3145 there any further amendments?

3146 Mr. McClintock. Mr. Chairman?

3147 Chairman Nadler. For what purpose does the gentleman
3148 from California seek recognition?

3149 Mr. McClintock. I have an amendment at the desk.

3150 Ms. Lofgren. I reserve a point of order.

3151 Chairman Nadler. The Clerk will report the amendment.
3152 The gentlelady reserves a point of order.

3153 Ms. Strasser. Amendment to the amendment in the nature
3154 of a substitute to H.R. 2820, offered by Mr. McClintock of
3155 California.

3156 Chairman Nadler. The amendment will be considered as
3157 read.

3158 [The amendment of Mr. McClintock follows:]

3159

3160 Chairman Nadler. The gentleman from California is
3161 recognized to explain his amendment.

3162 Mr. McClintock. Thank you, Mr. Chairman. One of my
3163 many objections to this bill is that it sets a lower
3164 threshold for illegal immigrants to obtain Green Cards than
3165 we have for legal immigrants. My amendment simply applies to
3166 illegal immigrants in this bill, the longstanding discretion
3167 that the DHS Secretary has had when determining eligibility
3168 for immigration benefits, including adjustment of immigration
3169 status.

3170 I offer this amendment to test whether the majority
3171 really believes that illegal aliens should be treated better
3172 than legal immigrants who have respected our laws and done
3173 everything our country has asked of them.

3174 As it is written, H.R. 2820 strips the Secretary of his
3175 current authority to consider discretionary factors when
3176 determining whether an illegal immigrant is eligible to
3177 receive permanent, lawful residence in our country. The
3178 special path to citizenship that H.R. 2820 offers is a
3179 significant benefit, essentially the keys to our country.
3180 Under our law, the vast majority of other immigration
3181 benefits provided through the Immigration and Nationality
3182 Act, including adjustment of status, are discretionary, and
3183 the legal immigrants must demonstrate that they merit the
3184 status in the exercise of that discretion. But this bill

3185 states that the Secretary shall adjust the status of an
3186 alien, so the Secretary cannot consider discretionary factors
3187 that weigh in favor or against granting such status.

3188 Under the bill as written, illegal aliens arrested for
3189 heinous crimes but not yet convicted would get Green Cards.
3190 Aliens who commit heinous acts but who are not convicted for
3191 technical reasons would get Green Cards. The alien is
3192 technically eligible, the Secretary must grant the benefit
3193 and is powerless under the law to deny it.

3194 The illegal aliens given Green Cards under H.R. 2820
3195 should be no different than any other alien who tries to
3196 adjust his status. The Secretary should be able to consider
3197 discretionary factors that weigh in favor of or against
3198 granting such a status.

3199 Of course, the change from "shall" to "may" in my
3200 amendment is consistent with other parts of the Immigration
3201 and Naturalization Act and does not mean unfettered
3202 discretion. The Secretary cannot abuse the discretion. But
3203 a mandatory benefit will constrict the determinations that
3204 are best left to the agency experts who know all the facts
3205 about a specific case as they carry out the truly serious
3206 responsibility of providing benefits under H.R. 2820, which
3207 includes a Green Card and a path to U.S. citizenship.

3208 I would urge my colleagues to support the amendment.

3209 Chairman Nadler. I recognize my -- the gentleman yields

3210 back?

3211 I recognize myself in opposition to the amendment. This
3212 amendment basically cancels the entire bill. What the bill
3213 says is that if you meet certain requirements you are
3214 entitled to certain benefits, namely to a path to citizenship
3215 -- to stay here and to have a path to citizenship, and so
3216 forth, if you meet the requirements established in the bill.
3217 And I don't have to go through what those are. We all know
3218 them.

3219 What the amendment says is, if you meet the requirements
3220 of the bill the Secretary may cancel the removal, instead of
3221 shall cancel. In other words, the Secretary could abolish
3222 the entire program with a stroke of his pen, or he could
3223 cancel half the program with a stroke of his pen, or he could
3224 say everybody is -- the program continues except for Joe. I
3225 don't like Joe, so Joe doesn't get admitted under the DREAMer
3226 -- as a DREAMer, even though he meets all the requirements of
3227 a DREAMer. This makes the program entirely discretionary as
3228 proposed to a mandatory program.

3229 The whole idea of the bill is we are establishing a
3230 program. Congress is deciding that people who meet certain
3231 requirements, that were brought here under the age of 18,
3232 before a certain date, they haven't misbehaved, they haven't
3233 committed crimes, they are not whatever, are entitled to a
3234 path -- are entitled to stay here and entitled to work

3235 permits and are entitled to a path to citizenship. That is
3236 the purpose of the bill.

3237 What this amendment very innocently says, is in four
3238 places the word "shall" should be replaced with the word
3239 "may." It makes the entire bill discretionary with -- not
3240 only with the Secretary but with any secretary. The current
3241 one is good and says okay, and the next one is bad and says
3242 no. And the guy who comes in afterwards says, "Anybody still
3243 remaining in the country will be okay again," or on an
3244 individual basis.

3245 It is absurd unless you are opposed to the bill. If you
3246 are opposed to the bill then vote against the bill, but don't
3247 make the bill entirely discretionary, on an absolutely
3248 arbitrary basis, and period. So we have to oppose the
3249 amendment. The amendment basically says never mind the whole
3250 bill.

3251 I oppose the amendment. I yield back.

3252 Mr. Buck. Mr. Chairman?

3253 Chairman Nadler. For what purpose does the gentleman
3254 from Colorado seek recognition?

3255 Mr. Buck. Move to strike the last word.

3256 Chairman Nadler. The gentleman is recognized.

3257 Mr. Buck. And I yield my time to Mr. McClintock from
3258 California.

3259 Mr. McClintock. I thank the gentleman for yielding. I

3260 simply wanted to point out that the chairman has just very
3261 accurately described the discretion that the DHS Secretary
3262 already has for every other alien who applies for a Green
3263 Card. That is already in the law. If you are a legal alien
3264 who has obeyed all of our laws, who has waited patiently in
3265 line, who has done everything our country has asked of them,
3266 the Secretary's discretion applies.

3267 Under this bill, though, if you entered the country
3268 illegally, then you are automatically granted these --
3269 meeting certain requirements without any ability of the DHS
3270 Secretary to exercise discretionary judgment. The Secretary
3271 cannot abolish the program, cannot abuse the discretion.
3272 There is a long line of case law on that. And what this
3273 essentially does is place the interest of those who broke the
3274 law above the interest of those who waited patiently for a
3275 Green Card. It is a double standard, and I am testing
3276 whether the Democrats on this committee actually intend to
3277 impose that double standard and elevate illegal immigrants to
3278 a higher level of recognition than we accord to the legal
3279 immigrants who have obeyed our laws.

3280 Mr. Cicilline. Mr. Chairman?

3281 Ms. Lofgren. Mr. Chairman?

3282 Chairman Nadler. The gentlelady from California.

3283 Ms. Lofgren. I move to strike the last word.

3284 Chairman Nadler. The gentlelady is recognized.

3285 Ms. Lofgren. I appreciate my colleague from
3286 California's amendment and I would like to note that we have
3287 built into the rest of the act the discretion that he urges.
3288 The Secretary has the discretion to prevent the application
3289 of people who he feels are a threat to public safety, who are
3290 a threat to national security and the like.

3291 I understand the point being made, but these individuals
3292 are de facto Americans. These are individuals who have grown
3293 up here, who -- you know, I can't tell you the number of
3294 people I have met who they found out, when they went to apply
3295 for a loan to college for the first time that they weren't an
3296 American citizens, much to their shock.

3297 So I understand the point being made but this a category
3298 of individuals that is a rather unusual situation. We have
3299 discretion for the Secretary built into other parts of the
3300 bill, and I would yield to the Chairman for comments he may
3301 wish.

3302 Chairman Nadler. I thank the gentlelady, and I would
3303 point out that there is discretion in the bill with reference
3304 to what the bill deems should have discretion -- people who
3305 may have committed crimes, people who may be dangers to
3306 public safety, and so forth. It is in the bill.

3307 But the basic purpose of the bill is to say that this
3308 category of citizens, not people who did anything illegal --
3309 they were brought here as children, not at their discretion,

3310 generally. One-year-olds don't make decisions, nor do seven-
3311 year-olds, for that matter, as to where they are going.
3312 People who are brought into this country as children, who
3313 have grown up here, who are de facto Americans -- the whole
3314 point of the bill is to say there should be no discretion
3315 unless they misbehaved in some way and, you know, forfeited
3316 the protection of the bill by some act or series of acts,
3317 which the bill lists.

3318 But other than that there should be no discretion
3319 because Congress has decided that this class of people should
3320 be -- are, in fact, Americans, and should be given a path to
3321 become American citizens. Yes, there is normally discretion
3322 in the immigration law. The whole point of this bill is to
3323 say but not for people who are brought here as children.

3324 If you don't agree with that you should vote against the
3325 bill. The amendment simply cancels the bill, so if you
3326 support the bill, you vote against the amendment. If you
3327 want to vote for the amendment you are really voting against
3328 the entire bill. There is nothing else to say about it.

3329 Mr. Cicilline. Mr. Chairman?

3330 Chairman Nadler. That is why I oppose the amendment and
3331 the gentlelady yields to the gentleman.

3332 Ms. Lofgren. I would yield to Mr. Correa.

3333 Mr. Correa. Thank you. I just want to remind my
3334 colleague from the State of California that California is the

3335 home to the greatest number of DREAMers in the State of
3336 California. I want to remember -- remind folks who DREAMers
3337 are. They have been vetted. They work hard, paid taxes.
3338 They are law abiding. And they are also police officers.
3339 Herman Martinez Garcia grew up in Southern Illinois, and in
3340 the words of his police chief, "He is part of this community.
3341 He is a good citizen. He is a good person. We need him on
3342 the force," and he is a DREAMer. And here is a picture of
3343 him -- a DREAMer who is a police officer.

3344 I yield, Mr. Chairman.

3345 Ms. Lofgren. Mr. Chairman, unless there are other --
3346 oh, Mr. Cicilline. I would yield to Mr. Cicilline.

3347 Mr. Cicilline. I thank the gentlelady for yielding. I
3348 want to just underscore the point of the chairman. The
3349 notion that children came here, some of the arms of their
3350 parents as infants broke the law, is a ludicrous claim. A
3351 child, an infant, a three-year-old, doesn't have the capacity
3352 to break the law. In fact, they have no capacity to resist
3353 their parents if they came to America. So this notion of
3354 they are the same as others who are in this country
3355 undocumented and this treats them in a preferential way, as
3356 the chairman said, I don't know if people forgot our hearing.
3357 We had Jin Park, a Korean national, who is a Harvard graduate
3358 and a Rhodes Scholar. We had people who are finishing their
3359 studies and PhDs, becoming physicians, becoming community

3360 activists. This is -- these individuals have contributed
3361 enormously to the story of this country, the story of
3362 America. They have made it a strong, more vibrant, more
3363 dynamic country. And these are individuals who came with
3364 their parents, often fleeing unspeakable violence and
3365 difficult circumstances, and who know no other country but
3366 America. This is their home.

3367 And the chairman is right. If you vote for this
3368 amendment you are voting to end the Dream Act, because it
3369 ought not be a decision. We have decided the merit policy.
3370 These individuals are every bit as American as everyone else
3371 but for a piece of paper, and that is what this bill is
3372 designed to correct. So I urge a no vote on this amendment.
3373 And I thank the gentlelady.

3374 Chairman Nadler. Question occurs on the amendment.

3375 All those in favor will say aye.

3376 Opposed, no.

3377 The noes have it. The amendment is not agreed to.

3378 Roll call vote is requested. The Clerk will call the
3379 roll.

3380 Ms. Strasser. Mr. Nadler?

3381 Chairman Nadler. No.

3382 Ms. Strasser. Mr. Nadler votes no.

3383 Ms. Lofgren?

3384 Ms. Lofgren. No.

3385 Ms. Strasser. Ms. Lofgren votes no.
3386 Ms. Jackson Lee?
3387 Mr. Cohen?
3388 Mr. Johnson of Georgia?
3389 Mr. Johnson of Georgia. No.
3390 Ms. Strasser. Mr. Johnson of Georgia votes no.
3391 Mr. Deutch?
3392 Ms. Bass?
3393 Mr. Richmond?
3394 Mr. Jeffries?
3395 Mr. Cicilline?
3396 Mr. Cicilline. No.
3397 Ms. Strasser. Mr. Cicilline votes no.
3398 Mr. Lieu?
3399 Mr. Lieu. No.
3400 Ms. Strasser. Mr. Lieu votes no.
3401 Mr. Swalwell?
3402 Mr. Raskin?
3403 Mr. Raskin. No.
3404 Ms. Strasser. Mr. Raskin votes no.
3405 Ms. Jayapal?
3406 Ms. Jayapal. No.
3407 Ms. Strasser. Ms. Jayapal votes no.
3408 Mrs. Demings?
3409 Mrs. Demings. No.

3410 Ms. Strasser. Mrs. Demings votes no.
3411 Mr. Correa?
3412 Mr. Correa. No.
3413 Ms. Strasser. Mr. Correa votes no.
3414 Ms. Scanlon?
3415 Ms. Scanlon. No.
3416 Ms. Strasser. Ms. Scanlon votes no.
3417 Ms. Garcia?
3418 Ms. Garcia. No.
3419 Ms. Strasser. Ms. Garcia votes no.
3420 Mr. Neguse?
3421 Mrs. McBath?
3422 Mrs. McBath. No.
3423 Ms. Strasser. Mrs. McBath votes no.
3424 Mr. Stanton?
3425 Mr. Stanton. No.
3426 Ms. Strasser. Mr. Stanton votes no.
3427 Ms. Dean?
3428 Ms. Dean. No.
3429 Ms. Strasser. Ms. Dean votes no.
3430 Ms. Mucarsel-Powell?
3431 Ms. Escobar?
3432 Mr. Collins?
3433 Mr. Collins. Aye.
3434 Ms. Strasser. Mr. Collins votes aye.

3435 Mr. Sensenbrenner?
3436 Mr. Sensenbrenner. Aye.
3437 Ms. Strasser. Mr. Sensenbrenner votes aye.
3438 Mr. Chabot?
3439 Mr. Chabot. Aye.
3440 Ms. Strasser. Mr. Chabot votes aye.
3441 Mr. Gohmert?
3442 Mr. Jordan?
3443 Mr. Buck?
3444 Mr. Buck. Aye.
3445 Ms. Strasser. Mr. Buck votes aye.
3446 Mr. Ratcliffe?
3447 Mrs. Roby?
3448 Mr. Gaetz?
3449 Mr. Gaetz. Yes.
3450 Ms. Strasser. Mr. Gaetz votes yes.
3451 Mr. Johnson of Louisiana?
3452 Mr. Johnson of Louisiana. Aye.
3453 Ms. Strasser. Mr. Johnson of Louisiana votes aye.
3454 Mr. Biggs?
3455 Mr. Biggs. Aye.
3456 Ms. Strasser. Mr. Biggs votes aye.
3457 Mr. McClintock?
3458 Mr. McClintock. Aye.
3459 Ms. Strasser. Mr. McClintock votes aye.

3460 Mrs. Lesko?

3461 Mrs. Lesko. Aye.

3462 Ms. Strasser. Mrs. Lesko votes aye.

3463 Mr. Reschenthaler?

3464 Mr. Cline?

3465 Mr. Cline. Aye.

3466 Ms. Strasser. Mr. Cline votes aye.

3467 Mr. Armstrong?

3468 Mr. Steube?

3469 Mr. Steube. Yes.

3470 Ms. Strasser. Mr. Steube votes yes.

3471 Chairman Nadler. Are there any members who wish to vote

3472 who haven't voted yet?

3473 The gentleman from Texas?

3474 Mr. Gohmert. Yes.

3475 Ms. Strasser. Mr. Gohmert votes yes.

3476 Chairman Nadler. The gentleman from Florida?

3477 Mr. Deutch. No.

3478 Ms. Strasser. Mr. Deutch votes no.

3479 Chairman Nadler. The gentlelady from Florida.

3480 Ms. Mucarsel-Powell. No.

3481 Ms. Strasser. Ms. Mucarsel-Powell votes no.

3482 Chairman Nadler. Is there anyone else who hasn't voted

3483 who wishes to vote?

3484 The Clerk will report.

3485 Madam Clerk, has the gentlelady from Florida recorded?

3486 Is Mrs. Demings recorded?

3487 Ms. Strasser. Mrs. Demings, you are recorded as no.

3488 Chairman Nadler. Okay. Thank you.

3489 Ms. Strasser. Mr. Chairman, there are 12 ayes and 16

3490 noes.

3491 Chairman Nadler. The amendment is not agreed to.

3492 Are there any further amendments?

3493 Mrs. Lesko. Mr. Chairman?

3494 Chairman Nadler. For what purpose does the gentlelady

3495 from Arizona seek recognition?

3496 Mrs. Lesko. Thank you, Mr. Chairman. I have an

3497 amendment at the desk.

3498 Ms. Lofgren. I reserve a point of order.

3499 Chairman Nadler. The Clerk will report the amendment

3500 and the gentlelady reserves a point of order.

3501 Ms. Strasser. Amendment to the amendment in the nature

3502 of the substitute to H.R. 2820, offered by Mrs. Lesko of

3503 Arizona.

3504 Ms. Lofgren. I withdraw my point of order.

3505 Chairman Nadler. The point of order is withdrawn. The

3506 gentlelady will explain her amendment.

3507 [The amendment of Mrs. Lesko follows:]

3508

3509 Mrs. Lesko. Thank you, Mr. Chairman. This amendment
3510 makes 212(a)(6)(c), fraud, material misrepresentation, a
3511 ground of ineligibility. 212(a)(6)(c) applies to anyone
3512 applying for a Green Card or visa. Basically, what that --
3513 well, actually, what it says is that an alien, who by fraud
3514 or willfully misrepresenting a material fact, seeks to
3515 procure, or is thought to procure or has procured a visa,
3516 other documentation, or admission into the United States or
3517 other benefit provided under this chapter is inadmissible.

3518 It also says, under (c)(ii), any alien who falsely
3519 represents or who has falsely represented himself or herself
3520 to be a citizen of the United States for any purpose or
3521 benefit under this chapter, including Section 1324(a),
3522 unlawful employment of aliens, or any other federal or state
3523 law, is inadmissible.

3524 Basically, Mr. Chairman and Members, my amendment
3525 ensures that DACA applicants, under this bill, who have
3526 committed fraud, material misrepresentation, or who have made
3527 a false claim to U.S. citizenship to obtain benefits for
3528 which they are not entitled, are not -- should not be
3529 rewarded for their action. All other aliens who apply for
3530 permanent residence are subject to 212(a)(6)(c), and they are
3531 excluded if they have committed fraud or material
3532 misrepresentations or made false claims to U.S. citizenship.

3533 And why should DACA recipients under this bill get a

3534 benefit that anyone else applying for a visa or Green Card
3535 has to go through? I don't think they should, and that is
3536 why I am doing this amendment.

3537 And before I close, Mr. Chairman, I want to remind the
3538 members that last year -- and the audience -- that last year
3539 we had a bill that would have given DACA recipients legal
3540 status. It was combined with other provisions, including
3541 reforms for asylum, to make sure those that were credibly in
3542 fear of their lives would get asylum, but cut down on
3543 frivolous claims. It also would have secured the border and
3544 none of my Democratic colleagues voted for that.

3545 So with that I yield back my time.

3546 Chairman Nadler. The gentlelady from California?

3547 For what purposes does the gentlelady seek recognition?

3548 Ms. Lofgren. To strike the last word.

3549 Chairman Nadler. Strike the last word?

3550 Ms. Lofgren. Yes.

3551 Chairman Nadler. The gentlelady is recognized.

3552 Ms. Lofgren. I oppose this amendment. This is a
3553 provision that is generally forgiven in legalization bills
3554 and the reason is there could be many instances where,
3555 although it is willful, it is not malicious, if that is the
3556 right word. I mean, I am not talking legal words.

3557 And I will give you an example. If you take a look at
3558 the Immigration and Nationality Act that the gentlelady

3559 refers to, an alien who by fraud or willfully misrepresenting
3560 a material fact secures other documentation, you could in
3561 fact have a child who was brought to the United States say to
3562 their school that they are a U.S. citizen and they would be
3563 -- which happens from time to time and they would be barred
3564 under the gentlelady's amendment from having the benefit of
3565 the DREAM Act.

3566 I don't think -- I don't know if that what was intended
3567 but that could be the effect and I think that would be
3568 contrary to what we are trying to do with the bill.

3569 There is an exception for individuals prior to attaining
3570 the age of 16 but, certainly, there are plenty of young teens
3571 -- I have met them -- who at age 17 have made such
3572 representations who would be covered by this amendment.

3573 I think that we should not approve this and I therefore
3574 oppose it and yield back, Mr. Chairman.

3575 Mrs. Lesko. Would you please yield be some time to
3576 respond?

3577 Ms. Lofgren. I am sorry. I yielded back.

3578 Mr. Chabot. Mr. Chairman?

3579 Chairman Nadler. The gentlelady yields back.

3580 Mr. Chabot. Mr. Chairman?

3581 Chairman Nadler. The gentlelady from Arizona.

3582 Mrs. Lesko. Thank you.

3583 In response to what was just said, I want to remind

3584 everyone that there is an exception and I am just going to
3585 read it. "In the case of an alien making a representation
3586 described above in I, if each natural parent of the alien or
3587 in the case of an adopted alien, each adopted parent of the
3588 alien, or -- is or was a citizen whether by birth or
3589 naturalization the alien permanently resided in the United
3590 States prior to attaining the age of 16 and the alien
3591 reasonably believed at the time of making such representation
3592 that he or she was a citizen and the alien shall not be
3593 considered to be inadmissible under any provision of this
3594 subsection based on such representation."

3595 So I believe that there is an exception which I was
3596 proposing to include.

3597 Chairman Nadler. Would the gentlelady -- or the
3598 gentleman, whoever had a -- would the gentlelady yield for a
3599 question?

3600 Mrs. Lesko. Yes, I will.

3601 Chairman Nadler. So under what you just read, a 16- or
3602 17-year-old whose parents are not citizens, misrepresents
3603 that he is a citizen and actually thinks he is would be
3604 barred, correct?

3605 Mrs. Lesko. I am not sure if that is correct, sir.

3606 Chairman Nadler. Well, given what you have just read,
3607 the exception that you read does not cover that because it
3608 says one or both -- I don't have it in front of me but you

3609 just read one or both parents are citizens and what it is
3610 saying is that if he made a material misrepresentation,
3611 namely, he said he was a citizen, or she, and one or both of
3612 his parents were citizens, then he is not barred.

3613 But if neither of his parents are citizens, the clear
3614 implication, even if thought he was a citizen -- he didn't
3615 know that he was making a misrepresentation -- he would be
3616 barred and that is why this amendment is, frankly, dangerous
3617 in unforeseen circumstances, unnecessary, and I would urge
3618 people to oppose it.

3619 Ms. Lofgren. Would the gentleman yield?

3620 Mrs. Lesko. And do I still have time? I believe I have
3621 time.

3622 Ms. Lofgren. Yes, you do.

3623 Chairman Nadler. The gentleman from Ohio has the time.

3624 Mr. Chabot. I have got the time. The gentlelady can
3625 continue to have the time. I yield to the gentlelady.

3626 Mrs. Lesko. Thank you, Mr. Chabot.

3627 Well, you know, clearly, this is -- this is already law
3628 and, to me, it is unfair to put illegal aliens in front of
3629 people that are trying to enter our country legally,
3630 especially when they have committed fraud or willfully
3631 misrepresented material facts.

3632 I don't understand the objection and so I yield back my
3633 time.

3634 Mr. Chabot. I will -- reclaiming my time.

3635 Chairman Nadler. The gentleman from Ohio?

3636 Mr. Chabot. Reclaim my time. Yeah.

3637 I guess before my time runs out, I just want to, again,
3638 just make a point. Without the gentlelady's amendment
3639 passing, just as without the gentleman from California's, Mr.
3640 McClintock's, amendment being passed, essentially what we are
3641 doing is we are treating people that broke the law, people
3642 that came here illegally, better than people who tried to do
3643 it the right way, and to me that makes absolutely no sense.

3644 I would also make the point that when you say these
3645 children didn't come here of their own volition -- they were
3646 brought here by their parents -- if you -- if we give them
3647 favors that other people wouldn't get, essentially, you are
3648 inviting more people to see what those parents did and their
3649 children got to be legal.

3650 You are inviting a whole lot more people to do the same
3651 thing, to break the law, to come here illegally, and that is
3652 why we haven't solved this problem for literally decades now,
3653 and this passage without this amendment just makes it even
3654 worse.

3655 And I yield back.

3656 Chairman Nadler. I recognize myself in opposition to
3657 the amendment.

3658 Ms. Lesko just pinpointed, and Mr. Chabot too, really

3659 the heart of the bill. We are granting by this bill a right
3660 to people who didn't break the law -- their kids, or they
3661 were kids at the time.

3662 They didn't break the law. They were brought here,
3663 period, not by their own volition. And yes, we are saying
3664 that people who were brought here as minors, who may have
3665 been a year old or eight years old or whatever, for all
3666 practical purpose and may not even have known that they
3667 weren't born in the United States -- that they weren't
3668 American citizens, and maybe the younger siblings were born
3669 in the United States and don't even find out about it until
3670 they apply to college or for a work permit when they are 16,
3671 yes, the point of this bill is to say we are going to treat
3672 them -- we are going to establish a path to legalization for
3673 them and we are not going to nitpick because we recognize
3674 that for all practical purposes they are Americans and we
3675 want them to be Americans, period.

3676 To say that someone who inadvertently -- this is the
3677 amendment.

3678 I mean, that argument is really in the bill. To say
3679 that someone who materially misrepresents by saying he is a
3680 citizen when he thought he was and his parents aren't
3681 citizens, therefore he can be excluded, goes against the
3682 point -- the whole point of the bill.

3683 And yes, people who come here -- our whole system of

3684 immigration and the preferences is a whole separate debate
3685 and we are not going to get into that now.

3686 But people who were brought here as kids we are
3687 establishing in effect a preferential system because we
3688 recognize that as Americans. That is the point of the bill.
3689 If you don't like that, you are against the bill. Fine.

3690 Ms. Lofgren. Would the gentleman --

3691 Chairman Nadler. But we shouldn't put in gutting
3692 amendments which will find -- this isn't a gutting amendment,
3693 I am sorry -- amendments which every so often will find an
3694 unwitting victim for no particularly reason and say to this
3695 15-year-old kid, you are out.

3696 That doesn't make sense and I oppose the amendment.

3697 I will yield to the gentlelady from California.

3698 Ms. Lofgren. I thank the gentleman for yielding.

3699 False claim to citizenship does not require intent, and
3700 I remember a case that we were working on, just an individual
3701 case, of a baby whose parents had filed a false birth
3702 certificate who was barred from entry under false claims of
3703 citizenship.

3704 I remember Mr. Gohmert, if you will permit me to recall,
3705 you had a constituent who ran a small business. Remember
3706 this? We tried to work on this. Where he filled out his A
3707 number but also filled out that he was a U.S. citizen. He
3708 was deported because there is no excuse for false claims of

3709 citizenship.

3710 So this is really -- I don't question the motives but I
3711 think this is not a good amendment if we are trying to
3712 incorporate individuals who have been here as children into
3713 the country.

3714 And I thank the gentleman for yielding and yield back.

3715 Chairman Nadler. And I will simply say this amendment
3716 exacerbates an unfortunate situation, and I will yield back.

3717 The vote occurs on the amendment.

3718 All in favor, say aye.

3719 Opposed, no.

3720 The amendment is not agreed to.

3721 A recorded vote is requested. The clerk will call the
3722 roll.

3723 Ms. Strasser. Mr. Nadler?

3724 Chairman Nadler. No.

3725 Ms. Strasser. Mr. Nadler votes no.

3726 Ms. Lofgren?

3727 Ms. Lofgren. No.

3728 Ms. Strasser. Ms. Lofgren votes no.

3729 Ms. Jackson Lee?

3730 Mr. Cohen?

3731 Mr. Johnson of Georgia?

3732 Mr. Johnson of Georgia. No.

3733 Ms. Strasser. Mr. Johnson of Georgia votes no.

3734 Mr. Deutch?
3735 Ms. Bass?
3736 Mr. Richmond?
3737 Mr. Jeffries?
3738 Mr. Cicilline?
3739 Mr. Cicilline. No.
3740 Ms. Strasser. Mr. Cicilline votes no.
3741 Mr. Swalwell?
3742 Mr. Lieu?
3743 Mr. Lieu. No.
3744 Ms. Strasser. Mr. Lieu votes no.
3745 Mr. Raskin?
3746 Mr. Raskin. No.
3747 Ms. Strasser. Mr. Raskin votes no.
3748 Ms. Jayapal?
3749 Ms. Jayapal. No.
3750 Ms. Strasser. Ms. Jayapal votes no.
3751 Mrs. Demings?
3752 Mrs. Demings. No.
3753 Ms. Strasser. Mrs. Demings votes no.
3754 Mr. Correa?
3755 Mr. Correa. No.
3756 Ms. Strasser. Mr. Correa votes no.
3757 Ms. Scanlon?
3758 Ms. Scanlon. No.

3759 Ms. Strasser. Ms. Scanlon votes no.
3760 Ms. Garcia?
3761 Ms. Garcia. No.
3762 Ms. Strasser. Ms. Garcia votes no.
3763 Mr. Neguse?
3764 Mrs. McBath?
3765 Mr. Stanton?
3766 Mr. Stanton. No.
3767 Ms. Strasser. Mr. Stanton votes no.
3768 Ms. Dean?
3769 Ms. Dean. No.
3770 Ms. Strasser. Ms. Dean votes no.
3771 Ms. Mucarsel-Powell?
3772 Ms. Mucarsel-Powell. No.
3773 Ms. Strasser. Ms. Mucarsel-Powell votes no.
3774 Ms. Escobar?
3775 Mr. Collins?
3776 Mr. Sensenbrenner?
3777 Mr. Chabot?
3778 Mr. Chabot. Yes.
3779 Ms. Strasser. Mr. Chabot votes aye.
3780 Mr. Gohmert?
3781 Mr. Gohmert. Yes.
3782 Ms. Strasser. Mr. Gohmert votes aye.
3783 Mr. Jordan?

3784 Mr. Buck?

3785 Mr. Buck. Aye.

3786 Ms. Strasser. Mr. Buck votes aye.

3787 Mr. Ratcliffe?

3788 Mrs. Roby?

3789 Mr. Gaetz?

3790 Mr. Gaetz. Aye.

3791 Ms. Strasser. Mr. Gaetz votes aye.

3792 Mr. Johnson of Louisiana?

3793 Mr. Johnson of Louisiana. Aye.

3794 Ms. Strasser. Mr. Johnson votes aye.

3795 Mr. Biggs?

3796 Mr. Biggs. Aye.

3797 Ms. Strasser. Mr. Biggs votes aye.

3798 Mr. McClintock?

3799 Mr. McClintock. Aye.

3800 Ms. Strasser. Mr. McClintock votes aye.

3801 Mrs. Lesko?

3802 Mrs. Lesko. Aye.

3803 Ms. Strasser. Mrs. Lesko votes aye.

3804 Mr. Reschenthaler?

3805 Mr. Reschenthaler. Aye.

3806 Ms. Strasser. Mr. Reschenthaler votes aye.

3807 Mr. Cline?

3808 Mr. Cline. Aye.

3809 Ms. Strasser. Mr. Cline votes aye.

3810 Mr. Armstrong?

3811 Mr. Steube?

3812 Mr. Steube. Yes.

3813 Ms. Strasser. Mr. Steube votes yes.

3814 Chairman Nadler. Are there any members who wish to vote

3815 who haven't voted yet?

3816 Are there any members running down the hall who can

3817 respond? We will wait a moment.

3818 The gentleman from Tennessee.

3819 Mr. Cohen. No.

3820 Ms. Strasser. Mr. Cohen votes no.

3821 Chairman Nadler. The gentleman from Florida?

3822 Mr. Deutch. No.

3823 Ms. Strasser. Mr. Deutch votes no.

3824 Chairman Nadler. Are there any other members running

3825 down the hall?

3826 The clerk will report.

3827 Ms. Strasser. Mr. Chairman, there are 11 ayes and 16

3828 noes.

3829 Chairman Nadler. The amendment is not agreed to. Are

3830 there any further amendment?

3831 Mr. Gaetz. Mr. Chairman?

3832 Chairman Nadler. The gentleman from Florida?

3833 For what purpose does the gentleman from Florida seek

3834 recognition?

3835 Mr. Gaetz. I have an amendment at the desk.

3836 Chairman Nadler. The gentleman has an amendment at the
3837 desk.

3838 Ms. Lofgren. I reserve a point of order.

3839 Chairman Nadler. The gentlelady reserves a point of
3840 order. The clerk will report.

3841 Ms. Strasser. Amendment to the amendment in the nature
3842 of a substitute to H.R. 2820 offered by Mr. Gaetz of Florida.

3843 Chairman Nadler. Without objection, the amendment will
3844 be considered as read.

3845 [The amendment of Mr. Gaetz follows:]

3846

3847 Chairman Nadler. The gentleman is recognized to explain
3848 his amendment.

3849 Mr. Gaetz. Well, thank you, Mr. Chairman.

3850 Earlier, I heard one of my colleagues on the Democratic
3851 side say that we want to keep communities safe and we want to
3852 keep our promises to DREAMers, and it is in that spirit that
3853 I offer this amendment because I don't believe anyone has
3854 made a promise to DREAMers that they can wave guns around.

3855 And so I would seek to enhance the legislation by
3856 ensuring that anyone who comes to the country and is
3857 convicted of a misdemeanor offense that is gun related not be
3858 given the amnesty that is laid forth in the bill.

3859 There are certain circumstances in the bill where
3860 felonies related to firearms would make someone ineligible to
3861 achieve amnesty. But if they commit a misdemeanor firearm
3862 offense they would be able to access amnesty. There are a
3863 few reasons why this is unsafe.

3864 There are misdemeanor offenses that involve the
3865 brandishing of weapons, the unlawful exhibition of firearms,
3866 the keeping of a firearm in a way that is unsafe in a
3867 household with someone who could potentially use that firearm
3868 to harm themselves.

3869 What we have already seen in this hearing is that it
3870 doesn't seem to concern my Democratic colleagues if people
3871 with just one criminal gang tattoo come into the United

3872 States and achieve amnesty.

3873 And so my hope is that if we have got people that they
3874 are okay with being here that are criminal -- you know,
3875 because who doesn't just get one criminal gang tattoo?

3876 I mean, heck, that is just -- that could happen to
3877 anybody. Wrong place, wrong time. All of a sudden you end
3878 up with a Zeta tattoo on your forehead or a MS-13 marking on
3879 your arm.

3880 But be that as it may, could we at least say that we are
3881 sincere about the efforts to reduce gun violence? I know
3882 that in the Judiciary Committee we have had multiple hearings
3883 and heard legislation regarding gun violence.

3884 And so I would hope that in the effort to reduce the
3885 instances of those occurrences we wouldn't want people in the
3886 country who break our gun laws.

3887 Now, it is my expectation that my colleagues on the left
3888 will say, "Well, there is a blanket provision that says that
3889 the Secretary of Homeland Security under any condition for
3890 public safety can deny someone this specific brand of
3891 amnesty."

3892 There are a few reasons why that is insufficient.
3893 First, I know of no circumstance where any secretary is going
3894 to be combing through individual offenses on misdemeanors.

3895 Second, I am not entirely certain that these misdemeanor
3896 offenses are aggregated and collected in one centralized

3897 repository such to allow the effective location of those for
3898 the secretary his or herself.

3899 Finally, the provision as written is functionally
3900 useless. Under the bill, the secretary has the ability to
3901 deny a green card based on a public safety concern but it is
3902 so curtailed that it is practically unsustainable.

3903 And so if my Democratic colleagues are sincere about
3904 reducing gun violence, then presumably they wouldn't want
3905 people in the country who have come here illegally, who have
3906 committed a gun-based offense, who were convicted of that
3907 offense, and who then seek the amnesty of the United States.

3908 Join with us. Help us reduce gun violence and please
3909 approve my amendment.

3910 I yield back, Mr. Chairman.

3911 Ms. Lofgren. Mr. Chairman?

3912 Chairman Nadler. For what purpose does the gentlelady
3913 from California seek recognition?

3914 Ms. Lofgren. First, to withdraw my point of order and
3915 then to strike the last word.

3916 Chairman Nadler. Gentlelady is recognized.

3917 Ms. Lofgren. I think this is a solution really in
3918 search of a problem. No one wants to give benefits to
3919 dangerous criminals and this bill accomplishes that by
3920 barring applicants convicted of a serious or repeat offenses
3921 and by authorizing the secretary to deny those who pose a

3922 threat to public safety, even if they have a single
3923 misdemeanor.

3924 Now, most serious gun offenses are felonies. The bill
3925 categorically bars an individual for any conviction that can
3926 result in a sentence of more than one year.

3927 Under federal law and in most states, serious gun
3928 offenses are punishable as felonies or aggravated
3929 misdemeanors, which generally supports sentences of up to two
3930 years in prison, and in many states mere possession of a
3931 firearm either without a permit or as prohibited possessor is
3932 a felony or aggravated misdemeanor.

3933 These people are already ineligible under the bill. As
3934 noted above, anyone who is convicted of any offense that is
3935 punishable by a maximum term of imprisonment of more than one
3936 year is barred, even if the individual receives no sentence
3937 at all.

3938 Now, it is worth pointing out that crimes involving
3939 moral turpitude are also bars to participation in this
3940 program. The bill -- one such conviction -- a gun conviction
3941 -- can be disqualifying if it involves a sentence of more
3942 than six months and any two such convictions are
3943 disqualifying regardless of conviction.

3944 And I will just note that the use of a firearm in the
3945 course of other crimes, firearms discharged at an occupied
3946 building or vehicle, carrying a concealed weapon with intent

3947 to use are all crimes of moral turpitude and there is case
3948 law supporting that finding.

3949 Lesser offenses should not be disqualifying without
3950 more. As noted above, the egregious gun offenses are already
3951 disqualifying. But there are places -- probably not my
3952 district, but there are places in the United States where the
3953 gun culture is such that people have a lot of guns.

3954 There are people who believe that they need to have a
3955 firearm in their home for protection purposes. The reality
3956 is there are so many variables in state law and so many
3957 situations that to bar a permanent residence to a single
3958 firearms conviction would unfairly punish people who should
3959 instead be protected.

3960 And as we have noted, we have the fail-safe that if the
3961 secretary makes a finding that the person is currently a
3962 threat to public safety, even if it is a single misdemeanor
3963 offense, he has the authority to deny that application.

3964 So I don't believe there is any need for this amendment
3965 and I would oppose the amendment and hope that we can move to
3966 the next one.

3967 And with that, I would yield back.

3968 Mr. Cicilline. Mr. Chairman? Mr. Chairman?

3969 Chairman Nadler. The gentleman from Rhode Island?

3970 Mr. Cicilline. I move to strike the last word.

3971 Chairman Nadler. I am sorry. I am sorry. Did --

3972 Mrs. Lesko. Yes. Mr. Chairman?

3973 Chairman Nadler. The gentlelady from Arizona.

3974 Mrs. Lesko. Thank you. I move to strike the last word.

3975 You know, this is quite amusing to me because first we

3976 had an amendment that said you would be ineligible if you

3977 committed a DUI offense and the Democrats voted that down.

3978 Then we had an amendment that said if there is evidence

3979 that you are a gang member, then you wouldn't be eligible and

3980 the Democrats voted that down.

3981 Then we had my amendment that said hey, if you commit

3982 fraud or material misrepresentation when you are applying you

3983 wouldn't be eligible, and the Democrats voted that one down.

3984 And now I guess you are going to vote this one down too

3985 that says if you committed a misdemeanor firearms offense,

3986 you know, then you are still -- you know, why not? Why not

3987 be a gang member, you know, fraud -- commit fraud,

3988 misrepresentation, DUI. Why not? Come on in.

3989 So with that, I yield my time to my colleague from

3990 Florida, Mr. Gaetz.

3991 Mr. Gaetz. I thank the gentlelady for yielding.

3992 And I guess we found the first gun control the Democrats

3993 can't support. I mean, you know, we heard a long explanation

3994 about moral turpitude and generalities about some states.

3995 But I find it really remarkable that you guys want to

3996 give amnesty to gun criminals -- to gun criminals that could

3997 have at least one criminal gang tattoo.

3998 And while the gentlelady from Washington spoke in these
3999 generalities, well, she says, there is a lot of states where,
4000 you know, these things would be considered felonies anyway.

4001 Well, I will give specifics to counter those
4002 generalities. In the state of Virginia brandishing a firearm
4003 is not a felony. It is a misdemeanor. In the state of
4004 Florida, improper exhibition of a firearm is a misdemeanor,
4005 not a felony.

4006 In California, improperly storing a firearm while
4007 sharing a residence with a person that is prohibited from
4008 keeping a gun is a misdemeanor.

4009 So if someone is not allowed to have a gun and you
4010 harbor them in your home and you are the reason they have
4011 access to a gun, that is a misdemeanor and it is a crime that
4012 should result in the deprivation of the amnesty the Democrats
4013 seek to provide in this committee.

4014 So I would hope that if you guys want to give guns to
4015 criminal illegal aliens that you would at least have the
4016 ability to comb through some specific statutes in cases where
4017 that was occurring.

4018 I also wanted to respond to the blanket assertion that,
4019 well, there are crimes of moral turpitude that could result
4020 in these gun offenses leading to a deprivation of amnesty.

4021 But that is so -- that does not account for the vast

4022 majority of gun offenses that are regulatory in nature where
4023 people have a gun who shouldn't.

4024 So, honestly, you guys accepted one of my amendments in
4025 the last markup because you thought it was okay and didn't
4026 hurt your bill. I was hoping that you would be in favor of
4027 depriving people who break gun laws from amnesty.

4028 But if the way this is going to roll is that Democrats
4029 in the committee are going to vote to give amnesty to gun
4030 criminals, I really think that that pollutes your message and
4031 pollutes the work that you try to do.

4032 Ms. Lofgren. Would the gentleman yield?

4033 Mr. Gaetz. Gladly.

4034 Ms. Lofgren. Thank you. I just wanted to note that on
4035 Page 10 of the bill we have some guidance for the secretary
4036 as he makes public safety determinations and one of the
4037 things that is in that guidance is that he should determine
4038 whether the elements of the offense include the unlawful
4039 possession or use of a deadly weapon to commit an offense or
4040 other conduct intended to cause serious bodily harm.

4041 So we are directing the secretary --

4042 Mr. Gaetz. I appreciate that. I am going to reclaim my
4043 time.

4044 Ms. Lofgren. And the time is yours.

4045 Mr. Gaetz. Yeah. I am going to reclaim my time because
4046 there are a few notations that the gentlelady may want to --

4047 may want to reference.

4048 In the bill the secretary is barred from delegating
4049 these duties. So it is not as if some undersecretary or some
4050 other person can engage in these reviews for gun crimes.

4051 It is a nondelegable duty that the secretary maintains.
4052 And what is even more egregious is that if that were to occur
4053 -- if the process the gentlelady laid out were to happen, the
4054 U.S. taxpayer has to hire a lawyer for the person to be able
4055 to appeal that deprivation of amnesty.

4056 Ms. Lofgren. If the gentleman would yield.

4057 Mr. Gaetz. Gladly.

4058 Ms. Lofgren. That is not correct. In fact, we have
4059 made sure that there would be no taxpayer funds. The funding
4060 for counsel is provided by an additional fee on the Dreamer
4061 applications so there would be no taxpayer funding.

4062 Mr. Gaetz. Very well. It is -- it is a fee paid but it
4063 is a lawyer that is hired to take this to the Supreme Court
4064 if necessary.

4065 And so we would -- we would literally by ensuring that
4066 lawyers existed to be able to litigate the rights of people
4067 who broke gun laws to get amnesty.

4068 So, again, the very first gun control that Democrats and
4069 Judiciary Committee oppose. What -- how rich is that?

4070 I yield back.

4071 Mr. Cicilline. Mr. Chairman?

4072 Chairman Nadler. I would yield to the gentlelady from
4073 Georgia.

4074 Mrs. McBath. Thank you, Mr. Chairman.

4075 I move to strike the last --

4076 Chairman Nadler. The gentlelady -- excuse me, she is
4077 recognized. I am not yielding.

4078 I recognize the gentlelady from Georgia.

4079 Mrs. McBath. Thank you.

4080 Mr. Chairman, I move to strike the last word.

4081 Chairman Nadler. The gentlelady is recognized.

4082 Mrs. McBath. Thank you so much.

4083 Everyone in this room -- if you know my history, you
4084 know that I have been adversely affected by gun violence and
4085 everyone in this room knows that I take gun violence very,
4086 very seriously.

4087 But this amendment is absolutely not necessary. It just
4088 is not necessary. Most gun offenses are felonies. So even a
4089 single offense will be disqualifying and the public safety
4090 provisions that we have talked about earlier today they will
4091 address all of these concerns.

4092 So I would hope that my colleagues would not listen to
4093 this fodder. I hope that my colleagues would understand that
4094 we have gone to great lengths to make sure that provisions
4095 are put in place so that no one who has committed gun
4096 offenses will be able to come to the United States and

4097 become, effectively, an American citizen.

4098 We have gone to great lengths to make sure that we are
4099 putting in every caveat that prevents that.

4100 Mr. Gaetz. Will the gentlelady yield?

4101 Mrs. McBath. No, I will not. And I just want to say I
4102 hope that my colleagues will not listen to this fodder and
4103 this is -- this legislation is sound, and I hope that you
4104 will listen to the truth and not be swayed by untruths that
4105 would continue to disregard what is really happening in this
4106 room.

4107 And I hope that we are making sure that we are really
4108 paying attention to allowing people that have the ability to
4109 come here for a better way not be used as scapegoats.

4110 And I yield back.

4111 Mr. Gaetz. Will the gentlelady yield? Will the
4112 gentlelady yield?

4113 Mrs. McBath. Yield back.

4114 Chairman Nadler. The gentlelady yielded back.

4115 Who seeks recognition?

4116 Mr. Cicilline. Mr. Chairman?

4117 Chairman Nadler. The gentleman from Rhode Island.

4118 Mr. Cicilline. Thank you. Move to strike the last
4119 word.

4120 While I appreciate the effort of my colleague from
4121 Florida to try to add or make some improvement on this bill,

4122 unfortunately, he does not and this is actually very much a
4123 problem -- a solution in search of a problem.

4124 First of all, there -- it is already a felony for a
4125 person to be in possession of a firearm who is not a citizen
4126 of the United States.

4127 It is a felony under federal law and it is a felony
4128 under state law. So it is already by the very language of
4129 this statute barred. That is a -- that it makes a person
4130 ineligible to be -- to be made available for the DREAM Act.

4131 There is no waiver in the bill for that. So it is a
4132 statutory ineligibility already. So this is -- this is --

4133 Mr. Gaetz. Will the gentleman yield for a question?

4134 Mr. Cicilline. No. No, I am not quite done yet.

4135 So and the statute just as an example, possession of a
4136 firearm by a noncitizen in the Virginia Code, Section 18.2-
4137 308.201 makes it a felony. That is just an illustration.

4138 So it is already a felony, which is barred -- which
4139 means the person is ineligible for the benefits of the DREAM
4140 Act.

4141 What I find so sad and disappointing is I can say that
4142 the hearing we had with the DREAMers before this committee
4143 was one of the most moving extraordinary hearings in all of
4144 my time in Congress where we had individuals who were
4145 graduates of Harvard University and Rhodes Scholars and
4146 students at medical university, at UNM and a Ph.D. student at

4147 UCLA.

4148 These are the stories of this country -- immigrants who
4149 came here as young children who are making extraordinary
4150 contributions to this country. I thought we were going to
4151 have amendments that said things like, let us accelerate
4152 consideration of your application if you are a medical doctor
4153 serving a community in need or accelerate consideration of an
4154 application if you are a scientist doing lifesaving research,
4155 or accelerate their application's consideration if you are
4156 leading a nonprofit agency that is doing important social
4157 justice work.

4158 Or maybe another amendment to accelerate consideration
4159 of an application if you are an entrepreneur, building a
4160 business, hiring citizens of this country to work. Those are
4161 the experiences that I have with DREAMers.

4162 And so rather than that, every amendment we have had it
4163 seems imagines all of these young children who came here to
4164 live the American dream and who have come America their home
4165 are criminals and dishonest and dangerous, and we are even
4166 making up amendments that make no sense because these
4167 individuals who are in possession of firearms are already
4168 statutorily barred.

4169 So you can play a game and say, oh, we tricked the
4170 Democrats. You are better than that. I urge you to withdraw
4171 the amendment.

4172 Mr. Gaetz. Will the gentleman yield?

4173 Mr. Cicilline. And I won't ask for an apology. Just
4174 simply withdraw the amendment.

4175 Mr. Gaetz. Well, how about yielding?

4176 Mr. Cicilline. I will yield to Mr. Correa, and then to
4177 you.

4178 Mr. Correa. Thank you very much.

4179 I just want to say maybe you ought to have an amendment
4180 that accelerates this process for those DREAMers that are in
4181 the armed forces.

4182 I have with me a picture of John, U.S. Army American
4183 soldier. He grew up in southern California, joined the U.S.
4184 Army March the 18th. Shipped out a few months ago. He is a
4185 warrior. He is a patriot and he is also a Dreamer.

4186 Thank you very much.

4187 Mr. Cicilline. And I am happy to yield to Mr. Gaetz.

4188 Mr. Gaetz. I thank the gentleman for yielding.

4189 And in the circumstances the gentleman describes where
4190 all these individuals are already felons, would the gentleman
4191 conceded that that presupposes that there is a conviction
4192 reflecting that felony whereas in other circumstances there
4193 might be a misdemeanor conviction --

4194 Mr. Cicilline. Well, reclaiming my time.

4195 It doesn't presuppose it. But it makes it clear,
4196 certainly, that those individuals have committed a felony.

4197 Much of this relies on, of course, law enforcement enforcing
4198 the criminal law.

4199 There is also a provision in the bill that authorizes
4200 the secretary to take that into account, and I will yield the
4201 balance of my time to Mr. Raskin.

4202 Mr. Raskin. Thank you, Mr. Cicilline. Thank you for
4203 pointing out the obvious, which is it is a felony for an
4204 alien to possess a firearm in the first place. So they
4205 already qualify under the statute. It seems like our friends
4206 are doing double and triple back flips in order to find
4207 something wrong here in order to completely mischaracterize
4208 the legislation.

4209 This is about allowing more than a million people who
4210 are here, who are in college like at the University of
4211 Maryland or Montgomery College, people in the armed services,
4212 people who are out in the workforce to get on with their
4213 lives.

4214 And so our friend from Florida taunts us by saying this
4215 is the first gun control bill that he can find that the
4216 Democrats oppose.

4217 Well, then this is the first gun safety bill that we
4218 have been able to find that you support. We voted for a bill
4219 to close the internet loophole, to close the private gun show
4220 loophole, which is supported by 97 percent of the American
4221 people -- the vast majority of Republicans, Democrats,

4222 Independents.

4223 We voted to close that and you opposed it, and now you
4224 come here today pretending like you are some kind of big gun
4225 safety champion. I am speaking broadly out there.

4226 And I just think that that argument is beneath the
4227 committee. I yield back to the gentleman from Rhode Island.

4228 Chairman Nadler. The gentleman --

4229 Mr. Cicilline. I yield back, Mr. Chairman.

4230 Chairman Nadler. The gentleman's time has expired.

4231 The gentleman from -- for what purposes -- has he spoken
4232 on this amendment yet?

4233 Mr. Biggs. No, I haven't spoken.

4234 Chairman Nadler. The gentleman from -- for what
4235 purposes does the gentleman from Arizona seek recognition?

4236 Mr. Biggs. Move to strike the last word.

4237 Chairman Nadler. The last word is duly struck. The
4238 gentleman is recognized.

4239 Mr. Biggs. Thank you, Mr. Chairman. And I will yield
4240 to the gentleman from Florida, Mr. Gaetz.

4241 Mr. Gaetz. I thank the gentleman for yielding.

4242 I mean, we are watching words that don't match the
4243 reality of the language that is before us in the bill. I
4244 heard the gentlelady from Georgia say, we have approved every
4245 caveat to protect people from gun violence.

4246 If that were true, you would approve this amendment. I

4247 mean, if this amendment does no harm -- if you are saying it
4248 is already covered, why wouldn't you vote for it?

4249 The approval of this amendment would reflect caring to
4250 the extent that you have accepted every caveat. But instead
4251 there is this talk of generalities.

4252 So I also want to reflect on the gentleman from Rhode
4253 Island, Mr. Cicilline, saying how moving these hearings were
4254 with DREAMers with exceptional experiences and inspiring life
4255 stories.

4256 Well, of course. You guys are trying to do amnesty.
4257 You didn't bring in the people that are guilty of gun crimes
4258 to sit before us. You didn't bring before us the people that
4259 have just that one gang tattoo to sit before us.

4260 Instead, you brought forward great folks and there is no
4261 --

4262 Mr. Cicilline. Will the gentleman yield? You had a
4263 witness you could have brought in. You had one seat.

4264 Mr. Gaetz. I certainly will. Just as you yielded at
4265 the conclusion of your remarks I will yield to you at the
4266 conclusion of mine.

4267 And so the nature of your hearings cherry picks
4268 circumstances and we have to make laws not for the best among
4269 us but for the potential risks that could occur.

4270 There are DREAMers who have committed crimes. There are
4271 DREAMers who have committed homicides. Now, that doesn't

4272 mean that we can't work together to find a policy that
4273 advances the interests of our nation.

4274 But it most certainly does not do so when we allow
4275 people who are gun criminals to access amnesty. That is what
4276 this is. You guys can call it whatever you want. You can
4277 make reference to other provisions in the bill.

4278 But if you were really serious about protecting the
4279 American people from gun -- from all gun crimes in every
4280 circumstance, whether they are regulatory or not in nature,
4281 you would approve this amendment.

4282 But just because it is offered by a Republican you
4283 won't, which is the sad thing because, frankly, we do have a
4284 crisis on the border right now and if the message you send in
4285 the midst of that crisis is that our highest priority -- the
4286 first thing we got to deal with -- it is not the kids dying
4287 who are baking on the concrete under tarps, it is not the
4288 fact that we invite now upwards of 4,000, 5,000 people a day
4289 here through our policies, it is not the fact that our broken
4290 asylum system is actually what is leading to more of these
4291 newborns and infants and toddlers being brought here with no
4292 agency over that decision. These are the policies we have
4293 created and we could actually work together to fix them.

4294 But Democrats on this committee are so motivated to
4295 extend the most egregious forms of amnesty -- your base is
4296 already worried that you have -- that you have excluded too

4297 many people from the bill -- that you can't accept a symbol
4298 amendment that says if someone is a gun criminal that you
4299 wouldn't give him amnesty.

4300 I will yield to the gentleman from Rhode Island.

4301 Mr. Biggs. I am reclaiming --

4302 Mr. Cicilline. Thank you.

4303 Just to be clear --

4304 Mr. Biggs. Reclaiming my time. Reclaiming my time.

4305 Mr. Cicilline. I think it is --

4306 Mr. Biggs. Yes, it is my time.

4307 Chairman Nadler. The gentleman from Arizona can talk.

4308 Mr. Cicilline. Oh, okay. Sorry.

4309 Mr. Biggs. But I will yield to you, Mr. Cicilline, the
4310 gentleman from Rhode Island.

4311 I just want to make sure that I get --

4312 Mr. Cicilline. Absolutely. Thank you. I appreciate
4313 you yielding.

4314 I just want to say that when we had the hearing with the
4315 DREAMers, as you well know, of course, the Republicans have
4316 an opportunity to bring witnesses, too, and of course there
4317 were no witnesses you brought forth that made the claim that
4318 there were all these gun crimes being committed by DREAMers.

4319 In fact, your own witness was testifying in support of
4320 the DREAM Act. So it was a wonderful example of the wonder
4321 of immigrants who have come to this country and made such

4322 extraordinary contributions.

4323 Your own witness confirmed that. If this were a real
4324 issue you would have had a witness that made a claim that, oh
4325 my goodness, all kinds of gun misdemeanors are coming in.
4326 This is a make believe issue. I urge my colleague to
4327 withdraw the amendment, and I yield back.

4328 Mr. Biggs. Okay. Reclaiming -- thank you. Reclaiming
4329 my time. I am going to yield to the gentleman from Georgia
4330 for about 45 seconds.

4331 Mr. Collins. I appreciate that, and I appreciate the
4332 gentleman talking about that because our witness did support
4333 DREAMers, which on our side we have supported DACA and that
4334 fix, but he also said that there had to be security. There
4335 had to be border security. There had to be a process in
4336 which this doesn't become a revolving door process.

4337 So our witness did do that. We would -- I would support
4338 this amendment but also this is something that we want to
4339 fix. We just don't want to fix it to where there is an open
4340 end, as we have seen in this bill, with problems in it.

4341 I yield back to the gentleman from Arizona.

4342 Mr. Biggs. Thank you, and I yield to the gentleman from
4343 Florida, Mr. Gaetz.

4344 Mr. Gaetz. The number of DACA requesters who were
4345 approved with an arrest -- approved with an arrest -- is
4346 59,786. I know we get to bring witnesses to the committee.

4347 But I think the committee room would have been a little full
4348 if we would have brought all of them.

4349 And so, again, I cannot believe that this is even a
4350 source of dispute or disagreement. Why wouldn't you just
4351 approve an amendment that says if you committed a gun crime
4352 we don't give you a special form of amnesty? It is so basic.

4353 And, you know, I think guys will own this one. I yield
4354 back.

4355 Chairman Nadler. The gentleman yields back.

4356 Mr. Biggs. And I yield back.

4357 Chairman Nadler. For what purpose does the gentleman
4358 from Georgia seek recognition?

4359 Mr. Johnson of Georgia. Move to strike the last word.

4360 Chairman Nadler. The gentleman is recognized.

4361 Mr. Johnson of Georgia. Mr. Chairman, I think it is
4362 unfortunate when we talk about illegal aliens and we talk
4363 about amnesty. We are talking about DACA recipients here,
4364 people who were -- who have not committed an offense or
4365 violated the law. That is what amnesty means -- giving
4366 somebody a break from violating the law.

4367 These folks, though they may be in technical violation,
4368 they have committed no breach of the law. And to refer to
4369 them as illegal aliens, I mean, I -- when I close my eyes and
4370 think about an illegal alien I do think about somebody from
4371 out of the world -- some out of the world individual teeming

4372 with tentacles and just a frightening entity.

4373 And then when I put guns in the hands of a frightening
4374 monster, it really raises -- it heightens my sensitivities
4375 and makes me afraid.

4376 I think the effect on the people watching on C-SPAN is
4377 to -- is to generate fear and passion and just alienation of
4378 these illegal aliens, these monsters who are seeking to
4379 invade our country and just going to do harm to us either
4380 through firearms or through fraud or through DUI.

4381 You know, one way or the other, however we can --
4382 however we can get folks to act with passion against our
4383 fellow human beings that is what the effect of what we are
4384 doing is and that is the effect it is having on people, and
4385 it is wrong for us to do that.

4386 We are trying to get relief for people who are suffering
4387 and live in fear in this country, trying to make a
4388 contribution to the lives of us all. And it is unfortunate
4389 that we are going to go through this for the next few hours
4390 and on into the night.

4391 And I will yield to the gentleman from Maryland.

4392 Mr. Raskin. Thank you very much, Mr. Johnson. Thanks
4393 for that eloquent and important statement that amnesty is a
4394 misnomer in this context.

4395 And I just want to echo that sentiment by reminding
4396 everybody about the Supreme Court's great decision in 1982

4397 called *Plyler vs. Doe* where there was an effort to exclude
4398 the children of undocumented parents from public schools in
4399 Texas and the Supreme Court said that that is a violation of
4400 equal protection because they are here through no fault of
4401 their own.

4402 They were not the ones who violated the law, and it
4403 would simply be unthinkable under our constitutional system
4404 of government and the recognition of the equal protection
4405 rights and the dignitary rights of the people and the
4406 educational rights of the people that we would deny them an
4407 opportunity to go to school.

4408 So what we are doing follows through on that
4409 constitutional commitment. I yield back to you, Mr. Johnson.

4410 Ms. Jayapal. Mr. Johnson?

4411 Mr. Johnson of Georgia. I will yield to the gentlelady
4412 from Washington.

4413 Ms. Jayapal. Thank you so much for yielding.

4414 I just think this is somewhat amusing that my good
4415 colleague from Florida suddenly cares about guns. My
4416 colleague said, we make laws based on the worst of us. Well,
4417 if that were true then you would have voted for the two gun
4418 bills that we passed through this committee and passed on the
4419 floor. But I didn't see any support for that.

4420 And as my colleague from Maryland said, that is -- those
4421 are bills that had 97 percent support across the country

4422 because they were legislating towards the worst of us.

4423 And I don't -- I think that if you are really concerned
4424 about public safety then here are a couple things to work on.
4425 Here is an article from the New York Times, "Trump's
4426 Immigration Crackdown has Blunted Police Efforts to be Tough
4427 on Crime."

4428 And it goes on to say that Trump's hard line campaign to
4429 limit immigration has undercut his own "tough on crime"
4430 agenda, law enforcement officials said, by worsening major
4431 delays in a visa program intended to help the police pursue
4432 violent criminals.

4433 I mean, it goes on. And I would just say that it feels
4434 like every time there is an opportunity to bring up
4435 undocumented immigrants in the context of something bad,
4436 there are too many of my colleagues on the other side of the
4437 aisle who I believe are good people who do that, and I would
4438 just urge you to please not do that.

4439 And I wanted to say something earlier about the term
4440 alien. I know it is a legal term.

4441 But I will tell you that when I came here when I was 16
4442 years old by myself and I am standing in the line at the
4443 airport and somebody said, "Somebody go take care of those
4444 aliens," I understood exactly what that meant to me. I have
4445 thought about that term. I wish we could change that term in
4446 the law because I don't think it is an appropriate way to

4447 deal with things.

4448 I understand there is no misintent potentially intended.
4449 But then when it is combined with the word illegal -- illegal
4450 alien, illegal alien -- no human being is illegal. And I
4451 would just urge that we continue to use the word undocumented
4452 when we are talking about people who do not have papers, and
4453 certainly in this context people who are American in every
4454 way except for that piece of paper.

4455 I yield back.

4456 Mr. Johnson of Georgia. I yield back.

4457 Chairman Nadler. Who seeks recognition?

4458 Mr. Buck. Thank you, Mr. Chairman.

4459 I just want to make sure that the gentlewoman from
4460 Washington and the gentleman from Georgia are aware that the
4461 word alien appears in the bill before us.

4462 Okay. You said it was a legal term. I want to make
4463 sure --

4464 Ms. Jayapal. If the -- if the gentleman would just
4465 yield.

4466 I just want to clarify I acknowledge that. I said it is
4467 the legal term that is in use in our immigration laws. It is
4468 something I have never appreciated and I said that is why I
4469 understand there is no misintent necessarily meant when that
4470 term is used by my colleagues on the other side of the aisle.

4471 When it is combined with illegal, which I don't think is

4472 a term that has consistently been used in law, it undermines
4473 the basic humanity.

4474 And we can have another discussion about this and I
4475 would love to tell you exactly why that term is so
4476 dehumanizing for people.

4477 And then you put both of those terms in the context of
4478 arguments that somehow immigrants are committing all these
4479 crimes when all of the statistics show that immigrants commit
4480 crimes at much lower rates than even than U.S.-born citizens
4481 do.

4482 So that is my only point. I understand it is in the
4483 law. I was not -- I was actually acknowledging that point.
4484 But saying that we need to start having a discussion about
4485 how we dehumanize immigrants in our conversations and this
4486 was my contribution to that, having been called an alien many
4487 times because it is in the law. I hope we change that.

4488 Mr. Buck. And I want to go one step further, if the
4489 gentlelady -- I will reclaim my time.

4490 But I think it is legitimate and not illegitimate in
4491 this case to say that we want to promote public safety across
4492 the board, and if we can do that in this situation by
4493 reducing the number of individuals that have misdemeanor gun
4494 crimes in this country we should try to do it.

4495 There is -- there are additional tools that we have --
4496 and I still consider myself a prosecutor impersonating a

4497 congressman -- but we have in law enforcement that in one of
4498 those tools when someone is in this country illegally or
4499 doesn't have proper documentation, whatever the word is --
4500 the term is you want to use, we can deport that person.

4501 So someone that commits a crime here can be subject to
4502 incarceration or they can be deported, and if we have jails
4503 that are or prisons that are overcrowded, the tool of
4504 deporting someone is available.

4505 And I think in this situation Mr. Gaetz is offering a
4506 good faith amendment to attempt to reduce. Now, it may just
4507 be that there are 2,000 out of a million individuals who have
4508 -- and in Colorado one of the misdemeanor gun crimes is
4509 possessing a certain type of weapon.

4510 Some call it an assault rifle or something. It would be
4511 possessing a magazine that has a capacity over 10 rounds, 12
4512 rounds, whatever it is in some states.

4513 Those are misdemeanor gun crimes. And if there are a
4514 number of people that have committed misdemeanor gun crimes
4515 and have not been convicted of a felony under federal law, it
4516 is -- it promotes public safety to make sure that those
4517 individuals don't receive the benefits -- I am not calling it
4518 amnesty -- but the benefits of this legislation.

4519 And I think that it would be appropriate, and we can --
4520 we can certainly try to examine each other's motives in terms
4521 of why we didn't vote for a gun control bill that was in

4522 committee earlier.

4523 But this is a fair attempt and it doesn't affect a lot
4524 of individuals, clearly. I can tell you from my experience
4525 in eastern Colorado the vast majority of people that are in
4526 the country illegally or are without proper documentation are
4527 good hard-working people. I absolutely acknowledge that.

4528 But for those that aren't in this country in that
4529 capacity we should do our very best to make sure that they
4530 don't stay in this country, and I think that is what --

4531 Ms. Jayapal. Would the gentleman yield?

4532 Mr. Buck. I will yield.

4533 Ms. Jayapal. Thank you so much.

4534 And I agree with you. I think no one wants to give
4535 legal status to dangerous criminals and I think what we have
4536 said over and over again what Ms. Lofgren and others have
4537 said over and over again is built into this bill are many
4538 protections against that, and I can go through that again.

4539 Most serious gun offenses are felonies. Other gun
4540 offenses are crimes involving moral turpitude. Lesser
4541 offenses should not be disqualifying without more.

4542 We have actually taken into account I think something
4543 that we agree on which is that we don't want to give legal
4544 status to dangerous criminals.

4545 The bill accomplishes that, and it bars applicants
4546 convicted of a serious or repeat offenses and it authorizes

4547 the secretary to deny those who pose a threat to public
4548 safety even if they only have a single misdemeanor.

4549 So I think my point is this is already contained --
4550 protections are already contained in the bill and that is
4551 exactly why it seems --

4552 Mr. Buck. I am going to reclaim my time because I am
4553 running out of time. I apologize.

4554 Ms. Jayapal. Yes. Go ahead.

4555 Mr. Buck. But I just want to make the last point, and
4556 that is that there are protections in this bill. But they
4557 are not enough.

4558 And all we are asking for is to close a loophole and we
4559 would appreciate the support of the majority in that regard.

4560 I yield back.

4561 Chairman Nadler. The gentleman yields back.

4562 The gentlelady from Pennsylvania, Ms. Dean, is -- for
4563 what purpose does she seek recognition?

4564 Ms. Dean. To strike the last word.

4565 Chairman Nadler. The gentlelady is recognized.

4566 Ms. Dean. Thank you, Mr. Chairman.

4567 You know, I am listening to this conversation and it is
4568 quite clear that this language of the proposed amendment from
4569 the gentleman from Florida is unnecessary.

4570 The behaviors described in this amendment are already
4571 disqualifying and this very well-crafted piece of legislation

4572 -- very thoughtfully crafted piece of legislation -- accounts
4573 for this.

4574 But I want to say something. Mr. Chair, ultimately,
4575 this whole discussion and this bill is about basic decency
4576 and making us a safer, more whole United States of America.

4577 This is about whether we are people who kick young
4578 hopeful strivers out of America, people who through no fault
4579 of their own were brought here, or whether we treat them in
4580 the way we would want our own children to be treated.

4581 It is about who we are as a people. And so I want to
4582 say that by offering this amendment I am a glass half full
4583 kind of a girl, and I believe that this reveals to me, I
4584 hope, a willingness on the other side to talk openly and
4585 honestly about solutions to the very grave problem of gun
4586 violence in this country.

4587 When 40,000 people die a year in this country of gun
4588 violence, when another 135,000 are wounded, literally caught
4589 in the crossfire, you bet we ought to be sure that this kind
4590 of possession -- illegal gun possession -- or gun crimes are
4591 addressed so as to save lives, to save injury -- tortuous
4592 injury to people and to communities.

4593 This also reiterates the efficacy of background checks.
4594 And so as I said, I am a glass half full kind of a girl. I
4595 hope that this reveals that the people on the other side of
4596 the aisle are very eager to support what we have in earnest

4597 passed out of this House and speak with the senators and say,
4598 please take up H.R. 8 immediately to save lives.

4599 Please take up H.R. 1112 immediately to save lives.

4600 This is a serious issue. This is a serious conversation. It
4601 is not fodder.

4602 Thank you.

4603 Mr. Chair, may I yield my time to the gentlelady from
4604 Florida? Thank you.

4605 Ms. Mucarsel-Powell. Thank you.

4606 Chairman Nadler. The gentlelady from Florida?

4607 Ms. Mucarsel-Powell. Thank you, Mr. Chairman.

4608 I want to be very honest with you and speak to my
4609 colleagues across the aisle from my heart.

4610 I had some questions about this when I read the bill
4611 because, for me, gun violence prevention is such a personal
4612 issue, not only because I lost my father to gun violence but
4613 because of my community. We lose too many lives because of
4614 illegal gun holders.

4615 And after doing my research I can tell you honestly that
4616 after I saw that the Title 18 U.S. Code Section 922(g)
4617 considers a felony the possession of a firearm by an
4618 undocumented person, and we also have included in the bill,
4619 because believe me when I tell you that I wanted to make sure
4620 that we weren't just having a bill with holds on this because
4621 it is such an important issue for me -- that it allows the

4622 secretary of the Department of Homeland Security to consider
4623 anyone who is a threat to the public safety to not be allowed
4624 to get citizenship or legal status.

4625 So I want to tell you that I am excited to hear that my
4626 friends across the aisle are concerned about gun safety and I
4627 hope that we can ask the Senate to take on H.R. 8 but also to
4628 support me as we hopefully at some point soon introduce
4629 Ethan's Law, which will make sure that we have safeguards for
4630 those possessing firearms.

4631 So that is it. I yield the remainder of my time.

4632 Chairman Nadler. The question occurs on the amendment.

4633 All in favor of the amendment, say aye.

4634 Opposed, no.

4635 The noes have it.

4636 A recorded vote is requested. The clerk will call the
4637 roll.

4638 Ms. Strasser. Mr. Nadler?

4639 Chairman Nadler. No.

4640 Ms. Strasser. Mr. Nadler votes no.

4641 Ms. Lofgren?

4642 Ms. Lofgren. No.

4643 Ms. Strasser. Ms. Lofgren votes no.

4644 Ms. Jackson Lee?

4645 Mr. Cohen?

4646 Mr. Johnson of Georgia?

4647 Mr. Johnson of Georgia. No.

4648 Ms. Strasser. Mr. Johnson of Georgia votes no.

4649 Mr. Deutch?

4650 Ms. Bass?

4651 Mr. Richmond?

4652 Mr. Jeffries?

4653 Mr. Cicilline?

4654 Mr. Cicilline. No.

4655 Ms. Strasser. Mr. Cicilline votes no.

4656 Mr. Swalwell?

4657 Mr. Lieu?

4658 Mr. Raskin?

4659 Mr. Raskin. No.

4660 Ms. Strasser. Mr. Raskin votes no.

4661 Ms. Jayapal?

4662 Ms. Jayapal. No.

4663 Ms. Strasser. Ms. Jayapal votes no.

4664 Mrs. Demings?

4665 Mrs. Demings. No.

4666 Ms. Strasser. Mrs. Demings votes no.

4667 Mr. Correa?

4668 Mr. Correa. No.

4669 Ms. Strasser. Mr. Correa votes no.

4670 Ms. Scanlon?

4671 Ms. Garcia?

4672 Ms. Garcia. No.

4673 Ms. Strasser. Ms. Garcia votes no.

4674 Mr. Neguse?

4675 Mr. Neguse. No.

4676 Ms. Strasser. Mr. Neguse votes no.

4677 Mrs. McBath?

4678 Mrs. McBath. No.

4679 Ms. Strasser. Mrs. McBath votes no.

4680 Mr. Stanton?

4681 Ms. Dean?

4682 Ms. Dean. No.

4683 Ms. Strasser. Ms. Dean votes no.

4684 Ms. Mucarsel-Powell?

4685 Ms. Mucarsel-Powell. No.

4686 Ms. Strasser. Ms. Mucarsel-Powell votes no.

4687 Ms. Escobar?

4688 Ms. Escobar. No.

4689 Ms. Strasser. Ms. Escobar votes no.

4690 Mr. Collins?

4691 Mr. Collins. Aye.

4692 Ms. Strasser. Mr. Collins votes aye.

4693 Mr. Sensenbrenner?

4694 Mr. Chabot?

4695 Mr. Chabot. Aye.

4696 Ms. Strasser. Mr. Chabot votes aye.

4697 Mr. Gohmert?
4698 Mr. Gohmert. Aye.
4699 Ms. Strasser. Mr. Gohmert votes aye.
4700 Mr. Jordan?
4701 Mr. Buck?
4702 Mr. Buck. Aye.
4703 Ms. Strasser. Mr. Buck votes aye.
4704 Mr. Ratcliffe?
4705 Mr. Ratcliffe. Yes.
4706 Ms. Strasser. Mr. Ratcliffe votes yes.
4707 Mrs. Roby?
4708 Mr. Gaetz?
4709 Mr. Gaetz. Aye.
4710 Ms. Strasser. Mr. Gaetz votes aye.
4711 Mr. Johnson of Louisiana?
4712 Mr. Johnson of Louisiana. Aye.
4713 Ms. Strasser. Mr. Johnson of Louisiana votes aye.
4714 Mr. Biggs?
4715 Mr. Biggs. Aye.
4716 Ms. Strasser. Mr. Biggs votes aye.
4717 Mr. McClintock?
4718 Mr. McClintock. Aye.
4719 Ms. Strasser. Mr. McClintock votes aye.
4720 Mrs. Lesko?
4721 Mrs. Lesko. Aye.

4722 Ms. Strasser. Mrs. Lesko votes aye.

4723 Mr. Reschenthaler?

4724 Mr. Reschenthaler. Aye.

4725 Ms. Strasser. Mr. Reschenthaler votes aye.

4726 Mr. Cline?

4727 Mr. Cline. Aye.

4728 Ms. Strasser. Mr. Cline votes aye.

4729 Mr. Armstrong?

4730 Mr. Steube?

4731 Mr. Steube. Yes.

4732 Ms. Strasser. Mr. Steube votes yes.

4733 Chairman Nadler. The gentleman from Louisiana?

4734 The gentleman from Louisiana voted no.

4735 Ms. Strasser. Mr. Richmond votes no.

4736 Chairman Nadler. The gentleman from California?

4737 Ms. Strasser. Mr. Lieu votes no.

4738 Chairman Nadler. Has everyone voted who wishes to vote?

4739 The clerk will report.

4740 Ms. Strasser. Mr. Chairman, there are 13 ayes and 16

4741 noes.

4742 Chairman Nadler. The amendment is not agreed to.

4743 Are there further amendments?

4744 Mr. Cline. Mr. Chairman?

4745 Chairman Nadler. The gentleman from Virginia?

4746 For what purpose does the gentleman from Virginia seek

4747 recognition?

4748 Mr. Cline. I have an amendment at the desk.

4749 Ms. Lofgren. I reserve a point of order.

4750 Chairman Nadler. The clerk will report the amendment.

4751 The gentlelady reserves a point of order.

4752 Mr. Cline. Mr. Chairman, without objection I move that

4753 the reading be waived.

4754 Chairman Nadler. He has got to read a little of it

4755 first.

4756 Ms. Strasser. Amendment to the amendment in the nature

4757 of a substitute to H.R. 2820 offered by -

4758 Chairman Nadler. Without objection, the amendment will

4759 be considered as read.

4760 [The amendment of Mr. Cline follows:]

4761

4762 Chairman Nadler. The gentleman is recognized.

4763 Mr. Cline. Thank you, Mr. Chairman.

4764 We have heard a lot about the work that was done on the
4765 other side on this bill and all of the protections that have
4766 been put in. I think that is news to this side of the aisle.
4767 I don't know of many on this side who were consulted about
4768 the bill as it was developed.

4769 But I think, as evidenced by the number of amendments
4770 that have been offered, that the bill does have quite a few
4771 holes in it and those have been pointed out.

4772 One that I would point out has to do with Section 207 of
4773 the bill dealing with the documentation that is eligible for
4774 the application for permanent residence status under the act.

4775 There is a range of reliability over the 10 pages or so
4776 in this bill dealing with documentation, beginning with very
4777 reliable birth certificates, national identity documents from
4778 the country of origin, very reliable -- going to birth
4779 certificates, deeds, mortgages, all the way down to utility
4780 bills, all the way down to affidavits from friends, which the
4781 reliability of which does not seem to be very high.

4782 We do not want documents that are generally unreliable
4783 and if it is proven to the secretary that certain documents
4784 or certain classifications of documents are not reliable, the
4785 secretary should not -- should not be able to rely on those
4786 documents.

4787 And they spoke to the discretion of the secretary but it
4788 should not be up to the secretary if those documents are
4789 proven to be unreliable.

4790 So this amendment simply changes "may" to "shall", says
4791 that the secretary shall prohibit or restrict the use of such
4792 documents that are deemed not to be reliable, and I would
4793 hope that it would be the support of the committee to approve
4794 it.

4795 And with that, I would yield to the gentleman from
4796 Georgia, Mr. Collins.

4797 Mr. Collins. Thank you for yielding.

4798 I support the gentleman's amendment. I appreciate the
4799 -- what has been brought forward, and with that I yield back
4800 to the gentleman.

4801 Mr. Cline. Mr. Chairman, I will keep it brief because
4802 we have a vote. So I will yield back.

4803 Chairman Nadler. We are -- we will pause for a moment.
4804 We are trying to review your amendment, which we haven't seen
4805 until a minute ago.

4806 Ms. Lofgren. We have a vote. Why don't we read it over
4807 the vote?

4808 Chairman Nadler. We will start. I recognize myself in
4809 opposition to the amendment.

4810 The amendment or, rather, the bill gives the secretary
4811 discretion to rely on certain documents or not. The

4812 amendment says he may not use certain documents and, frankly,
4813 those documents may be very useful.

4814 I don't know why you would take discretion away from the
4815 secretary with respect to documents that can be used to
4816 establish eligibility for adjustment of status.

4817 Mr. Cline. If the chairman would yield.

4818 Chairman Nadler. I don't see the point of this.

4819 Mr. Cline. If the chairman would yield.

4820 Chairman Nadler. The secretary is in a position to know
4821 which documents are more reliable. I will yield to the
4822 gentleman.

4823 Mr. Cline. Mr. Chairman, I would just say it is only
4824 those documents that have been proven to be unreliable that
4825 he cannot rely on. That is just ensuring that --

4826 Chairman Nadler. Reclaiming my time.

4827 If the documents are proven to be unreliable, one can
4828 assume the secretary will exercise the discretion not to use
4829 them.

4830 Mr. Cline. Big assumption, Mr. Chairman.

4831 Mr. Collins. Will the chairman yield to me as well?

4832 Chairman Nadler. I will.

4833 Mr. Collins. Okay. This has become a little bit -- and
4834 I understand what the chairman is trying to say here and I am
4835 glad you are working through this.

4836 But we have gotten to where in this committee we assume

4837 a lot of things and intent on things that are not written
4838 into actual language, and I think that is the only part that
4839 we are concerned about.

4840 So I don't mind, you know, difference in policies is
4841 actually written down into the law black and white. But when
4842 we say they could assume not to use something instead of it
4843 actually being what the law actually or the bill actually
4844 says, that is, I think, the concerning part and what the
4845 gentleman from Virginia is trying to express is it is not
4846 there and you would assume that the secretary might. But
4847 what if you assume the secretary would not?

4848 So I think we have to go beyond the fear here of saying
4849 that this is what might happen.

4850 Chairman Nadler. Reclaiming my time.

4851 The paragraph in question says if the secretary
4852 determines after public, et cetera -- if the secretary
4853 determines that any document or class of documents does not
4854 reliably establish identify or that permanent resident status
4855 under this act is being obtained fraudulently to an
4856 unacceptable degree the secretary may prohibit or restrict
4857 the use of such document or class of documents.

4858 If he determines that a class of documents is
4859 fraudulent, he would exercise his discretion. The reason to
4860 oppose a mandate is maybe the evidence is mixed on whether
4861 that class of documents is reliable.

4862 And there is no point tying the secretary's hands. So I
4863 would oppose this amendment.

4864 Mr. Collins. Mr. Chairman?

4865 Chairman Nadler. For what purpose does the gentleman --
4866 I yield back. For what purpose is the gentleman seeking
4867 recognition?

4868 Mr. Collins. Move to strike the last word.

4869 Chairman Nadler. The gentleman is recognized.

4870 Mr. Collins. Again, I think your argument right then
4871 actually made the point. It says "is being obtained
4872 fraudulently to an unacceptable degree, the Secretary may
4873 prohibit." Why would we consider it "may prohibit"? If it
4874 is determined to be fraudulent, it should be "shall
4875 prohibit," it shouldn't be "may prohibit," because "may" then
4876 says, well, I don't like it, it may not look good --

4877 Chairman Nadler. Would the gentleman yield?

4878 Mr. Collins. I will.

4879 Chairman Nadler. It doesn't say only "fraudulent." It
4880 says "does not reliably establish identity or is fraudulent."

4881 Mr. Collins. Okay. Reclaiming my time, the same thing
4882 is still true. If they are making this determination,
4883 reliably or not, again, this is a part I think you can just
4884 look at it, this is more a rule of construction than anything
4885 else. It is to say the Secretary shall here, because if not,
4886 you are leaving it open so they can ignore any of this --

4887 Ms. Lofgren. Would the gentleman yield for a question?

4888 Mr. Collins. I yield to the gentleman from Virginia.

4889 Mr. Cline. Mr. Chairman, I would say the gentleman is
4890 exactly right. It is simply saying that fraudulent documents
4891 or documents that don't establish residency can't be used,
4892 and we will only use those that are reliable or that
4893 establish residency.

4894 I would yield back.

4895 Mr. Collins. I would yield to the gentle lady.

4896 Ms. Lofgren. I just saw this amendment for the first
4897 time 30 seconds ago, so honestly I would like to recommend
4898 that we recess for our votes and think about the impact,
4899 because one of the questions I have is whether -- for
4900 example, you take a look at the documents listed on page 41
4901 and 42. You could have a business record on line 22, page 41
4902 that was fraudulent, and you could have some that were valid.
4903 Would the finding that a business record was fraudulent in
4904 some cases mix up with the "shall" language? I would like to
4905 think about that. I am not saying yes or no, but I would
4906 like to give some thought to that before we vote on it since
4907 I have just seen this.

4908 Mr. Collins. Reclaiming my time, I think you just again
4909 made the point for the amendment. I think there is plenty of
4910 leeway here in the sense of what the Secretary can do. But,
4911 however, if found fraudulent, not the ones that, again, when

4912 it is found proper, and I think it is a good idea for the
4913 gentle lady, if you want to take this through the break, that
4914 is fine. I think it is something to look forward to.

4915 But again, this is why we have mark-ups. I appreciate
4916 the Chairman's and both sides' ability to go through this.
4917 This is why we have mark-ups.

4918 Ms. Lofgren. Right.

4919 Mr. Collins. Because this is a certain time to look at
4920 this, because I think the gentleman's point is very well
4921 taken, especially if you look at "fraudulent." This is not a
4922 surprise, got-you amendment. This simply says if you want to
4923 tighten this bill up, this is a way to tighten it up.

4924 I yield back.

4925 Ms. Lofgren. If the gentleman would yield, I did not
4926 mean to imply that you were trying to spring something on us.

4927 Mr. Collins. No, I know.

4928 Ms. Lofgren. I just saw this for the first time a few
4929 minutes ago. I would like to think through the implications.
4930 Maybe we can agree, maybe we can't, but I think if we can
4931 have more than 60 seconds to think about it, that would be
4932 productive.

4933 Mr. Collins. And reclaiming my time, I think that that
4934 is exactly where we are at. We are going to a vote anyway.
4935 I think this is the discussion. I think the gentleman's
4936 points are well made here, and I think if you read it in

4937 context, it does leave an ambiguity there that if there are
4938 fraudulent documents, why would you give a Secretary the
4939 ability to take fraudulent documents in? The word "may" is
4940 one of the words that does that.

4941 So we will continue this discussion, and I appreciate
4942 it, and I yield back.

4943 Chairman Nadler. The gentleman yields back.

4944 We are in the middle of a vote on the floor, so we will
4945 recess the committee until immediately after the votes. So
4946 as soon as the votes are over, I hope everybody returns
4947 quickly so we can speed up the mark-up.

4948 With that, the committee stands in recess.

4949 [Recess.]

4950 Chairman Nadler. The committee will reconvene after our
4951 vote recess. When we recessed, we were considering the
4952 amendment by the gentleman from Virginia, Mr. Cline.

4953 I don't remember if I spoke on the amendment or not.

4954 I am going to recognize myself for -- I have not spoken
4955 on it. I have. Thank you. I won't use 5 minutes. I thank
4956 the gentleman.

4957 The amendment changes the following paragraph. It says,
4958 "If the Secretary determines after publication in the Federal
4959 Register an opportunity for public comment that any
4960 document," et cetera, "is being obtained fraudulently to an
4961 unacceptable degree, the Secretary may prohibit or restrict

4962 the use of such fraudulent document." That is what it says,
4963 essentially. And the amendment would say "shall not use this
4964 fraudulent document."

4965 I would simply say that no Secretary is going to go
4966 through the entire Federal Register rulemaking process,
4967 determine that a document is misleading or fraudulent,
4968 declare it to be misleading or fraudulent, and then use it.
4969 So this amendment, in effect, does not change the bill. The
4970 practical effect of this amendment, as far as I can tell, is
4971 zero, and I am going to oppose it simply because I don't like
4972 amending bills with amendments that don't do anything at all.
4973 I have no substantive problem, except I don't think you
4974 clutter up a bill with amendments that, in fact, don't do
4975 anything. That is my personal feeling, and therefore I
4976 recommend opposing the amendment.

4977 Who seeks recognition?

4978 Mr. Collins. I do.

4979 Chairman Nadler. The gentleman from Georgia.

4980 Mr. Collins. Mr. Chairman, I appreciate that, but I
4981 think you are quoting from page 42, and we are actually
4982 amending page 11. I mean, I understand you don't want to
4983 make it for documents and other things, which may or may not
4984 actually apply back to 11.

4985 At that point I am going to yield to the gentleman from
4986 Virginia. Thank you, Mr. Chairman. I think we are comparing

4987 apples to apples and it actually does apply here, so I yield
4988 to the gentleman from Virginia.

4989 Mr. Cline. I appreciate the gentleman yielding.

4990 Mr. Chairman, I understand where you are coming from on
4991 this. I think we are just playing belt and suspenders here.
4992 I am glad you have faith in the Secretaries to come, that
4993 they would not seek to approve the use of documents that are
4994 unreliable or fraudulently obtained to an unacceptable
4995 degree. But we can't foresee the future, and this would
4996 ensure that fraudulent documents are not allowed to be used
4997 in this process.

4998 Chairman Nadler. Would the gentleman yield for a
4999 moment?

5000 Mr. Cline. I yield back to the gentleman.

5001 Mr. Collins. I yield, Mr. Chairman.

5002 Chairman Nadler. I am simply saying that if the
5003 Secretary made a formal finding that a document is
5004 fraudulent, he is not then going to use it. If a document is
5005 fraudulent, he didn't look at it, that is a different
5006 problem. But pursuant to this paragraph, if he has
5007 determined, after publication in the Federal Register, an
5008 opportunity for public comment, he has got through a whole
5009 comment period and determines it is fraudulent, he is not
5010 going to use it.

5011 I yield back.

5012 Mr. Collins. I yield back.

5013 Chairman Nadler. Okay. The question --

5014 Ms. Lofgren. I thought I had withdrawn the point of
5015 order.

5016 Chairman Nadler. The order is withdrawn.

5017 The question occurs on the amendment.

5018 All in favor, say aye.

5019 Opposed, no?

5020 The noes have it.

5021 You want a roll call?

5022 The roll call is requested. The Clerk will call the
5023 roll.

5024 Ms. Strasser. Mr. Nadler?

5025 Chairman Nadler. No.

5026 Ms. Strasser. Mr. Nadler votes no.

5027 Ms. Lofgren?

5028 Ms. Lofgren. No.

5029 Ms. Strasser. Ms. Lofgren votes no.

5030 Ms. Jackson Lee?

5031 Mr. Cohen?

5032 Mr. Johnson of Georgia?

5033 Mr. Johnson of Georgia. No.

5034 Ms. Strasser. Mr. Johnson of Georgia votes no.

5035 Mr. Deutch?

5036 Mr. Deutch. No.

5037 Ms. Strasser. Mr. Deutch votes no.
5038 Ms. Bass?
5039 Mr. Richmond?
5040 Mr. Jeffries?
5041 Mr. Cicilline?
5042 Mr. Swalwell?
5043 Mr. Lieu?
5044 Mr. Lieu. No.
5045 Ms. Strasser. Mr. Lieu votes no.
5046 Mr. Raskin?
5047 Ms. Jayapal?
5048 Ms. Jayapal. No.
5049 Ms. Strasser. Ms. Jayapal votes no.
5050 Mrs. Demings?
5051 Mrs. Demings. No.
5052 Ms. Strasser. Mrs. Demings votes no.
5053 Mr. Correa?
5054 Mr. Correa. No.
5055 Ms. Strasser. Mr. Correa votes no.
5056 Ms. Scanlon?
5057 Ms. Scanlon. No.
5058 Ms. Strasser. Ms. Scanlon votes no.
5059 Ms. Garcia?
5060 Ms. Garcia. No.
5061 Ms. Strasser. Ms. Garcia votes no.

5062 Mr. Neguse?
5063 Mrs. McBath?
5064 Mr. Stanton?
5065 Mr. Stanton. No.
5066 Ms. Strasser. Mr. Stanton votes no.
5067 Ms. Dean?
5068 Ms. Dean. No.
5069 Ms. Strasser. Ms. Dean votes no.
5070 Ms. Mucarsel-Powell?
5071 Ms. Mucarsel-Powell. No.
5072 Ms. Strasser. Ms. Mucarsel-Powell votes no.
5073 Ms. Escobar?
5074 Ms. Escobar. No.
5075 Ms. Strasser. Ms. Escobar votes no.
5076 Mr. Collins?
5077 Mr. Collins. Aye.
5078 Ms. Strasser. Mr. Collins votes aye.
5079 Mr. Sensenbrenner?
5080 Mr. Chabot?
5081 Mr. Gohmert?
5082 Mr. Jordan?
5083 Mr. Buck?
5084 Mr. Ratcliffe?
5085 Mrs. Roby?
5086 Mr. Gaetz?

5087 Mr. Gaetz. Aye.

5088 Ms. Strasser. Mr. Gaetz votes aye.

5089 Mr. Johnson of Louisiana?

5090 Mr. Biggs?

5091 Mr. Biggs. Aye.

5092 Ms. Strasser. Mr. Biggs votes aye.

5093 Mr. McClintock?

5094 Mr. McClintock. Aye.

5095 Ms. Strasser. Mr. McClintock votes aye.

5096 Mrs. Lesko?

5097 Mr. Reschenthaler?

5098 Mr. Cline?

5099 Mr. Cline. Aye.

5100 Ms. Strasser. Mr. Cline votes aye.

5101 Mr. Armstrong?

5102 Mr. Steube?

5103 Mr. Steube. Yes.

5104 Ms. Strasser. Mr. Steube votes yes.

5105 Mr. Jeffries, you are not recorded.

5106 Mr. Jeffries. No.

5107 Ms. Strasser. Mr. Jeffries votes no.

5108 Chairman Nadler. The Clerk will report.

5109 Ms. Strasser. Mr. Chairman, there are 6 ayes and 15

5110 noes.

5111 Chairman Nadler. The amendment is not agreed to.

5112 Are there any further amendments?

5113 The gentleman from Arizona. For what purpose does the
5114 gentleman from Arizona seek recognition?

5115 Mr. Biggs. I have an amendment at the desk.

5116 Chairman Nadler. The Clerk will report the amendment.

5117 Ms. Lofgren. I reserve a point of order.

5118 Chairman Nadler. Is the amendment not at the desk?

5119 Ms. Strasser. Amendment to the amendment in the nature
5120 of a substitute to H.R. 2820, offered by Mr. Biggs of
5121 Arizona.

5122 Ms. Lofgren. [Presiding] Without objection, the
5123 amendment is considered as read.

5124 [The amendment of Mr. Biggs follows:]

5125

5126 Ms. Lofgren. The gentleman from Arizona is recognized
5127 for his amendment.

5128 Mr. Biggs. Thank you, Madam Chair.

5129 H.R. 2820 does not merely legalize the DACA population
5130 but would extend green cards to millions of illegal and legal
5131 aliens. The purpose of this bill is really to try to get at
5132 protecting and legalizing the DACA population in some way, I
5133 suppose. This is the way I understand it anyway.

5134 But any individual who entered the United States under
5135 age 18 legally or illegally and was present for four years
5136 prior to the date of enactment is eligible for a green card
5137 under the bill. This would permit anyone who came to the
5138 United States legally in a non-immigrant status as a child to
5139 obtain a green card if they have been present for four years,
5140 which seems almost, one plus two, the purpose of this bill,
5141 or at least the stated purpose.

5142 My colleagues across the aisle have preached about the
5143 need to provide relief to individuals who were brought here
5144 illegally by their parents through no fault of their own and
5145 were raised without familiarity with their home country. So
5146 why are we not focusing on that population? Why is it being
5147 extended?

5148 In fact, I heard the Chairman's opening statement today.
5149 He spoke almost exclusively to the point of providing relief
5150 to individuals who were brought here illegally by their

5151 parents. That is what we have heard as a constant refrain
5152 today.

5153 My amendment would require that aliens applying for this
5154 new green card have had no lawful status on the date of
5155 enactment of this act. Doing so would limit eligibility to
5156 DACA recipients and other qualifying legal aliens. So it
5157 seems to me that my amendment is going to get back at the
5158 heart of why we are here today and the very purpose for, at
5159 least the stated purpose for this bill.

5160 So, with that, Madam Chair, I yield back.

5161 Ms. Lofgren. The gentleman yields back.

5162 While I understand what the gentleman is getting at, but
5163 I don't think it is necessary because if you look at -- I
5164 yield myself such time as I may consume on this.

5165 Look at page 2, if I am understanding you correctly,
5166 lines 6, 7, and 8. It does limit who is eligible for this to
5167 undocumented status. So you don't need to make the proviso.

5168 I am really not understanding what you are trying to
5169 accomplish by this amendment, and I would yield for an
5170 answer.

5171 Mr. Biggs. Thank you, Madam Chair.

5172 I would have to respectfully disagree with page 2, the
5173 general provision that is there, because it talks about
5174 lawfully admitted people. And yet the heart of what we are
5175 trying to get at, if I understand correctly based on the

5176 Chairman's opening statement, is to provide the DACA
5177 population with relief, and they would get relief under this
5178 bill, but so would those who are legally present in the
5179 country otherwise. In other words, they have a chance to
5180 change their status at the same rate, same level, with the
5181 same preference and priorities as those who are otherwise
5182 DACA, and that is the way I read Section 2 of this bill.

5183 So additionally, I would say that the provisions that we
5184 have cited in our amendment itself also get at the point I am
5185 trying to make.

5186 Ms. Lofgren. Reclaiming my time, with great respect, I
5187 think that is a misreading of the bill. Honestly, in some
5188 ways I would prefer that the gentleman's reading of the bill
5189 was correct because there are, in fact, young people who are
5190 in an H4 status or E2 status who have aged out of their
5191 status because their parents couldn't get -- in the case of
5192 H1B's, they were in a backlog, or in the case of E's, there
5193 was no pathway to residence. But, in fact, the bill does not
5194 deal with them. It only provides for those who are in an
5195 undocumented status. So this amendment should be opposed
5196 because it is already in the bill.

5197 Do others wish to be recognized?

5198 Mr. Collins. Madam Chair?

5199 Ms. Lofgren. For what purpose does the gentleman from
5200 Georgia wish to be recognized?

5201 Mr. Collins. Thank you, Madam Chair.

5202 Again, this is an issue that Mr. Biggs is bringing out,
5203 and I think it is valid. I don't think it is a misreading,
5204 and I think I support the gentleman's amendment because as we
5205 look at this, if they overstayed a visa, there is other
5206 issues here, and I wanted to yield back to the gentleman from
5207 Arizona.

5208 Ms. Lofgren. Certainly. The gentleman is recognized.

5209 Mr. Biggs. Thank you. I appreciate you yielding back.

5210 So, I get what the Chairman is saying, the Chairwoman is
5211 saying when she starts talking about that this -- her reading
5212 is that this limits to DACA. But I would suggest that
5213 children of H1B visa holders, for instance, would be eligible
5214 under this bill to get a green card. I would also suggest
5215 diversity lottery, visa overstays, I would suggest that they
5216 would also be able to get relief under this bill, and I think
5217 that is antithetical to what I understand the purpose of the
5218 bill to be. So that is what I think to be the case.

5219 Ms. Lofgren. Well, if I may, I think you and I
5220 understand the purpose of the bill to be the same, and
5221 accordingly I don't think this amendment is necessary. I
5222 would note that there is a difference in your amendment as
5223 compared to the underlying bill because it relates to the
5224 status as of the date of enactment of this act. Presumably,
5225 someone became in an undocumented status subsequent to this,

5226 but they wouldn't be eligible in any case because there is a
5227 four-year look-back. So I think this amendment is
5228 unnecessary and actually confuses the situation, and I would
5229 recommend that it be rejected, but understanding that the
5230 gentleman's goal is already met by the underlying bill.

5231 Do other members wish to be heard on this amendment?

5232 Mr. Collins. Chairwoman, the time is still mine.

5233 Ms. Lofgren. Oh, I am so sorry.

5234 Mr. Collins. No problem.

5235 Ms. Lofgren. I apologize.

5236 Mr. Collins. The gentleman from Arizona, do you still
5237 need the time?

5238 Mr. Biggs. Yes, I just want to respond briefly. With
5239 regard to what has been estimated, that half or somewhere
5240 near that, maybe 40 to 50 percent of those who are in the
5241 country illegally are visa overstays, this bill actually is
5242 going to provide them relief. That is the way I read the
5243 language of this bill, and that is the problem with it. That
5244 is why I am trying to limit the language to the DACA
5245 population.

5246 And with that, I would go back to you, the gentleman
5247 from Georgia.

5248 Mr. Collins. I think this is a valid point, and I
5249 think, again, it is the reason we are looking at this,
5250 because a visa overstay would present at least an issue here

5251 that we have been discussing.

5252 Ms. Lofgren. If the gentleman would yield?

5253 Mr. Collins. I yield.

5254 Ms. Lofgren. I would note that visa overstay
5255 individuals who are in undocumented status are eligible for
5256 DACA. In fact, there are many overstay people who are
5257 brought lawfully and then overstayed, and then became in an
5258 undocumented status because their visa expired as children.
5259 They are eligible for DACA, and they would be eligible for
5260 relief under this act.

5261 Mr. Collins. Reclaiming my time, the gentleman from
5262 Arizona.

5263 Mr. Biggs. Thank you.

5264 And that gets to the point I guess I am trying to make.
5265 DACA itself required somebody be here unlawfully.

5266 Ms. Lofgren. Correct.

5267 Mr. Biggs. And did not necessarily include people who
5268 are here on a visa who since overstayed their visa. This is
5269 going to provide them --

5270 Mr. Collins. Reclaiming the time altogether, I think
5271 this brings up an interesting point, is the fact that they
5272 came here legally, they were here legally in status, and the
5273 ones that we talk about, and it has been talked about why the
5274 sympathy is there for many of us on both sides of the aisle,
5275 the population dealt with here had no choice in how they

5276 came.

5277 These individuals had a choice in how they came, and I
5278 think this is an issue -- because they overstayed a visa
5279 which they had, and I think their parent or anybody else --

5280 Ms. Lofgren. If the gentleman would yield?

5281 Mr. Collins. I yield to the gentle lady from
5282 California.

5283 Ms. Lofgren. And I run into many of these individuals.
5284 Your parents come in on a visa with you, a 2-month-old baby,
5285 the visa expires and you are here 20 years later thinking you
5286 are a U.S. citizen, those people are eligible for DACA, and
5287 they are eligible under this bill.

5288 Mr. Collins. Exactly. And reclaiming my time, I
5289 understand the gentle lady, and I think the points are made
5290 on both sides. I think this is going to the scope that is
5291 getting way beyond the scope, which has been the concern for
5292 many of us on this, is where we are. We started with the
5293 DACA population, then we go to the Dreamer population, and
5294 then we go to an unlimited population, and I guess that is
5295 just where we are at.

5296 With that, we have now successfully burned 5 minutes. I
5297 yield back.

5298 Ms. Lofgren. Do others wish to be heard on the
5299 amendment?

5300 If not, then the question is on the amendment.

5301 All those in favor will say aye.

5302 All those opposed will say no.

5303 In the opinion of the Chair, the noes have it.

5304 We will find out if a quorum is present when we call the

5305 roll.

5306 The Clerk will call the roll.

5307 Ms. Strasser. Mr. Nadler?

5308 Ms. Lofgren?

5309 Ms. Lofgren. No.

5310 Ms. Strasser. Ms. Lofgren votes no.

5311 Ms. Jackson Lee?

5312 Mr. Cohen?

5313 Mr. Johnson of Georgia?

5314 Mr. Johnson of Georgia. No.

5315 Ms. Strasser. Mr. Johnson of Georgia votes no.

5316 Mr. Deutch?

5317 Mr. Deutch. No.

5318 Ms. Strasser. Mr. Deutch votes no.

5319 Ms. Bass?

5320 Mr. Richmond?

5321 Mr. Jeffries?

5322 Mr. Cicilline?

5323 Mr. Swalwell?

5324 Mr. Lieu?

5325 Mr. Raskin?

5326 Ms. Jayapal?
5327 Mrs. Demings?
5328 Mrs. Demings. No.
5329 Ms. Strasser. Mrs. Demings votes no.
5330 Mr. Correa?
5331 Mr. Correa. No.
5332 Ms. Strasser. Mr. Correa votes no.
5333 Ms. Scanlon?
5334 Ms. Scanlon. No.
5335 Ms. Strasser. Ms. Scanlon votes no.
5336 Ms. Garcia?
5337 Ms. Garcia. No.
5338 Ms. Strasser. Ms. Garcia votes no.
5339 Mr. Neguse?
5340 Mrs. McBath?
5341 Mr. Stanton?
5342 Mr. Stanton. No.
5343 Ms. Strasser. Mr. Stanton votes no.
5344 Ms. Dean?
5345 Ms. Dean. No.
5346 Ms. Strasser. Ms. Dean votes no.
5347 Ms. Mucarsel-Powell?
5348 Ms. Mucarsel-Powell. No.
5349 Ms. Strasser. Ms. Mucarsel-Powell votes no.
5350 Ms. Escobar?

5351 Ms. Escobar. No.

5352 Ms. Strasser. Ms. Escobar votes no.

5353 Mr. Collins?

5354 Mr. Collins. Aye.

5355 Ms. Strasser. Mr. Collins votes aye.

5356 Mr. Sensenbrenner?

5357 Mr. Chabot?

5358 Mr. Gohmert?

5359 Mr. Gohmert. Yes.

5360 Ms. Strasser. Mr. Gohmert votes yes.

5361 Mr. Jordan?

5362 Mr. Buck?

5363 Mr. Ratcliffe?

5364 Mrs. Roby?

5365 Mr. Gaetz?

5366 Mr. Johnson of Louisiana?

5367 Mr. Biggs?

5368 Mr. Biggs. Aye.

5369 Ms. Strasser. Mr. Biggs votes aye.

5370 Mr. McClintock?

5371 Mr. McClintock. Aye.

5372 Ms. Strasser. Mr. McClintock votes aye.

5373 Mrs. Lesko?

5374 Mr. Reschenthaler?

5375 Mr. Reschenthaler. Aye.

5376 Ms. Strasser. Mr. Reschenthaler votes aye.

5377 Mr. Cline?

5378 Mr. Cline. Aye.

5379 Ms. Strasser. Mr. Cline votes aye.

5380 Mr. Armstrong?

5381 Mr. Steube?

5382 Mr. Steube. Yes.

5383 Ms. Strasser. Mr. Steube votes yes.

5384 Ms. Lofgren. Has anyone -- the gentleman from New York?

5385 Chairman Nadler. No.

5386 Ms. Strasser. Mr. Nadler votes no.

5387 Ms. Lofgren. The gentle lady from Washington?

5388 Ms. Jayapal. No.

5389 Ms. Strasser. Ms. Jayapal votes no.

5390 Ms. Lofgren. The gentleman from New York?

5391 Mr. Jeffries. No.

5392 Ms. Strasser. Mr. Jeffries votes no.

5393 Ms. Lofgren. The gentleman from Rhode Island?

5394 Mr. Cicilline. No.

5395 Ms. Strasser. Mr. Cicilline votes no.

5396 Ms. Lofgren. The gentleman from California?

5397 Mr. Lieu. No.

5398 Ms. Strasser. Mr. Lieu votes no.

5399 Ms. Lofgren. Are there any other -- the gentleman from

5400 Colorado?

5401 Mr. Buck. Yes.

5402 Ms. Strasser. Mr. Buck votes yes.

5403 Ms. Lofgren. Are there any other members wishing to
5404 vote?

5405 If not, the Clerk will report.

5406 Ms. Strasser. Ms. Chair, there are 8 ayes and 16 noes.

5407 Ms. Lofgren. And the amendment fails.

5408 Are there any additional amendments to be offered?

5409 Mr. Steube. Madam Chair?

5410 Ms. Lofgren. Yes, the gentleman is recognized.

5411 Mr. Steube. I have an amendment at the desk.

5412 Ms. Lofgren. I reserve a point of order.

5413 The Clerk will report the amendment.

5414 [The amendment of Mr. Steube follows:]

5415 Ms. Strasser. Amendment to the amendment in the nature
5416 of a substitute to H.R. 2820, offered by Mr. Steube of
5417 Florida.

5418 Ms. Lofgren. The gentleman is recognized for 5 minutes.

5419 Mr. Steube. Thank you, Madam Chair.

5420 This amendment states that the natural parents of an
5421 alien granted permanent resident status under this act shall
5422 not, by virtue of such relationship, be accorded any right,
5423 privilege, or status under the Immigration and Nationality
5424 Act.

5425 For years, proponents of the Dream Act have described

5426 the bill as an opportunity to provide legal immigration
5427 status to children who are brought to the United States
5428 through no fault of their own. Of course, given the actual
5429 text of this bill, the description is misleading, and my
5430 amendment would help to ensure its accuracy.

5431 H.R. 2820 provides a special pathway to citizenship to
5432 aliens who are illegally in the United States, many of whom
5433 came with their parents who made the conscious choice to
5434 illegally enter the United States.

5435 The bill we are considering today rewards those parents
5436 by ultimately allowing the parents to get a green card and
5437 eventually U.S. citizenship based on the green card provided
5438 to their child under this legislation. The process is also
5439 known as chain migration.

5440 It is one thing to support legal status for children who
5441 had no choice in their coming here illegally, but it is
5442 something completely different to hand a pathway to
5443 citizenship to the criminals who did make that choice to come
5444 to this country illegally with their children.

5445 This idea is not something new to Congress. It is
5446 included in other immigration proposals considered by this
5447 committee. In fact, the language of my amendment is included
5448 in H.R. 1548, the only bill that the Immigration Subcommittee
5449 has acted on so far this year, a bill by Speaker Pelosi.

5450 This amendment also echoes my Break the Chain Act, which

5451 would put an end to chain migration altogether by limiting
5452 family-based immigration visas to only spouses and minor
5453 children of U.S. citizens and legal permanent residents only.
5454 I don't think it is fair that individuals get preferential
5455 treatment in immigration because they are distantly related
5456 to a citizen, so my bill creates an even playing field for
5457 all applicants.

5458 In the same spirit, this amendment will ensure that
5459 criminals who entered this country illegally don't get to
5460 jump the line and receive citizenship before those that are
5461 waiting patiently to enter our country through legal
5462 pathways.

5463 I urge my colleagues to support this amendment and yield
5464 back the balance of my time.

5465 Ms. Lofgren. I recognize myself for 5 minutes, and I
5466 withdraw my point of order.

5467 I would urge that we oppose this amendment. This
5468 amendment would limit the ability of Dreamers to sponsor
5469 their parents once they become U.S. citizens, really creating
5470 a form, in my view, of second-class U.S. citizenship, which I
5471 believe we should oppose on principle.

5472 All individuals granted permanent residence under the
5473 Immigration and Nationality Act, and those who go on to
5474 obtain U.S. citizenship, must have the same rights and
5475 privileges as all other lawful permanent residents and

5476 citizens, including the ability to sponsor relatives for
5477 permanent residence in the future.

5478 Not only is second-class citizenship wrong, I believe
5479 that status would most definitely violate the Equal
5480 Protection Clause by distinguishing among citizens based
5481 solely on how they earned their immigration status.

5482 When it comes to sponsoring family members, we have
5483 never arbitrarily excluded a subset of LPRs or citizens from
5484 the process, and I don't believe we should start now.

5485 I know that there are differences of opinion about how
5486 our legal immigration system should be structured, but I
5487 think that is a different debate for a different time.
5488 Family-based immigration has long been and remains a
5489 cornerstone of our immigration system and really is the
5490 foundation of America's rich and diverse culture. Strong
5491 family units are fundamental to the development of safe and
5492 vibrant communities and a robust economy, and we should not
5493 lose sight of that reality by accepting that this amendment
5494 would not protect families.

5495 You know, people have used the term "chain migration,"
5496 and it sounds scary, but the fact is it is really just the
5497 family, the nuclear family primarily, that can be petitioned
5498 for. U.S. citizens can petition for their spouses, their
5499 sons and daughters, and their siblings, but the sibling
5500 category is so backlogged that if you file now, the sibling

5501 who has been filed for won't live long enough for their
5502 priority date to be reached. So essentially it is sons and
5503 daughters, spouses, parents, hardly an extended, remote
5504 family group.

5505 Really, as of May of 2019, some of the people, sons and
5506 daughters of LPRs that filed in 1996, are still waiting in
5507 line, which is something I hope we can deal with when someday
5508 we get to top-to-bottom immigration reform. But that is not
5509 this day.

5510 This provision would limit the ability of Dreamers to
5511 sponsor their parents at some point in the future, and I
5512 think reinforces a message that we should not have, which is
5513 that despite growing up in America, embracing this country as
5514 their own and becoming U.S. citizens, they are somehow
5515 different, somehow less than their fellow citizens, something
5516 I think we should not do, and for those reasons I would
5517 recommend -- I would yield to the gentleman from California,
5518 Mr. Correa.

5519 Mr. Correa. Thank you, Madam.

5520 I just wanted to again remind folks who Dreamers really
5521 are. I have a picture here of James, an American soldier.
5522 He grew up in Southern California. He just enlisted in the
5523 U.S. Army. His goal, to protect America. He is an American
5524 warrior. And my question to all of you is, why would you
5525 deny James the ability to bring his family, to bring his

5526 family with an adjustment of status? Why would you deny an
5527 American warrior the ability to be with his family legally in
5528 the United States?

5529 Madam chair, I yield.

5530 Ms. Lofgren. The gentleman yields back.

5531 I would just note also that the drafting of the
5532 amendment, we have two parents, and you might have a parent
5533 who brought a baby to the U.S., and then a parent who resides
5534 in the country where they are originally from who did not
5535 bring the baby into the country. This prohibition would
5536 apply equally to the person who brought the child to the
5537 United States or to the parent who remained in the host
5538 country. So the express rationale for it, that someone who
5539 has violated the law should not benefit, would certainly not
5540 apply, because if the noncustodial parent was still in
5541 France, they committed no immigration violation and
5542 presumably then would not be subject to punishment.

5543 So with that, my time has expired.

5544 Are others seeking -- Mr. Gohmert is recognized for 5
5545 minutes.

5546 Mr. Gohmert. Strike the last word. Thank you very
5547 much.

5548 I would yield to my friend from Florida, Mr. Steube.

5549 Mr. Steube. Thank you. I appreciate the gentleman for
5550 yielding.

5551 You state, Madam Chair, that this isn't something that
5552 this Congress has done except in private relief bills. H.R.
5553 1548 that Speaker Pelosi is the sponsor of and that you as
5554 the Chair, Madam Chair, supported that bill. And Speaker
5555 Pelosi's bill actually goes a step further and bans siblings
5556 as well. So we are going to allow individuals to illegally
5557 enter this country with their children and now through this
5558 bill grant those children who, through no fault of their own,
5559 were able to come into this country, we are going to grant
5560 them amnesty and then allow them, through the chain migration
5561 process, to then bring in their parents ahead of their
5562 siblings, to then bring in their parents through the chain
5563 migration statutes that we have. I just don't think that is
5564 the direction that this country should be going, and I would
5565 ask for the support of this amendment.

5566 Ms. Lofgren. Does the gentleman yield back?

5567 Mr. Steube. I yield back to Mr. Gohmert.

5568 Ms. Lofgren. Mr. Gohmert?

5569 Mr. Gohmert. I yield back. I am sorry.

5570 Ms. Lofgren. The gentleman yields back.

5571 Are there additional members who wish to be heard on the
5572 amendment?

5573 If not, then we will call the amendment.

5574 All those who are in favor of the amendment will
5575 indicate by saying aye.

5576 Those who are opposed will say no.

5577 In the opinion of the Chair, the noes have it.

5578 Mr. Steube. Madam Chair?

5579 Ms. Lofgren. Yes, sir.

5580 Mr. Steube. I demand a recorded vote, and pending that,

5581 I make a point of order that a quorum is not present.

5582 Ms. Lofgren. The recorded vote has been requested, and

5583 we will discover whether a quorum is present when the vote is

5584 called.

5585 Ms. Strasser. Mr. Nadler?

5586 Ms. Lofgren?

5587 Ms. Lofgren. No.

5588 Ms. Strasser. Ms. Lofgren votes no.

5589 Ms. Jackson Lee?

5590 Mr. Cohen?

5591 Mr. Johnson of Georgia?

5592 Mr. Johnson of Georgia. No.

5593 Ms. Strasser. Mr. Johnson of Georgia votes no.

5594 Mr. Deutch?

5595 Ms. Bass?

5596 Mr. Richmond?

5597 Mr. Jeffries?

5598 Mr. Cicilline?

5599 Mr. Cicilline. No.

5600 Ms. Strasser. Mr. Cicilline votes no.

5601 Mr. Swalwell?
5602 Mr. Lieu?
5603 Mr. Lieu. No.
5604 Ms. Strasser. Mr. Lieu votes no.
5605 Mr. Raskin?
5606 Ms. Jayapal?
5607 Ms. Jayapal. No.
5608 Ms. Strasser. Ms. Jayapal votes no.
5609 Mrs. Demings?
5610 Mrs. Demings. No.
5611 Ms. Strasser. Mrs. Demings votes no.
5612 Mr. Correa?
5613 Mr. Correa. No.
5614 Ms. Strasser. Mr. Correa votes no.
5615 Ms. Scanlon?
5616 Ms. Scanlon. No.
5617 Ms. Strasser. Ms. Scanlon votes no.
5618 Ms. Garcia?
5619 Ms. Garcia. No.
5620 Ms. Strasser. Ms. Garcia votes no.
5621 Mr. Neguse?
5622 Mrs. McBath?
5623 Mrs. McBath. No.
5624 Ms. Strasser. Mrs. McBath votes no.
5625 Mr. Stanton?

5626 Mr. Stanton. No.

5627 Ms. Strasser. Mr. Stanton votes no.

5628 Ms. Dean?

5629 Ms. Dean. No.

5630 Ms. Strasser. Ms. Dean votes no.

5631 Ms. Mucarsel-Powell?

5632 Ms. Mucarsel-Powell. No.

5633 Ms. Strasser. Ms. Mucarsel-Powell votes no.

5634 Ms. Escobar?

5635 Ms. Escobar. No.

5636 Ms. Strasser. Ms. Escobar votes no.

5637 Mr. Collins?

5638 Mr. Sensenbrenner?

5639 Mr. Chabot?

5640 Mr. Gohmert?

5641 Mr. Gohmert. Yes.

5642 Ms. Strasser. Mr. Gohmert votes yes.

5643 Mr. Jordan?

5644 Mr. Buck?

5645 Mr. Buck. Aye.

5646 Ms. Strasser. Mr. Buck votes aye.

5647 Mr. Ratcliffe?

5648 Mrs. Roby?

5649 Mr. Gaetz?

5650 Mr. Johnson of Louisiana?

5651 Mr. Biggs?

5652 Mr. Biggs. Aye.

5653 Ms. Strasser. Mr. Biggs votes aye.

5654 Mr. McClintock?

5655 Mr. McClintock. Aye.

5656 Ms. Strasser. Mr. McClintock votes aye.

5657 Mrs. Lesko?

5658 Mr. Reschenthaler?

5659 Mr. Reschenthaler. Aye.

5660 Ms. Strasser. Mr. Reschenthaler votes aye.

5661 Mr. Cline?

5662 Mr. Cline. Aye.

5663 Ms. Strasser. Mr. Cline votes aye.

5664 Mr. Armstrong?

5665 Mr. Steube?

5666 Mr. Steube. Yes.

5667 Ms. Strasser. Mr. Steube votes yes.

5668 Ms. Lofgren. Are there members who wish to cast their

5669 votes?

5670 The gentleman from Maryland.

5671 Mr. Raskin. How am I recorded?

5672 Ms. Strasser. Mr. Raskin, you are not recorded.

5673 Mr. Raskin. No.

5674 Ms. Strasser. Mr. Raskin votes no.

5675 Ms. Lofgren. The gentleman from New York.

5676 Chairman Nadler. I vote no.

5677 Ms. Strasser. Mr. Nadler votes no.

5678 Ms. Lofgren. Are there other members who wish to be
5679 recorded?

5680 Mr. Cohen votes --

5681 Mr. Cohen. No.

5682 Ms. Strasser. Mr. Cohen votes no.

5683 Ms. Lofgren. The Clerk will report.

5684 Oh, I am sorry. Suspend.

5685 The gentleman from Ohio.

5686 Mr. Chabot. Aye.

5687 Ms. Strasser. Mr. Chabot votes aye.

5688 Madam Chair, there are 8 ayes and 17 noes.

5689 Ms. Lofgren. And the amendment is not agreed to.

5690 Are there additional amendments?

5691 The gentleman from Arizona is recognized.

5692 Mr. Biggs. Thank you, Madam Chair. I have an amendment
5693 at the desk.

5694 Ms. Lofgren. I reserve a point of order, and the
5695 amendment will be distributed. The Clerk will report the
5696 amendment.

5697 [The amendment of Mr. Biggs follows:]

5698

5699 Ms. Strasser. Amendment to the amendment in the nature
5700 of a substitute to H.R. 2820, offered by Mr. Biggs of
5701 Arizona.

5702 Ms. Lofgren. Without objection, the amendment is
5703 considered as read.

5704 Mr. Biggs, you are recognized for 5 minutes on your
5705 amendment.

5706 Mr. Biggs. Thank you, Madam Chair.

5707 In order to be eligible for DACA, an individual had to
5708 meet certain requirements. They had to, one, prove they had
5709 entered the United States on or before June 15th, 2007; two,
5710 that they were physically present in the United States from
5711 that date until June 15th, 2012; three, had no lawful
5712 immigration status on that date; and four, were under the age
5713 of 31 years of age as of June 15th, 2012.

5714 This bill, H.R. 2820, does not merely legalize the DACA
5715 population but also extends green cards to millions of
5716 illegal aliens. My colleagues on the other side have
5717 repeatedly discussed this. I mentioned this the last time I
5718 had an amendment up, that they are trying to provide relief
5719 to individuals who were brought here illegally by their
5720 parents through no fault of their own and were raised without
5721 familiarity with their home country, and yet this bill does
5722 not limit it to that population. It is not the focus solely
5723 on that population.

5724 This bill would also allow for thousands and thousands
5725 of unaccompanied children and other aliens who illegally
5726 entered the United States after DACA was implemented. You
5727 might recall that there was a surge under President Obama and
5728 the Administration in 2014. As a result probably, some would
5729 say, that it certainly was correlative to the implementation
5730 of DACA.

5731 But that surge hoped that they too would one day be
5732 granted relief to receive that same reward, and thus we
5733 provided continued incentivization and rewarded illegal
5734 behavior.

5735 To be eligible for DACA, you had to meet those criteria,
5736 as I said, and that also would require aliens seeking relief
5737 under this bill to have entered the United States before the
5738 age of 16, to have entered before June 15th, 2007 which is
5739 the cutoff date for DACA eligibility. That is what my
5740 amendment takes this back to, and to have remained present in
5741 the United States since June 15th, 2007.

5742 So what I am suggesting is, once again, this bill, 2820,
5743 expands what most people think of when they think of the DACA
5744 population. By changing the date in the bill to age 18, you
5745 are not in compliance with the underlying rationale of the
5746 DACA process, which was 16-year-olds, and that determined
5747 that population set. So once again, the underlying bill
5748 expands that. My amendment is to merely try to limit this

5749 back to the DACA population as intended by the Obama
5750 Administration.

5751 And with that, Madam Chair, I yield back.

5752 Ms. Lofgren. The gentleman yields back.

5753 I recognize myself for 5 minutes to oppose the
5754 amendment.

5755 In the last Congress, the Dream Act of 2017, which was
5756 introduced with bipartisan support in the House and Senate,
5757 the bill required Dreamers to have entered before age 18. I
5758 don't think it makes good sense to limit this to 16- rather
5759 than 17-year-olds. As I have noted, there has been strong
5760 bipartisan support for covering those who entered the country
5761 up to the age of 17. Such a requirement has been endorsed by
5762 dozens of House Republicans in the last Congress, and it is
5763 the standard in the bill recently introduced by the Senate
5764 Judiciary Committee Chairman Lindsay Graham with Senator Dick
5765 Durbin.

5766 Second, the fact that DACA in some early versions of the
5767 Dream Act used the age of 16 as the limit for obtaining
5768 status isn't really relevant to the bill we are considering
5769 today. The bill is about providing protections to those who
5770 entered the United States as children, and the 18th birthday
5771 is widely recognized in our country, including through our
5772 laws, as the age of majority.

5773 There is no question that our country recognizes

5774 childhood to extend through the age of 17. Children under
5775 the age of 18 can't vote, they can't join the military, they
5776 can't enter into contracts or make independent legal
5777 decisions. They can't marry without parental consent in most
5778 states. The criminal justice system also recognizes the age
5779 of 18 as the age of majority. Individuals 18 and older are
5780 treated as adults for all crimes, but children younger than
5781 that are understood to be minors and less morally culpable,
5782 as they are generally unable to form the same kinds of
5783 judgments.

5784 Given that the bill is about protecting those who
5785 entered as minors, the bill should adopt the legal standard
5786 that the country has adopted for almost everything else, and
5787 an additional restriction would not be wise. Imposing
5788 arbitrary restrictions like lowering the age at entry will
5789 not actually solve the issue before us, which is to help
5790 young people who were brought here as minors to resolve their
5791 legal status first through conditional status and then
5792 letting them earn their permanent residence status.

5793 Let's remember that these young people came here with
5794 different backgrounds, all walks of life. We are the
5795 beneficiaries, if this bill passes, of allowing these young
5796 people who have so much to offer our country to become fully
5797 American, not just American in their person but also in their
5798 paperwork. I do believe we should stick with age 17 rather

5799 than the age 16 proposal that is in the amendment, and so
5800 would urge the opposition.

5801 I would yield time to the gentleman from Georgia.

5802 Mr. Johnson of Georgia. Thank you, Madam Chair.

5803 What we are trying to do here is squeeze as many people
5804 out of the protective arms of this legislation as we can, and
5805 all of those people that you are trying to squeeze out of it
5806 are in the same class of folks that we are trying to help
5807 with the legislation. They have been brought to the country
5808 as young people, children, and they didn't have a choice in
5809 it, and they are not lawbreakers, they are not aliens, they
5810 are not drug dealers and gun runners and gang bangers and
5811 thieves and rapists and murderers. These are people who are
5812 studying. They are good citizens. They are working. Some
5813 of them are serving in the military, police officers,
5814 teachers. These are people who need our help. They are
5815 under threat of being deported to a country that they don't
5816 know.

5817 This is their country. They are Americans, but they
5818 just don't have the status.

5819 So how many of these attempts to squeeze people out of
5820 our protective care are we going to face tonight? How many
5821 of these amendments? This is the second one now, and that
5822 comes after a series of demonizing amendments to try to scare
5823 people away from those who we are trying to protect.

5824 How many of these narrowing amendments will we face now,
5825 trying to nickel and dime this legislation? We will be here
5826 as long as it takes to defeat each and every one of them. So
5827 I thank the folks out there for your tenacity in staying put.
5828 We are going to stay here with you. We are in solidarity.

5829 So, with that, I would yield back.

5830 Ms. Lofgren. The gentleman yields back, and my time has
5831 expired.

5832 Do members wish to -- yes, the gentleman from Texas is
5833 recognized.

5834 Mr. Gohmert. Thank you. Strike the last word.

5835 Ms. Lofgren. Strike the last word.

5836 Mr. Gohmert. I would yield my time to my friend from
5837 Arizona, Mr. Biggs.

5838 Mr. Biggs. Thank you, Mr. Gohmert. Appreciate that.

5839 You know, the gentleman who just spoke talked about
5840 demonizing and scaring again. I mean, I am not trying to
5841 demonize or scare anyone. I find it offensive, quite
5842 frankly, that you continue to resort as your primary
5843 argument.

5844 You say they are not aliens. Well, then why in the
5845 world did you not move to amend the document, the amendment
5846 in the nature of a substitute, to delete the term "alien"? I
5847 never heard one of your members indicate that she would like
5848 to do that very thing.

5849 Mr. Johnson of Georgia. Will the gentleman yield?

5850 Mr. Biggs. No, I won't yield. I will not yield.

5851 Mr. Johnson of Georgia. Why not?

5852 Ms. Lofgren. Mr. Johnson, the gentleman has the time.

5853 Mr. Biggs. I won't yield because you continue to refer

5854 to anybody who attempts to do anything on this bill as

5855 demonizing and using scare tactics. That is, in my opinion,

5856 a salacious argument. It is not moving the ball forward.

5857 So I am going to address now some of the issues that

5858 were raised I think by -- some thoughtful arguments raised by

5859 the Chair.

5860 She said this is not good sense and that this is

5861 arbitrary to move to 16. Well, I am not doing anything other

5862 than taking the original DACA population. That is what this

5863 amendment does. It goes to the original definitions of the

5864 Obama Administration. Secretary Napolitano and her staff put

5865 that together. I don't know why, but she did. And what the

5866 underlying bill does is actually expands the population.

5867 In so doing, I would suggest that it may recognize that

5868 the surge was a byproduct of the original DACA policy

5869 implemented by the Obama Administration. So when we start

5870 talking about whether we are going to squeeze, no, we are not

5871 trying to squeeze it. We are trying to say, look, if this is

5872 what you are trying to get at, moving beyond that is actually

5873 an expansion. And really, if you are going to say 18, that

5874 may be arbitrary as well.

5875 There are all kinds of ways to justify whatever number
5876 is picked, but in the end it is going to be arbitrary. So I
5877 am saying let's eliminate the arbitrary nature and go back to
5878 the original underlying bill, and that is what I am saying,
5879 which neither demonizes nor scares nor should put fear into
5880 anyone. All it should do is say, well, gee, that was the
5881 original deal, and we are trying to get back to the original
5882 deal.

5883 And with that, I yield back to Mr. Gohmert.

5884 Mr. Gohmert. Thank you.

5885 When it comes to age, I have a question myself. The
5886 original premise for DACA was children that were brought here
5887 without any input whatsoever, their parents drug them into
5888 the United States, and they should not be punished for simply
5889 coming into the country with their parents.

5890 I have just been sent a picture of a 6-year-old boy, an
5891 8-year-old girl who came unaccompanied to the border near
5892 McAllen yesterday, unaccompanied. I am curious, and I would
5893 yield to the Chair for an answer, how does the reasoning for
5894 DACA that children were brought in, sometimes against their
5895 will, they were brought in by an adult, how does that mesh up
5896 with children coming completely unaccompanied by themselves?

5897 Ms. Lofgren. Is the gentleman yielding to me?

5898 Mr. Gohmert. Yes, I would yield to the Chair. Yes.

5899 Ms. Lofgren. I doubt that any 6-year-old made their way
5900 on their own by themselves from Honduras to El Paso. They
5901 were set on their way by adults and assisted every step of
5902 the way by other adults. A 6-year-old is not capable of
5903 making that journey by herself, nor making the decision to
5904 come by herself.

5905 I would yield back.

5906 Mr. Gohmert. I think you are right. A 6-year-old can't
5907 make that trip on their own. But I just wondered how that
5908 fit in with the argument that their parents brought them, and
5909 therefore they shouldn't be responsible for the illegality of
5910 their parents.

5911 But my time has expired.

5912 Ms. Lofgren. The gentleman's time has expired.

5913 Do other members -- Mr. Cicilline?

5914 Mr. Cicilline. Thank you, Madam Chair.

5915 Ms. Lofgren. Move to strike the last word?

5916 Mr. Cicilline. Yes, I move to strike the last word.

5917 I think the reason it is difficult for members on this
5918 side of the aisle to understand amendments like the one
5919 before us which attempt to restrict or impose limits on the
5920 individuals who would be eligible for DACA protection is
5921 because we fundamentally disagree with our friends on the
5922 other side of the aisle about the value of the Dreamers and
5923 the contributions they have made to our communities.

5924 We saw firsthand this magnificent panel of extraordinary
5925 Dreamers who we ought to be fighting to keep in America
5926 because they are making incredible contributions, and we all
5927 know from the experiences in our own communities, we have all
5928 had the tremendous honor of meeting Dreamers who have
5929 overcome incredible challenges to come to America and develop
5930 their own abilities and to make contributions and be leaders
5931 in our communities.

5932 So for us, it is hard to understand why would anyone who
5933 understands the value and the dignity and the worth of young
5934 people who came here and know no other country than America,
5935 why would be try to limit that group? We ought to be trying
5936 to enlarge that group because they make incredible
5937 contributions.

5938 This is kind of a pre-screened group of people. They
5939 have to be law-abiding citizens, they have to be in school.
5940 There is a whole set of criteria, so we are sort of
5941 guaranteed -- these are the cream of the crop.

5942 So I think that is why we struggle in trying to
5943 understand, and maybe it is just that we begin from a
5944 different point. We understand and value the incredible
5945 contributions that Dreamers have made to our country, and our
5946 lives are enriched by their presence in our communities, and
5947 we are a better country, we are more American because of our
5948 willingness to welcome them.

5949 But what I really want to respond to is the suggestion
5950 that the gentleman made that DACA in some way contributed to
5951 the border crisis, or caused it. None of us on this side of
5952 the aisle doubts that there is a humanitarian crisis
5953 unfolding on our southern border, but it was not caused by
5954 DACA. Nothing in the Dream Act incentivizes migration.

5955 Ms. Escobar. Would the gentleman yield?

5956 Mr. Cicilline. Sure.

5957 Ms. Escobar. Thank you so much, Mr. Cicilline.

5958 Mr. Cicilline. Oh, I am sorry. Let me just finish one
5959 thing and I will get right to you.

5960 To be eligible for DACA, you have to be in the United
5961 States since 2007. No one who entered the country while
5962 President Obama was president is even eligible for DACA. So
5963 there is just no way that DACA could have caused the
5964 additional migration of people who are ineligible for the
5965 program. Even though President Trump terminated DACA in
5966 2017, and DHS has not accepted any new DACA applications in
5967 more than a year-and-a-half, the increase in the arrival of
5968 unaccompanied children and families has continued.

5969 The Dream Act also does nothing to incentivize illegal
5970 migration. The Dream Act is only available to individuals
5971 who entered at least four years ago when they were children.
5972 The argument that the four-year look-back encourages illegal
5973 migration is ridiculous. Absolutely no one is deciding to

5974 come to the United States because they knew about the four-
5975 year look-back and they are expecting the bill to take
5976 another four years to be enacted.

5977 If my Republican colleagues are really worried about
5978 this four-year look-back as an enticement for people to come,
5979 they should help us pass this bill as quickly as possible,
5980 and that will prevent this from happening.

5981 I want to yield the balance of my time to the gentle
5982 lady from Texas, Ms. Escobar.

5983 Ms. Escobar. Thank you, Mr. Cicilline.

5984 I too have been very concerned about the conflation that
5985 we have been witnessing as we are talking about DACA
5986 recipients and young migrants, this wanting to bring up what
5987 is happening at the southern border.

5988 My community more than any other community has been
5989 impacted by the increasing numbers of Central American
5990 families who are essentially running for their lives. And I
5991 have said this before, I will say this again, I am inviting
5992 every member of the Judiciary Committee to come to my
5993 community. Many members of this committee already have, who
5994 have visited not just with law enforcement but have visited
5995 with advocates, and more importantly have sat and spoken with
5996 families.

5997 It is so important that we understand everything that is
5998 occurring. With that understanding, we are able to be better

5999 legislators.

6000 So I just wanted to issue that invitation one more time.

6001 I yield back to my colleague.

6002 Mr. Cicilline. I think, Mr. Johnson, did you want to --

6003 Mr. Johnson of Georgia. I would just say thank you for
6004 yielding.

6005 I would just say that I don't want to hurt the feelings
6006 of my colleagues on the other side of the aisle, but I feel
6007 so in touch with the suffering that is going on with the
6008 people that we are trying to help who worry when D-day
6009 approaches about whether or not they are going to be deported
6010 or not. That is why I say the things that I do, because they
6011 feel the pain. You all feel the pain, but they feel a
6012 different pain, and we want to try to ameliorate that pain.

6013 Ms. Lofgren. The gentleman's time has expired.

6014 Let me see if there is someone -- the gentleman from
6015 Colorado is recognized.

6016 Mr. Buck. I move to strike the last word.

6017 Ms. Lofgren. And you are recognized for 5 minutes.

6018 Mr. Biggs. Thank you, Madam Chair. I want to respond
6019 to my friend from Rhode Island, and I appreciate your
6020 comments. I do not know that anybody on this side of the
6021 aisle who disagrees with your statement that there are many,
6022 many DACA recipients who are great individuals. And at least
6023 I can speak for myself, I have a lot of compassion for those

6024 individuals. In my district, I have met many of those young
6025 people, and the ones that I have met are law abiding. They
6026 are hardworking. They are people that are proud that they
6027 are part of the community.

6028 The problem that we have, or at least the problem that I
6029 have, is that I believe sincerely that when we make a move
6030 like this, we send a message to people and we give them false
6031 hope south of our border, and that is the problem that I am
6032 having with this if you combine this with border security,
6033 and, frankly, other measures. We have got to look at foreign
6034 aid and try to build up communities. We have got to look at
6035 law enforcement to help and try to deal with the gang problem
6036 south of our border. It is a complex issue, but this is one
6037 small part of a very complex issue that we need to solve.

6038 It is not that I object to this bill. It is that I
6039 object to this bill in isolation. And so it is not that I
6040 certainly have any problem with treating these young people
6041 with compassion. For the most part I do not blame them for
6042 having entered this country without proper documentation. I
6043 do not blame them for being here. I do not blame them for
6044 the life that they have lived in this country. What I am
6045 trying to do is make sure that we do not offer false hope to
6046 future generations of parents to bring young people here with
6047 the idea that this is going to happen again.

6048 We did this in 1986 with Simpson-Mazzoli. We promised

6049 the American people that we would have border security, and
6050 we failed. And as a result, we have created a humanitarian
6051 crisis throughout this country, not just on the southern
6052 border, but throughout this country. The resources in my
6053 district and my home county are strained as a result of
6054 having primarily Spanish-speaking individuals in a school
6055 district that has to have a lower class size to try to help
6056 those individuals in our education system. It is strained in
6057 our healthcare system. It is strained in so many ways, and
6058 we cannot continue to do that.

6059 And so I absolutely want to work with my friends and
6060 find a way to treat these individuals with compassion, many
6061 of them great individuals that will contribute to this
6062 country for years, and, frankly, have families that will
6063 contribute to this country for generations. But we have got
6064 to find a way to deal with the issue at the border, or we are
6065 giving false hope, in my opinion.

6066 And so it is not just an empty argument that we have a
6067 crisis at the border and we are linking the two issues. It
6068 is a sincere effort to try to make sure that we do not pass
6069 on to our colleagues 20 years from now, those that take over
6070 for us this, this problem. And so I recognize the
6071 gentleman's heartfelt compassion for these people. I agree
6072 with it. I just think folks on this side of the aisle are
6073 linking two issues that are very important. And with that, I

6074 yield back.

6075 Ms. Lofgren. The gentlelady from Texas. Strike the
6076 last word?

6077 Ms. Jackson Lee. Move to strike the last word.

6078 Ms. Lofgren. You are recognized for 5 minutes.

6079 Ms. Jackson Lee. First of all, I am going to
6080 ultimately, Madam Chair, put on the record a number of roll
6081 call votes that I was serving speaker pro-tem on the floor,
6082 and I do want to put them in the record. And so I may have
6083 missed the gentleman from Arizona's explanation, so I am just
6084 going to take a moment to yield to the gentleman from
6085 Arizona, the author of this amendment. What is the purpose
6086 of this amendment? I missed hearing the initial discussion.

6087 Mr. Biggs. Yeah, thank you. I appreciate you yielding
6088 to me and your sincere desire to know what I am getting at.
6089 What I am getting at is my amendment takes us back to the
6090 original DACA requirements. So the DACA requirements meant
6091 that you had to be in the U.S. on or before June 15th, 2007,
6092 physically present from that day to June 15th, 2012. No
6093 lawful immigration status on that day, and you were under 31
6094 years of age as of June 15th, 2012, which meant that where we
6095 are today and where you were then, you had to be under age
6096 16. And that is what this amendment does. It takes you
6097 back, puts you right where DACA is. The underlying bill
6098 itself actually expands it in multiple ways, but certainly in

6099 this way, and I am trying to get back to that point. That is
6100 the objective.

6101 Ms. Jackson Lee. Let me thank the gentleman for his
6102 explanation, and let me try to characterize or to offer. I
6103 am sure there have been many explanations, and you might
6104 consider what you are doing is in the strict letter of the
6105 law. What happens when one works on legislation, you move to
6106 protect the American people, but you also move to respect the
6107 definitive changes that warrant a response. And so I have to
6108 oppose the gentleman's amendment because he wants to start
6109 where we are not.

6110 The bill that we have today doesn't undermine the
6111 gentleman's intent. It only recognizes the current structure
6112 or the current needs of the day that will not violate any
6113 more the security that we need for the Nation. So, for
6114 example, I have a DREAMer, an older DREAMer, who is a
6115 paramedic, who was in jeopardy when the President
6116 precipitously dismissed DREAMer status and put everyone in a
6117 panic. He is in a rural community. The community rallied
6118 around him, but he was in jeopardy of his status, and that
6119 rural community was going to lose his services, but lose him.
6120 And, frankly, he was one of those important rescuers during
6121 Hurricane Harvey when no one asked for anyone's
6122 identification or documentation.

6123 So I would say, Mr. Biggs, it looks as if it is okay to

6124 take us back to a framework that was utilized. You are
6125 absolutely right. But when we begin to do our research, we
6126 determined there were people who were aging out. There were
6127 people that were older, that had come in under that status,
6128 and that if you did not correct it, you were just passing
6129 something that would leave a problem still needing a fix.
6130 And so I would say to you that you will have a problem still
6131 needing to be fixed up by people who legitimately warrant
6132 being in this country on the criteria that we have listed,
6133 all being people who would provide service, contribution,
6134 patriotic passion.

6135 And so I would make the argument that your intentions
6136 may be for that era that we were in, and I was here long
6137 enough to know that era. But we are now at a place where it
6138 is crucial that we embrace the wholeness of the people that
6139 are here. And if we do not, I hope we can see in that focus
6140 you will then have an added problem that I do not think
6141 Republicans or Democrats would welcome because you will have
6142 un-statused persons who will again be in the eye the storm
6143 and be condemned because they are undocumented or they are
6144 un-statused.

6145 And I do not want that to be the results of the work in
6146 this committee because we are the committee that fixes
6147 problems for this country. And so I yield back and sadly
6148 have to oppose the amendment.

6149 Ms. Lofgren. The gentlelady's time has expired. Do
6150 other members wish to be heard? The gentlelady from
6151 Washington.

6152 Ms. Jayapal. Thank you, Madam Chair, and I associate
6153 myself with the comments of the gentlelady from Texas. And,
6154 you know, I think that we are just in very different places.
6155 I oppose this amendment because both the age and the year
6156 would dramatically limit the number of people that would be
6157 eligible. It would like fixing a 10th of the problem. It
6158 would be about 8 years' difference, so 8 years of people, and
6159 I would argue that it is actually our fault.

6160 I have only been in Congress for a couple of years, but
6161 we have not been able to fix this, and Republicans have been
6162 opposing us on these bills around the DREAMers for years.
6163 And so this date actually matches what some Republicans
6164 introduced in the Senate. Lindsey Graham's bill has 4 years
6165 before the date of enactment. That is the same thing we are
6166 doing in this bill, 4 years before the date of the enactment,
6167 so we are matching to what even Republican colleagues in the
6168 Senate have introduced.

6169 And in the end, we want to make sure that our failures
6170 of passing legislation that benefit DREAMers and folks who
6171 have been waiting for us to give a real solution, that these
6172 young people should not have to pay the price for our failure
6173 to not pass legislation that protects them sooner, that gives

6174 them these so important papers sooner so that people do not
6175 have to live in the shadows.

6176 And I agree with Mr. Buck that we need to have a
6177 comprehensive solution for immigration reform. I know the
6178 chairwoman has been fighting for that for a very long time.
6179 I know I have been fighting for that for a very long time.
6180 We have been trying to say for a very long time that the
6181 immigration system is broken. It needs to be fixed, and that
6182 we are detaining too many people across this country. We are
6183 using inhumane enforcement laws. But ultimately if we just
6184 allowed the country to recognize what we actually see every
6185 day when we eat our vegetables, when we, you know, stay in
6186 hotel rooms, when we do all of the things that immigrants
6187 provide services for, when we drink our milk and we think
6188 about the dairy farmers who are utilizing labor of
6189 undocumented immigrants. Somehow we are okay with taking
6190 that labor, but we do not want to actually provide a way for
6191 people to be here with the proper documentation so they do
6192 not have to live in the shadows.

6193 So I do hope that we can get to a comprehensive
6194 immigration reform solution, but because we have been opposed
6195 on that every step of the way -- every step of the way -- let
6196 us at least take care of the piece that we have had
6197 bipartisan support for in the past, not enough to get it
6198 through the Senate to break that cloture vote. But this is a

6199 moment for us to serve the people that we know deserve to be
6200 served, and so I appreciate the amendment from Mr. Biggs. He
6201 is a different place. We are in a different place. But it
6202 takes away 8 years of people who would have been eligible,
6203 who would be eligible under our bill.

6204 This amendment would take away 8 years of that, plus on
6205 top of that lower the age of eligibility, so I oppose it. It
6206 does not solve the DREAMer problem in the sense of the scope
6207 that the current bill does. And I look forward to the day
6208 when we can as a committee take on a real humane approach to
6209 immigration reform, not leave immigrants out there, take the
6210 labor, you know, know that they' are driving the economies in
6211 our States and cities and towns across the country, and then
6212 somehow say that, you know, we feel so certain that they
6213 should not be allowed legal status.

6214 Unless you do not stay in hotel rooms, unless you do not
6215 eat vegetables, unless you do not drink milk, unless you do
6216 not eat beef or chicken or all of the other things that, you
6217 know, ways in which immigrants contribute, not to mention as
6218 doctors, as many other professions, it is hypocritical for us
6219 to continue to say that somehow these people are doing wrong
6220 when we are taking in their work and their labors. So
6221 anyway, I hope we get to that point, but in the meantime I
6222 have to oppose --

6223 Mr. Cicilline. Will the gentlelady yield for a

6224 question?

6225 Ms. Jayapal. I will yield to my colleague from Rhode
6226 Island.

6227 Mr. Cicilline. Thank you. I was just thinking as you
6228 were speaking that in some ways --

6229 Ms. Lofgren. The gentlelady's time has expired. We ask
6230 unanimous consent for one additional minute for the
6231 gentleman.

6232 Mr. Cicilline. Thank you. In some ways this amendment
6233 actually punish DREAMers because of the inaction of
6234 Congress --

6235 Ms. Jayapal. Exactly.

6236 Mr. Cicilline. -- which seems like a very unfair thing
6237 to do. And secondly, you know, in many ways you would still
6238 have to satisfy all the requirements that are contained in
6239 this legislation. So we would actually have more evidence
6240 that this person has fully integrated into the community, is
6241 a law-abiding citizen, has deeper ties community. So it
6242 seems like it is actually a perverse incentive. We are
6243 punishing them because of our own inaction, and we are
6244 getting people who have deeper roots in the community and
6245 making them ineligible, which seems to be counterintuitive.

6246 Ms. Jayapal. Very, very well said, and I would just add
6247 that this isn't just a Democratic proposal. This is actually
6248 the same idea as what was introduced by Republicans and

6249 Democrats in the Senate. Four years before the date of
6250 enactment, that is the same thing we are proposing. Thank
6251 you, Madam Chair.

6252 Mr. Chabot. Madam Chair?

6253 Ms. Lofgren. The gentleman from Ohio is recognized.

6254 Mr. Chabot. Move to strike the last word.

6255 Ms. Lofgren. The gentleman is recognized for 5 minutes.

6256 Mr. Chabot. Thank you, Madam Chair. In light of a lot
6257 of things you have said, I am not going to use the full 5
6258 minutes I don't think, but I support the gentleman from
6259 Arizona's amendment, thank him for offering it, thank him for
6260 some of the incoming that he is taking by offering
6261 amendments, and a number of us have. It is part of the way
6262 it works, so I get it. I am not worried about that too much,
6263 but just a couple of other points.

6264 President Trump down at the White House some time ago
6265 sort of offered to do something about the DREAMers in a
6266 bipartisan manner. That is the only way it is ever going to
6267 happen. It might pass this committee. It might even pass
6268 the House floor. But it is not going to happen unless it is
6269 done in a bipartisan manner. And the President offered to do
6270 that. Not every Republican, certainly not every Democrat,
6271 supported that.

6272 But he said let's get together. We will give you DACA,
6273 but we want to actually control our borders. We have talked

6274 about it a lot. Let's do both. And the Democrats basically
6275 slapped him in the face and said, no, we are not going to do
6276 it. We are not going to offer it. We are not going to agree
6277 with it, and it just stopped. And I know some of my
6278 Democratic colleagues will say, oh, no, it is the
6279 Republicans. That is not the way I remember it. It was the
6280 Democrats who rejected this.

6281 And, you know, when you reward lawbreaking with amnesty,
6282 you are going to get more lawbreaking. I mean, it is just
6283 kind of common sense. When Obama announced his DACA policy,
6284 there was a surge of illegal immigrants at our border. You
6285 know, it used to be single men in general from Mexico coming
6286 here, and in recent years it has been more and more families
6287 and children coming up here, sometimes unaccompanied,
6288 sometimes with their actual parents, sometimes not. But it
6289 has been mostly families from Central America -- Guatemala,
6290 Honduras, El Salvador in particular.

6291 And no question they are fleeing all kinds of horrific
6292 things down there, and we ought to work with those
6293 governments a lot more than we do. And I am not for cutting
6294 off the aid down there, although I completely understand the
6295 President's frustration with those governments not really
6296 working with us and oftentimes behind the scenes or maybe not
6297 behind the scenes working to help to put these caravans
6298 together that are coming up to break our laws. But, you

6299 know, as far as President Obama, him and his DACA policy and
6300 then the surge at our borders, the same thing is going to be
6301 true here.

6302 If we change the law to allow people to bring their
6303 children here illegally and then they can stay, I mean, it is
6304 just logical, more people are going to bring their children
6305 here and know that somewhere down the road they are going to
6306 get to say. There is just absolutely no question that that
6307 is going to happen. We are setting a precedent, although the
6308 precedent has really already been set. We are probably
6309 reaffirming a precedent that is already been set.

6310 And so if you really want to accomplish something on
6311 DACA, folks, you know, many of us are willing to talk about
6312 it, willing to actually maybe do something about it if we can
6313 actually control our border. That is what we want to do. We
6314 want to make sure that the border is controlled. The
6315 American people have a right to have the border controlled.
6316 The American taxpayers have the right to not have to have to
6317 pay the bill for a lot of people who are taking up education,
6318 taking up healthcare, housing, some in the criminal justice
6319 system, and haven't paid anything into it.

6320 The American taxpayer is footing the bill for these
6321 things, and that is why so many on our side feel so strongly
6322 about this because we think that the border absolutely has to
6323 be controlled, and it is not being controlled. And when you

6324 look at it the asylum laws right now, we have talked about
6325 doing something there in a bipartisan manner when people can
6326 come up here and the cartels bring them up here and make tons
6327 of money, and then basically tell them the magic words, that
6328 they are in some fear. They say that. We give them a court
6329 date a couple years down the road. We put them on a bus or
6330 now on a plane, send them all over the country, and very few
6331 people show up for those court hearings. That absolutely has
6332 to be repaired. If we do not get border control, we are not
6333 going to be a country in the near future. I think the
6334 President is right about that.

6335 And I guess, finally, you know, a previous President,
6336 one of my heroes, probably a lot of us on this side, I think
6337 was the first president I met, probably out here on the other
6338 side. Ronald Reagan famously really got suckered on this
6339 issue. They sort of suckered him into a deal where we are
6340 going to allow amnesty this one time, and then we are going
6341 to get control of our borders. The amnesty happened. The
6342 border control never happened. We had a couple of million
6343 people here illegally then. It is far more than that now.
6344 And I yield back.

6345 Chairman Nadler. [Presiding.] The gentleman yields back.
6346 The gentleman from California. For what purpose --
6347 Mr. Correa. Thank you. I move to strike the last word.
6348 Chairman Nadler. The word is duly struck, and the

6349 gentleman is recognized.

6350 Mr. Correa. Thank you. Mr. Chair, I just wanted to
6351 follow up on from the gentleman from Ohio, some of his
6352 comments about the law breaking, and I wanted to focus on
6353 what this is all about. Last year my daughter came home from
6354 high school. She was a senior and brought home with her two
6355 of her best friends, both DACA students, both very shy, very
6356 quiet, very nervous and scared because they had heard the
6357 news that DACA was being rescinded, had been rescinded by
6358 this President, and wanted to know what I could do for them.

6359 The more I asked them questions about their situations,
6360 the more I realize they really represented the typical family
6361 in my district and many areas of this country. Some of their
6362 siblings born in the U.S., some not. One of their parents
6363 legal status, the other parent no legal status. One leg in
6364 the U.S., and the other not. And I gave them some advice.
6365 I said, look, I said, keep doing what you are doing. Study
6366 hard. Follow the laws. Pay your taxes. Be good, and let's
6367 work on your issue in Washington.

6368 And the more people find out in my district I am in
6369 Congress, the more I realize how many DREAMers are gainfully
6370 employed in my district. Every time I they find out I am a
6371 U.S. congressman, they ask what can we do. What is going on?
6372 And they are all gainfully employed, good jobs.

6373 In my county we have a 3 percent unemployment rate right

6374 now. These folks are working. They are adding to the wealth
6375 of this country, to the miracle of this economic growth. And
6376 guess what? They all pay property taxes. They all pay
6377 income taxes. They pay Federal taxes, State taxes, sales
6378 tax. Many of them will also be paying Social Security tax
6379 and will never see that Social Security benefit from
6380 retirement. So when I hear my colleagues talk about a free
6381 ride, I do not see that. I see people talking about the
6382 cost, but not their contribution to our wealth and our
6383 economy, the best in the world. I do not get it.

6384 Southern California is still the capital of
6385 manufacturing in this country, and guess who the workers are?
6386 A lot of undocumented. A lot of immigrants. That is what
6387 America is all about. And, again, my daughter, two DREAMers
6388 her best friends. I want to show you another picture of
6389 another DREAMer, Katya. She also went to the same schools my
6390 daughter went to. She just graduated from UC-Riverside, and
6391 she is going on to law school. She is trying to figure out
6392 how to pay her way through school. You know what? She does
6393 not get financial aid. You know what? She is working her
6394 way through school. That is what the American Dream is
6395 about, working hard, fulfilling your dreams. Mr. Chair --

6396 Ms. Escobar. Would the gentleman yield?

6397 Mr. Correa. I yield, yes.

6398 Chairman Nadler. Does the gentleman yields to the

6399 gentlelady?

6400 Mr. Correa. Yes.

6401 Ms. Escobar. From Texas.

6402 Chairman Nadler. From Texas.

6403 Ms. Escobar. Thank you. I know it is late. Thank you
6404 so much, Mr. Correa and Mr. Chairman. I just want to say
6405 something very briefly. Here we are 9 hours into a hearing
6406 for DREAMers. And actually I want to thank Mr. Chabot for
6407 his statements because I think they very transparently and
6408 clearly delineate the differences here. And that is why this
6409 whole exercise that we have been engaged in for 9 hours of
6410 amendments, amendments to a piece of legislation that is long
6411 overdue.

6412 But Mr. Chabot very clearly laid out his views on
6413 immigrants. You did not hear a single positive remark or
6414 observation about immigrants. And we have been sitting here
6415 all day having to defend human beings who contribute to our
6416 economy, to our country, to our security, to our safety, to
6417 our future. But it is so important, and I would encourage
6418 everyone to go back and listen to those remarks once again so
6419 that you understand fundamentally what this is about. It is
6420 about the way that we see people.

6421 With that, I yield back.

6422 Mr. Cline. Mr. Chairman? Mr. Chairman?

6423 Chairman Nadler. The gentleman from Virginia?

6424 Mr. Cline. Move to strike last word, if I may, and I
6425 would like to yield to the gentleman from Ohio, Mr. Chabot.

6426 Mr. Chabot. Thank you. I will be brief. There is a
6427 big difference between, you said you keep talking about
6428 immigrants. There is a difference between people that are
6429 here legally and illegally. There is legal immigrants, then
6430 there are illegal immigrants, and that is a huge difference.
6431 People come to this country all the time. They do it
6432 legally. They do it the right way. They do not break the
6433 law. They do great things for this country.

6434 Mr. Correa. Would the gentleman yield?

6435 Mr. Chabot. That is the way it is supposed to happen.
6436 We have got a lot of other people that do it illegally, and
6437 if we are going to do something --

6438 Mr. Correa. Will you yield, sir?

6439 Mr. Chabot. -- about the DACA folks -- just wait, and
6440 then I would be happy to. It is not my time, but I would
6441 encourage my colleague to do that down there in just a
6442 minute. But that is the big difference. We have folks who
6443 come here illegally, and I think that is hurtful to the
6444 country. That is the problem. People who come here legally,
6445 that is great. I would encourage it. We have some folks at
6446 think that we need to lower immigration in this country. I
6447 think immigration is very good for our country, but when it
6448 is legal. When it is illegal, I think it is harmful to our

6449 country.

6450 And if the gentleman would yield, I would be happy to

6451 yield to the gentleman.

6452 Mr. Cline. I yield.

6453 Mr. Correa. Thank you. I just want to point out that

6454 you make a good point, except that those with and without

6455 documents all work equally hard, and they all equally pay

6456 taxes, sir. Thank you.

6457 Chairman Nadler. Would the gentleman yield?

6458 Mr. Chabot. Mr. Chairman, I yield.

6459 Chairman Nadler. I thank the gentleman for yielding. I

6460 just want to point out that what everyone says about the

6461 difference between illegal immigrants and legal immigrants,

6462 the fact is the bill before us is talking about people who

6463 did not break the law. We are talking about people who were

6464 brought here as children, had no choice in the matter. So we

6465 are not talking about rewarding people who broke the law. We

6466 are talking about people who were brought up in this country,

6467 who may not have even found out they are not citizens until

6468 they apply to college. They may have been here at 1-year-

6469 old. So it is very different.

6470 If you want to talk about legal versus illegal

6471 immigration, that is fine, but that is a debate that isn't on

6472 this bill. I yield back.

6473 Mr. Chabot. Reclaiming the gentleman's time if I can.

6474 Go ahead.

6475 Mr. Cline. Let me just respond to that, and then I will
6476 yield. Mr. Chairman, I would respond by saying that this
6477 bill is broader than just the DACA population. As you know,
6478 any individual who entered the U.S. under the age of 18 and
6479 who is present for 4 years prior to the date of enactment is
6480 eligible for a green card under this bill. There is no age
6481 limit and no requirement that the alien have no lawful
6482 immigration status. So it is a lot broader, and I think my
6483 colleagues on the other side would agree that it is much
6484 broader than just for DACA. And with that I would yield back
6485 to the gentleman from Ohio.

6486 Mr. Chabot. Thank you, reclaiming. Relative to the
6487 kids or whatever, now, some of them aren't necessarily that
6488 young now. They are they are older now. But the parents did
6489 something illegal, and when somebody commits a crime -- that
6490 is what the parents did by coming here illegally -- if you
6491 let people benefit from it, essentially you will get more of
6492 that behavior, and that is what we have seen here. We saw it
6493 when Obama did DACA. We are going to see after this when
6494 this passes.

6495 But that is the whole thing. It might pass this
6496 committee. It might even pass the floor, but it is not going
6497 to become law, at least right now.

6498 Chairman Nadler. Would the gentleman yield?

6499 Mr. Chabot. What we ought to be doing is working
6500 together in a bipartisan manner. And let just say this as
6501 well. You are focusing attention on these folks who came
6502 here from our southern border. It is a big world out there.
6503 There are a lot countries out there. There are people that
6504 would love to come to this country, and they are determined
6505 to do it the right way because that is what we are told to
6506 do. Most parents bring their kids up to not break the law.

6507 Ms. Escobar. Would the gentleman yield?

6508 Chairman Nadler. Would the gentleman --

6509 Mr. Chabot. I really don't have the time myself.

6510 Chairman Nadler. Would the gentleman yield for --

6511 Mr. Cline. The time is mine.

6512 Mr. Chabot. Well, let me finish, and then if there is
6513 time, I would be happy to yield. People that want to come to
6514 this country, essentially you are letting these folks cut in
6515 front of the line of people that are trying to do it the
6516 right way. Is it fair to all those people that will never
6517 get the opportunity to come to America to experience the life
6518 that we have because they have determined they are going to
6519 do it the right way? They have taught their kids that you
6520 get ahead, you do well in this country if you get a good
6521 education, you work hard you follow the law, you do things
6522 right.

6523 That is one way they bring their kids up, and a lot of

6524 people around the world, to me that would be much preferable
6525 to have folks coming in here that are going to respect the
6526 law than people that are going to just break the law and cut
6527 right in front of people. And we reward the people that are
6528 the line cutters, and we punish the people that do it the
6529 right way. And if the gentleman would yield, I would be
6530 happy to give him the time.

6531 Mr. Cline. Mr. Chairman, you can have --

6532 Chairman Nadler. Thank you. I will take about 30
6533 seconds. I just want to point out the gentleman from Ohio
6534 talked about, in effect, punishing the children for the sins
6535 of the parents. The parents broke the law, et cetera. The
6536 10 Commandments says that the Lord visits the sins of the
6537 parents on the children, on to the 3rd and 4th generation,
6538 but only "to those that hate me." "Only to those that hate
6539 me." There has to be a fault in the kids.

6540 Mr. Chabot. Reclaiming whatever time is left, I am not
6541 saying that we should punish anyone. I am just saying that
6542 we should apply the laws of this country equally to
6543 everybody. That is what I am saying.

6544 Chairman Nadler. The time of the gentleman has expired.
6545 The question occurs on the amendment.

6546 All in favor, say aye?

6547 Opposed, no?

6548 The noes have it. The amendment is not agreed to.

6549 Is there any further amendments?

6550 Roll call vote is requested. The clerk will call the

6551 roll.

6552 Chairman Nadler. The gentleman has asked for a recorded

6553 vote. The clerk will call the roll.

6554 Ms. Strasser. Mr. Nadler?

6555 Chairman Nadler. No.

6556 Ms. Strasser. Mr. Nadler votes no.

6557 Ms. Lofgren?

6558 Ms. Lofgren. No.

6559 Ms. Strasser. Ms. Lofgren votes no.

6560 Ms. Jackson Lee?

6561 Mr. Cohen?

6562 Mr. Johnson of Georgia?

6563 Mr. Johnson of Georgia. No.

6564 Ms. Strasser. Mr. Johnson of Georgia votes no.

6565 Mr. Deutch?

6566 Ms. Bass?

6567 Mr. Richmond?

6568 Mr. Jeffries?

6569 Mr. Cicilline?

6570 Mr. Cicilline. No.

6571 Ms. Strasser. Mr. Cicilline votes no.

6572 Mr. Swalwell?

6573 Mr. Lieu?

6574 Mr. Lieu. No.

6575 Ms. Strasser. Mr. Lieu votes no.

6576 Mr. Raskin?

6577 Ms. Jayapal?

6578 Ms. Jayapal. No.

6579 Ms. Strasser. Ms. Jayapal votes no.

6580 Mrs. Demings?

6581 Mrs. Demings. No.

6582 Ms. Strasser. Mrs. Demings votes no.

6583 Mr. Correa?

6584 Mr. Correa. No.

6585 Ms. Strasser. Mr. Correa votes no.

6586 Ms. Scanlon?

6587 Ms. Scanlon. No.

6588 Ms. Strasser. Ms. Scanlon votes no.

6589 Ms. Garcia?

6590 Ms. Garcia. No.

6591 Ms. Strasser. Ms. Garcia votes no.

6592 Mr. Neguse?

6593 Mr. Neguse. No.

6594 Ms. Strasser. Mr. Neguse votes no.

6595 Mrs. McBath?

6596 Mrs. McBath. No.

6597 Ms. Strasser. Mrs. McBath votes no.

6598 Mr. Stanton?

6599 Mr. Stanton. No.

6600 Ms. Strasser. Mr. Stanton votes no.

6601 Ms. Dean?

6602 Ms. Dean. No.

6603 Ms. Strasser. Ms. Dean votes no.

6604 Ms. Mucarsel-Powell?

6605 Ms. Mucarsel-Powell. No.

6606 Ms. Strasser. Ms. Mucarsel-Powell votes no.

6607 Ms. Escobar?

6608 Ms. Escobar. No.

6609 Ms. Strasser. Ms. Escobar votes no.

6610 Mr. Collins?

6611 Mr. Collins. Aye.

6612 Ms. Strasser. Mr. Collins votes aye.

6613 Mr. Sensenbrenner?

6614 Mr. Chabot?

6615 Mr. Chabot. Aye.

6616 Ms. Strasser. Mr. Chabot votes aye.

6617 Mr. Gohmert?

6618 Mr. Gohmert. Aye.

6619 Ms. Strasser. Mr. Gohmert votes aye.

6620 Mr. Jordan?

6621 Mr. Buck?

6622 Mr. Buck. Aye.

6623 Ms. Strasser. Mr. Buck votes aye.

6624 Mr. Ratcliffe?

6625 Mrs. Roby?

6626 Mr. Gaetz?

6627 Mr. Johnson of Louisiana?

6628 Mr. Biggs?

6629 Mr. Biggs. Aye.

6630 Ms. Strasser. Mr. Biggs votes aye.

6631 Mr. McClintock?

6632 Mr. McClintock. Aye.

6633 Ms. Strasser. Mr. McClintock votes aye.

6634 Mrs. Lesko?

6635 Mrs. Lesko. Aye.

6636 Ms. Strasser. Mrs. Lesko votes aye.

6637 Mr. Reschenthaler?

6638 Mr. Reschenthaler. Aye.

6639 Ms. Strasser. Mr. Reschenthaler votes aye.

6640 Mr. Cline?

6641 Mr. Cline. Aye.

6642 Ms. Strasser. Mr. Cline votes aye.

6643 Mr. Armstrong?

6644 Mr. Steube?

6645 Mr. Steube. Aye.

6646 Ms. Strasser. Mr. Steube votes yes.

6647 Chairman Nadler. The gentlelady from Texas?

6648 Ms. Jackson Lee. How am I recorded?

6649 Ms. Strasser. Ms. Jackson Lee, you are not recorded.

6650 Ms. Jackson Lee. No.

6651 Ms. Strasser. Ms. Jackson Lee votes no.

6652 Chairman Nadler. The gentleman from Tennessee?

6653 Mr. Cohen. No once again.

6654 [Laughter.]

6655 Ms. Strasser. Mr. Cohen votes no.

6656 Chairman Nadler. The clerk will note it is no once
6657 again.

6658 Is there anyone else who hasn't voted who wishes to
6659 vote?

6660 [No response.]

6661 Chairman Nadler. The clerk will report.

6662 Ms. Strasser. Mr. Chairman, there are 10 ayes and 18
6663 noes.

6664 Chairman Nadler. The amendment is not agreed to. Are
6665 there any further amendments to the amendment in the nature
6666 of a substitute?

6667 [No response.]

6668 Chairman Nadler. If there are no further amendments,
6669 the question occurs on the amendment in the nature of a
6670 substitute. This will be followed immediately by a vote on
6671 final passage of the bill.

6672 All those in favor of the amendment in the nature of a
6673 substitute, respond by saying aye?

6674 Opposed, no?

6675 In the opinion of the chair, the ayes have it. The
6676 amendment in the nature of a substitute is agreed to.

6677 A reporting quorum being present, the question is on the
6678 motion to report the bill, H.R. 2820, as amended, favorably
6679 to the House.

6680 Those in favor, respond by saying aye?

6681 Opposed, no?

6682 The ayes have it. The bill is ordered reported
6683 favorably.

6684 A roll call is requested. The clerk will call the roll.

6685 Ms. Strasser. Mr. Nadler?

6686 Chairman Nadler. Yes.

6687 Ms. Strasser. Mr. Nadler votes yes.

6688 Ms. Lofgren?

6689 Ms. Lofgren. Aye.

6690 Ms. Strasser. Ms. Lofgren votes aye.

6691 Ms. Jackson Lee?

6692 Ms. Jackson Lee. Aye.

6693 Ms. Strasser. Ms. Jackson Lee votes aye.

6694 Mr. Cohen?

6695 Mr. Cohen. Aye.

6696 Ms. Strasser. Mr. Cohen votes aye.

6697 Mr. Johnson of Georgia?

6698 Mr. Johnson of Georgia. Aye.

6699 Ms. Strasser. Mr. Johnson of Georgia votes aye.
6700 Mr. Deutch?
6701 Ms. Bass?
6702 Mr. Richmond?
6703 Mr. Jeffries?
6704 Mr. Cicilline?
6705 Mr. Cicilline. Yes.
6706 Ms. Strasser. Mr. Cicilline votes yes.
6707 Mr. Swalwell?
6708 Mr. Lieu?
6709 Mr. Raskin?
6710 Ms. Jayapal?
6711 Ms. Jayapal. Aye.
6712 Ms. Strasser. Ms. Jayapal votes aye.
6713 Mrs. Demings?
6714 Mrs. Demings. Yes.
6715 Ms. Strasser. Mrs. Demings votes yes.
6716 Mr. Correa?
6717 Mr. Correa. Absolutely yes.
6718 Ms. Strasser. Mr. Correa votes yes.
6719 Ms. Scanlon?
6720 Ms. Scanlon. Yes.
6721 Ms. Strasser. Ms. Scanlon votes yes.
6722 Ms. Garcia?
6723 Ms. Garcia. Yes.

6724 Ms. Strasser. Ms. Garcia votes yes.
6725 Mr. Neguse?
6726 Mr. Neguse. Yes.
6727 Ms. Strasser. Mr. Neguse votes yes.
6728 Mrs. McBath?
6729 Mrs. McBath. Yes.
6730 Ms. Strasser. Mrs. McBath votes yes.
6731 Mr. Stanton?
6732 Mr. Stanton. Yes.
6733 Ms. Strasser. Mr. Stanton votes yes.
6734 Ms. Dean?
6735 Ms. Dean. Yes.
6736 Ms. Strasser. Ms. Dean votes yes.
6737 Ms. Mucarsel-Powell?
6738 Ms. Mucarsel-Powell. Yes.
6739 Ms. Strasser. Ms. Mucarsel-Powell votes yes.
6740 Ms. Escobar?
6741 Ms. Escobar. Si. Yes.
6742 [Laughter.]
6743 Ms. Strasser. Ms. Escobar votes yes.
6744 Mr. Collins?
6745 Mr. Collins. No.
6746 Ms. Strasser. Mr. Collins votes no.
6747 Mr. Sensenbrenner?
6748 Mr. Chabot?

6749 Mr. Chabot. No.

6750 Ms. Strasser. Mr. Chabot votes no.

6751 Mr. Gohmert?

6752 Mr. Gohmert. No.

6753 Ms. Strasser. Mr. Gohmert votes no.

6754 Mr. Jordan?

6755 Mr. Buck?

6756 Mr. Buck. No.

6757 Ms. Strasser. Mr. Buck votes no.

6758 Mr. Ratcliffe?

6759 Mrs. Roby?

6760 Mr. Gaetz?

6761 Mr. Johnson of Louisiana?

6762 Mr. Biggs?

6763 Mr. Biggs. No.

6764 Ms. Strasser. Mr. Biggs votes no.

6765 Mr. McClintock?

6766 Mr. McClintock. No.

6767 Ms. Strasser. Mr. McClintock votes no.

6768 Mrs. Lesko?

6769 Mrs. Lesko. No.

6770 Ms. Strasser. Mrs. Lesko votes no.

6771 Mr. Reschenthaler?

6772 Mr. Reschenthaler. No.

6773 Ms. Strasser. Mr. Reschenthaler votes no.

6774 Mr. Cline?

6775 Mr. Cline. No.

6776 Ms. Strasser. Mr. Cline votes no.

6777 Mr. Armstrong?

6778 Mr. Steube?

6779 Mr. Steube. No.

6780 Ms. Strasser. Mr. Steube votes no.

6781 Chairman Nadler. The gentleman from California?

6782 Mr. Lieu. Yes.

6783 Ms. Strasser. Mr. Lieu votes yes.

6784 Chairman Nadler. Do any other members wish to vote who
6785 haven't voted?

6786 [No response.]

6787 While we are waiting for someone who is on his way, the
6788 gentlelady from Texas would like to insert into the record --

6789 Ms. Jackson Lee. My amendments missed, if I might, Mr.
6790 Chairman. I will do it very quickly. As indicated, I had to
6791 serve as speaker pro tem today, and I missed the following
6792 amendments. Gohmert, I would have voted aye. Buck
6793 amendment, aye. Biggs amendment, aye.

6794 Voices. No.

6795 Ms. Jackson Lee. I am sorry.

6796 [Laughter.]

6797 Ms. Jackson Lee. That is why I was missing from the
6798 room. Withdrawn. Withdrawn. Gohmert, no. Buck, no.

6799 Biggs, no. McClintock, no. Lesko, no. Gaetz, no. Cline,
6800 no. Biggs, no. Steube, no. Biggs, no. And I thank the
6801 gentleman. I ask unanimous consent to place that in the
6802 record because this bill is so important, and I wanted to
6803 make sure my presence was known on these vital amendments. I
6804 stand corrected.

6805 Chairman Nadler. I was no, without objection.

6806 Ms. Jackson Lee. Thank you.

6807 Chairman Nadler. The gentleman from Maryland, how does
6808 he vote on the bill?

6809 Mr. Raskin. I vote aye.

6810 Ms. Strasser. Mr. Raskin votes aye.

6811 Chairman Nadler. Has everyone who wishes to voted cast
6812 his vote?

6813 [No response.]

6814 Chairman Nadler. The clerk will report.

6815 Ms. Strasser. Mr. Chairman, there are 19 ayes and 10
6816 noes.

6817 Chairman Nadler. The ayes have it. The bill, as
6818 amended, is ordered reported favorably to the House.

6819 [Applause.]

6820 Chairman Nadler. The committee is still in session.

6821 The committee is still in session. We have two more bills to
6822 go.

6823 [Laughter.]

6824 Chairman Nadler. Members will have 2 days to submit
6825 views. The bill will reported as a single amendment in the
6826 nature of a substitute, incorporating all adopted amendments.
6827 And without objection, staff is authorized to make technical
6828 and conforming changes.

6829 Pursuant to notice I now call up H.R. 2821, the American
6830 Promise Act of 2019 for purposes of markup and move that the
6831 committee report the bill favorably to the House.

6832 The clerk will report the bill.

6833 Ms. Strasser. H.R. 2821, to authorize the cancellation
6834 of removal and adjustment of status of certain nationals of
6835 certain countries designated for temporary protected status
6836 or deferred enforced departure, and for other purposes.

6837 Chairman Nadler. Without objection, the bill is
6838 considered as read and open for amendment for at any point.

6839 [The bill follows:]

6840

6841 Chairman Nadler. I will begin by recognizing for an
6842 opening statement.

6843 H.R. 2821, the Promise Act, establishes a pathway to
6844 permanent residence for individuals covered by programs known
6845 as temporary protected status, TPS, and deferred enforcement
6846 department, DED. Unlike DREAMers who have captured the
6847 attention of the American public, less is known or understood
6848 about TPS and DED, but the individuals who are currently
6849 covered by these programs are equally deserving of our
6850 protection and support. Broadly speaking, TPS is a form of
6851 humanitarian relief that may be provided to individuals from
6852 countries facing dangerous conditions.

6853 Our immigration laws authorize the Secretary of Homeland
6854 Security to designate a country for TPS in response to a
6855 variety of crises, including armed conflict or civil war, a
6856 devastating natural disaster, or other extraordinary
6857 conditions. The Secretary can designate a country for TPS
6858 for up to 18 months and can extend the designation of the
6859 country --

6860 Mr. Chabot. Mr. Chairman, the committee is not in
6861 order.

6862 Chairman Nadler. The gentleman is correct. The
6863 committee is not in order, but I am merciful and won't start
6864 reading my statement from the beginning.

6865 Mr. Collins. Please don't.

6866 Chairman Nadler. The Secretary can designate a country
6867 for TPS for up to 18 months and can extend the designation if
6868 the country continues to experience dire conditions.
6869 Individuals from designated countries who meet certain
6870 conditions and are granted TPS benefits are authorized to
6871 reside and work lawfully in the United States. Since the TPS
6872 provisions were enacted in 1990, a total of 21 countries or
6873 parts of countries have received the TPS designation. At
6874 present, 10 countries have such designations: El Salvador,
6875 Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan,
6876 Sudan, Syria, and Yemen.

6877 Deferred enforcement departure, or DED, is similar to
6878 TPS, where it is derived solely from the President's
6879 constitutional powers to conduct foreign relations. Unlike
6880 TPS, individuals who benefit from DED are not required to
6881 file any paperwork unless they seek authorization. The
6882 President may grant DED when country conditions improve to
6883 such an extent that TPS is no longer warranted, but foreign
6884 policy interests are served by allowing affected individuals
6885 to remain.

6886 At present, Liberia is the only country designated for
6887 DED. Liberia was first designated for TPS in 1991 by
6888 President George H.W. Bush. Since then the country has been
6889 designed for either TPS or DED under both Democratic and
6890 Republican administrations. Most of those currently covered

6891 by the legislation have been lawfully here for nearly 30
6892 years, and it is estimated that they number no more than 750
6893 to 4,000 people in total.

6894 Over the past couple of years, the Trump Administration
6895 has announced the termination of TPS for six countries -- El
6896 Salvador, Haiti, Nicaragua, Sudan, Nepal, and Honduras --
6897 representing 98 percent of all TPS residents or recipients
6898 currently in the United States. And in March 2018, President
6899 Trump announced the termination of DED for Liberia.

6900 The President opted to terminate these protections
6901 despite continuing political instability and compelling
6902 evidence that social and environmental conditions in those
6903 countries remain dire. Federal lawsuits have been filed
6904 challenging all six TPS terminations as well as the decision
6905 to end DED for Liberia. As a result of those lawsuits and
6906 related administrative decisions, the termination of the
6907 designations have all been placed on hold. But any reprieve
6908 for the estimated 300,000 individuals who would otherwise be
6909 impacted by the Administration's actions is just temporary.
6910 Like DREAMers, TPS and DED recipients have become essential
6911 to our communities. TPS recipients have lived in the United
6912 States for an average of 19 years, while DED recipients have
6913 been here for almost 3 decades.

6914 And I should say that TPS is a temporary program, and
6915 when the catastrophe abates, if it is after a year or two or

6916 three, then it is proper to end the TPS and people can go
6917 home. But once people have been here for 15 or 20 years,
6918 they have laid down roots here, they have raised families
6919 here, then to suddenly say they have to go home after 15 or
6920 20 years, to go home to someplace they haven't seen in 15 or
6921 20 years, they may have American citizen children or husbands
6922 or wives, and would be a part of their community, that
6923 becomes cruel. And that is what we have to deal with today.

6924 TPS and DED recipients are scholars and educators,
6925 business owners, and professionals. They make up a
6926 significant portion of the workforce in key industries,
6927 including construction and food service. They contribute to
6928 the U.S. economy not only through their work, but also
6929 through consumer spending and tax revenue. According to the
6930 Immigrant Legal Resource Center, removing TPS recipients
6931 would result in a \$4-and-a-half billion loss to our Nation's
6932 gross domestic product per year.

6933 TPS and DED recipients are also the parents of nearly
6934 275,000 U.S. citizen children. It would be cruel to remove
6935 their parents. They have lived, learned, worked, and raised
6936 families in America, and yet they are unable to become lawful
6937 permanent residents in a country that has become their home.
6938 And now they face the possibility of being removed to a
6939 country they have not known for decades. Failing to provide
6940 permanent protections for TPS and DED recipients at this

6941 critical juncture would be a travesty, not only for these men
6942 and women and their families, but also for us as a country.

6943 I congratulate my colleagues, Nydia Velazquez and Yvette
6944 Clarke, for introducing this important legislation, and I
6945 urge my colleagues to support this vital measure. I now
6946 recognize the ranking member of the Judiciary Committee, the
6947 gentleman from Georgia, Mr. Collins, for his opening
6948 statement.

6949 Mr. Collins. Thank you, Mr. Chairman. And, again, as
6950 we finish one bill, we are moving on to others, and I think
6951 we are still at the problem that I addressed in the first
6952 bill today, and that is the crisis is still happening at our
6953 southern border. And we have opted once again not to
6954 consider legislation that will do anything to help fix the
6955 problem. We have chosen to move legislation that has no
6956 chance of becoming law, but will actually incentivize
6957 migrants to continue flooding our southern borders. We
6958 wanted to work together. That was not offered.

6959 H.R. 2821 encourages migrants to abuse our immigration
6960 system by creating a special path to citizenship for foreign
6961 nationals from countries that have been designated for
6962 temporary protected status or deferred enforced departure.
6963 The Immigration and Nationality Act allows the DHS Secretary
6964 to designate a country for TPS if there are circumstances
6965 preventing the safe return of nationals to a country, or if a

6966 country is temporarily unable to adequately handle the return
6967 of its nationals.

6968 The effect of a TPS designation is nationals of a
6969 designated country who are inside the United States on the
6970 date of such designation, whether here legally or illegally,
6971 can apply to remain in the States and even receive employment
6972 authorization. According to DHS, there are nearly 418,000
6973 TPS holders from 10 different countries currently residing in
6974 the United States. The Pew Research Center has noted all but
6975 a small number of the TPS holders were in the country
6976 illegally at the time of their country's designation.

6977 Usually TPS is initially designated for a period of 18
6978 months and then re-designated in 18-month increments after
6979 the DHS Secretary reviews the conditions in the country to
6980 determine whether conditions for the initial TPS designation
6981 continues. If the Secretary determines the country no longer
6982 meets the conditions for TPS designation, the statute
6983 requires that the Secretary terminate the designation.
6984 Unfortunately what Congress intended to be temporary
6985 protection has over time become a permanent status as some
6986 countries have been automatically re-designated for decades.

6987 Nicaragua, for instance, was initially designated for
6988 TPS in 1999 due to Hurricane Mitch, and a series of
6989 earthquakes led El Salvador to be designated for TPS in March
6990 2001. To its credit, the Trump Administration has faithfully

6991 followed the law, which mandates the Secretary shall
6992 terminate a TPS designation of the conditions for which the
6993 initial designation occurred no longer exist. Accordingly,
6994 the Secretary announced the termination of TPS for Sudan,
6995 Nicaragua, Haiti, and El Salvador, but gave those populations
6996 at least 12 months to prepare for departure. It comes as no
6997 surprise that advocates sued and the Federal courts enjoined
6998 the terminations.

6999 Deferred enforced departure is a purely discretionary
7000 grant that the President can grant based on its foreign
7001 policy powers to provide a deferral of enforced departure for
7002 certain aliens. In 2007, President Bush provided DED for
7003 Liberians who have been in the country under a previously-
7004 terminated TPS designation. President Obama subsequently
7005 extended the DED designation, and on March 30th, 2018,
7006 President Trump issued a directive stating, "Foreign policy
7007 considerations do not warrant a further extension of the
7008 DED," and provided DED recipients 1 year to depart from the
7009 U.S. President Trump has since provided a 1-year extension.
7010 It is estimated that there are 840 and 3,600 of these
7011 recipients currently residing in the U.S.

7012 With H.R. 2821, my Democratic colleagues continue this
7013 assault basically on the rule of law and our immigration
7014 system by converting temporary protective measures into a
7015 path for U.S. citizenship. And of course this effort would

7016 de-prioritize thousands of other immigrants patiently waiting
7017 to become citizens. Proponents of H.R. 2821 will say that
7018 the aliens covered by the bill have been in the United States
7019 for many years and have strong roots in this country. Of
7020 course the devil is in the details of any legislation, and
7021 the text of the bill actually applies to TPS holders from
7022 some countries that have been designated for less than 4
7023 years. And it provides green cards to nationals of countries
7024 who had their TPS designation terminated by President Obama
7025 and who have already left the country.

7026 What is more, the bill allows nationals of TPS-
7027 designated countries who have never even applied for TPS or
7028 DED or who have already left the United States to obtain
7029 green cards. If that wasn't bad enough, the bill creates a
7030 grant program so U.S. taxpayers have to pay NGOs to help
7031 these aliens get their green cards. My colleagues couldn't
7032 even bring themselves to temper the open border dialogue long
7033 enough to realize the only solution with a chance of becoming
7034 law are bipartisan. Republicans are the negotiating table
7035 alone. We must address the border crisis. President Obama
7036 recognized it when it was a fraction as chaotic as it is now.

7037 Part of securing our borders means acknowledging that
7038 statutory immigration protections Congress intended to be
7039 temporary when they were created should not be converted by
7040 administrative action or by statute for foreign nationals in

7041 the U.S. indefinitely.

7042 I oppose H.R. 2821 and urge my colleagues to do the
7043 same. With that, I yield back.

7044 Chairman Nadler. Thank you, Mr. Collins. I now
7045 recognize myself for purposes of offering an amendment in the
7046 nature of a substitute. The clerk will report the amendment.

7047 Mr. Gerson. Amendment in the nature of a substitute to
7048 H.R. 2821, offered by Mr. Nadler.

7049 Chairman Nadler. Without objection, the amendment in
7050 the nature of a substitute will be considered as read and
7051 shall be considered as base text for purposes of amendment.

7052 [The amendment in the nature of a substitute of Chairman
7053 Nadler follows:]

7054

7055 Chairman Nadler. I will recognize myself to explain the
7056 amendment. Most of the changes in this amendment are of a
7057 technical nature and do not affect the substance of the bill.
7058 In addition, the amendment in the nature of a substitute
7059 makes two substantive, though modest, changes. The first
7060 clarifies that the bill's humanitarian waiver is not
7061 available if it relates to a criminal conviction that
7062 otherwise renders the applicant ineligible for relief under
7063 other provisions of the bill, including the requirement that
7064 the applicant not have a conviction for a felony or for any
7065 two misdemeanors. The second revises the bill's list
7066 specifying the types of evidence that may be submitted to
7067 prove earned income. As amended, the measure allows
7068 applicants to submit employer records in addition to records
7069 of earned income maintained by the Federal government.

7070 These are modest, but necessary, revisions, and I urge
7071 my colleagues to support the amendment. I will now recognize
7072 the ranking member of the full committee, Mr. Collins, for
7073 any comments he may have on the amendment in the nature of a
7074 substitute.

7075 Mr. Collins. No, we recognize the amendment in the
7076 nature of a substitute and we are fine.

7077 Chairman Nadler. Hmm?

7078 Mr. Collins. We are good. Chairman, we are good.

7079 Chairman Nadler. Okay. Are there any amendments to the

7080 amendment in the nature of a substitute? The gentleman from
7081 Virginia. For what purpose does the gentleman seek
7082 recognition?

7083 Mr. Cline. Mr. Chairman, I have an amendment at the
7084 desk.

7085 Ms. Lofgren. I reserve a point of order.

7086 Chairman Nadler. The gentleman has an amendment at the
7087 desk. The clerk will report the amendment. The gentlelady
7088 reserves a point of order.

7089 Mr. Gerson. Amendment to the amendment in the nature of
7090 a substitute to H.R. 2821, offered by Mr. Cline, page 2,
7091 line, 25, strike --

7092 Chairman Nadler. Without objection, the amendment is
7093 considered as read.

7094 [The amendment of Mr. Cline follows:]

7095

7096 Chairman Nadler. The gentleman from Virginia is
7097 recognized to explain his amendment.

7098 Mr. Cline. Thank you, Mr. Chairman. This amendment is
7099 simple. It would simply strike "2017" and insert "2010."
7100 The TPS population includes both aliens who came to the
7101 United States many years and those who arrived only
7102 relatively recently. Some have lived in the United States
7103 for years while others are present due to more recent TPS
7104 designations. For instance, Yemen and Nepal have only been
7105 designated for TPS for less than 4 years.

7106 This bill, H.R. 2821, as currently written would
7107 legalize all TPS recipients regardless of how long they have
7108 resided in the United States. It would even give green cards
7109 to TPS countries that were terminated under the last
7110 Administration. The temporary protected status population is
7111 not monolithic, yet this bill treats them as such. The bill
7112 also allows former TPS recipients from countries that have
7113 had their designations terminated and who left the United
7114 States to get green cards. For instance, nationals of Sierra
7115 Leone, Guinea, and Liberia, which had their TPS designations
7116 terminated by President Obama when he determined that the
7117 Ebola crisis was over with are now eligible for green cards
7118 under this bill.

7119 My amendment recognizes that those who are extended TPS
7120 only recently should not bypass our lawful immigration system

7121 to receive a green card. By setting the date at January 1st,
7122 2010 instead of 2017, recently-designated countries, like
7123 Haiti, Nepal, South Sudan, Syria, and Yemen, would not
7124 qualify for a green card under this bill, nor would the
7125 countries designated during the Ebola crisis, which were
7126 terminated under President Obama. At the same time under my
7127 amendment, long-term TPS-designated, such as El Salvador,
7128 Somalia, and Honduras, would still be included.

7129 I urge my colleagues to support the amendment, and I
7130 yield back.

7131 Mr. Collins. Would the gentleman yield?

7132 Mr. Cline. I yield to the gentleman from Georgia.

7133 Mr. Collins. Thank you. I just would support the
7134 amendment. Again, it goes back to what appears is just we
7135 are trying to clear the TPS docket here. I get that. I know
7136 that this is going to have the votes to go forward. It is
7137 just I believe not a positive way to do this, especially when
7138 the actual status is temporary protective status and has been
7139 removed before. I think the amendment is a commonsense
7140 amendment that would. So it would protect what the chairman
7141 said earlier about those who have long-term, you know, been
7142 here, long-term roots in that part. But I think this goes
7143 back to really the differences that we have and how this is
7144 actually put together. And I support the gentleman's
7145 amendment and yield back.

7146 Mr. Cline. I yield back my time, Mr. Chairman.

7147 Chairman Nadler. Who seeks recognition? The gentlelady
7148 from California, for what purpose does she seek recognition?

7149 Ms. Lofgren. First, I withdraw my reservation, and I
7150 would urge opposition to this amendment. The real impact of
7151 this amendment relates to several countries who would be
7152 stripped or their countrymen would be stripped of protection.
7153 And I think it is important that we not do that. Let me just
7154 talk about some of them.

7155 First, Nepal. Nepal was designated as a TPS country,
7156 and President Obama extended it. It was a 7.8 magnitude
7157 earthquake that really devastated Nepal. The conditions in
7158 Nepal remain dire. For reasons I do not understand,
7159 President Trump terminated TPS for Nepal, even though that
7160 decision has now been put on hold by a Federal court. Nepal
7161 has not recovered from this earthquake. Of the 2.8 million
7162 originally displaced by the disaster, 2.6 remain in temporary
7163 shelters.

7164 The recovery efforts have been stalled by political
7165 conflicts that have blocked transportation of food and aid
7166 along the southern border. There are many at risk of
7167 starvation, including 3 million children under the age of 5.
7168 To add to their problems, during the summer and early fall of
7169 2017, Nepal was further devastated by floods and landslides
7170 which impacted about one-third of the country's population.

7171 So this is a country that has been hit by multiple disasters,
7172 and progress on recovery is limited, which has delayed the
7173 transportation of food, other resources to the country. It
7174 has destroyed dozens of schools and health centers. And the
7175 idea that this is a safe place, no problem in Nepal, people
7176 can be removed there is just incorrect.

7177 Mr. Cline. Would the gentlelady yield?

7178 Ms. Lofgren. I would like to finish, and then if I have
7179 time, I certainly will. I would like to talk also about
7180 another country that would be excluded from protection, and
7181 that is Syria. We all know that Syria is not a safe place to
7182 be. We have seen the pictures of devastation, the barrel
7183 bombs that are falling on the population, the starvation that
7184 is occurring in Syria. TPS for Syria was first established
7185 in 2012 when the civil unrest unfolded into civil war. It
7186 was re-designated by the Obama Administration in 2016. In
7187 January of 2018, for reasons, again, that I do not
7188 understand, the Trump Administration announced its decision
7189 to extend, but not re-designate, TPS for Syria through
7190 September of this year.

7191 Former Secretary of Homeland Security Nielsen found it
7192 "clear that the conditions upon which Syria's designation was
7193 based continue to exist." Syria is now in the 7th year of
7194 really a catastrophic civil war. More than 12 million people
7195 have been killed or displaced. As a matter of fact, the

7196 State Department continues to urge U.S. citizens not to
7197 travel to Syria because of, and I quote, "terrorism, civil
7198 unrest, kidnapping, and armed conflict." So they have also
7199 suggested, the State Department, that travelers who do go
7200 Syria draft a will before going and arrange for their
7201 funerals before departing. So this is not a situation where
7202 people should be removed to Syria. They should receive
7203 temporary protection.

7204 And I would like to also mention the situation of Yemen
7205 that would also be precluded from TPS. In Yemen, there is a
7206 famine that has attacked the children of Yemen. As a matter
7207 of fact, this body, the House and the Senate, took action
7208 that the President vetoed just a short while ago that
7209 recognized the catastrophe that is Yemen. To think that
7210 Yemenis who are here and have been in protected status should
7211 be returned to that country where there is no running water,
7212 there is no food, there is no healthcare system, there is no
7213 schools, it is not something that we should do.

7214 These temporary protected status should be extended to
7215 these countries. The amendment that has been offered would
7216 preclude protection for individuals from these countries.
7217 And I realize my time has expired, but there will be an
7218 opportunity to give Mr. Cline an opportunity to respond to my
7219 comments I am sure. So with that, my time is over, and I
7220 yield back.

7221 Mr. Collins. Mr. Chairman.

7222 Chairman Nadler. The gentlelady yields back. The
7223 gentleman -- for what purpose is the gentleman from Georgia
7224 seeking recognition?

7225 Mr. Collins. Move to strike the last word.

7226 Chairman Nadler. The gentleman is recognized.

7227 Mr. Collins. Thank you, Mr. Chairman. I yield to the
7228 gentleman from Virginia.

7229 Mr. Cline. Thank you, Mr. Chairman, and I will be
7230 brief. I just -- to make it clear, these countries -- Nepal,
7231 Syria, Yemen -- are in dire straits. I agree with the
7232 gentlelady completely. But they are currently under TPS
7233 status. In fact, the status was extended by President Trump
7234 for several of those countries.

7235 And so the difference in the question is whether these
7236 individuals, currently under TPS status, should now be
7237 eligible for Green Cards, and I would argue that they are
7238 not, and should not be made eligible for Green Cards under
7239 this bill. Thank you.

7240 Ms. Lofgren. Would the gentleman yield?

7241 Mr. Cline. I yield.

7242 Ms. Lofgren. I just want to note that the Syria
7243 designation was temporary. Nepal was -- the only reason why
7244 the Nepalese are protected is by a federal court order. So I
7245 think, you know, the Trump administration did attempt to

7246 terminate that designation. I just wanted to clarify, and I
7247 thank the gentleman for yielding.

7248 Mr. Collins. Regarding my time, I yield back.

7249 Chairman Nadler. The gentleman yields back. The
7250 questions on -- and the lady from Texas who -- and the lady
7251 is recognized.

7252 Ms. Jackson Lee. Just two quick points. One, the
7253 children in Yemen are not only subjected to the harshness of
7254 what the gentlelady from California said but they are also
7255 subjected to the indiscriminate bombing of school children,
7256 having lost two full busses of children by bombing from Saudi
7257 Arabia, and with no explanation of how that happened.

7258 But I do want to make mention of a country that
7259 unfortunately has suffered greatly and has not recovered.
7260 For those of us who visited Haiti during the magnitude of one
7261 of the most horrific earthquakes in the world, 7.0 magnitude,
7262 that resulted in widespread devastation which, frankly, they
7263 are still building, or coming out of -- not building, but
7264 coming out of massive tents that existed, a lack of land,
7265 water, food, any opportunity to survive.

7266 President Obama redesignated TPS for Haiti in 2011,
7267 extended the designation to his presidency, but President
7268 Trump announced the termination of TPS to Haiti in November
7269 of 2017, and that decision to end the program has been placed
7270 on hold again through a federal court.

7271 So anyone that can look at the landscape of Haiti right
7272 now will know that there is no basis of ending their TPS
7273 status that has any sense of humanitarianism or reality that
7274 there is any place for these individuals to go.

7275 I finish my remarks by saying, as I looked at the
7276 countries that would be part of this, part of immigration is
7277 the whole idea of national security and ensuring the
7278 homeland, and we complement that, as Members of the Judiciary
7279 Committee, on the side that deals with the status of
7280 individuals. And in my recalling I have not recalled --
7281 someone may want to correct me -- terrorists from Nepal,
7282 Guinea, Sierra Leone, Liberia, and Haiti.

7283 And so -- and I know that the people coming to Yemen are
7284 fleeing violence, so I just make the argument that I see
7285 Syria -- obviously these people are here in the United
7286 States, and I have not seen any in the United States-based
7287 terrorism as it relates to Syria, and most of these people
7288 are refugees that are coming and fleeing violence.

7289 So I would just offer to the gentleman for his
7290 amendment, is that I just cannot support it because I don't
7291 see the basis of denying these people TPS status, and I yield
7292 back.

7293 Chairman Nadler. The gentlelady yields back. The
7294 question occurs on the amendment.

7295 All those in favor of the amendment, say aye.

7296 All opposed, say no.

7297 In the opinion of the chair, the noes have it.

7298 A recorded vote is requested. The Clerk will call the

7299 roll.

7300 Ms. Strasser. Mr. Nadler?

7301 Chairman Nadler. No.

7302 Ms. Strasser. Mr. Nadler votes no.

7303 Ms. Lofgren?

7304 Ms. Lofgren. No.

7305 Ms. Strasser. Ms. Lofgren votes no.

7306 Ms. Jackson Lee?

7307 Ms. Jackson Lee. No.

7308 Ms. Strasser. Ms. Jackson Lee votes no.

7309 Mr. Cohen?

7310 Mr. Johnson of Georgia?

7311 Mr. Johnson of Georgia. No.

7312 Ms. Strasser. Mr. Johnson of Georgia votes no.

7313 Mr. Deutch?

7314 Mr. Deutch. No.

7315 Ms. Strasser. Mr. Deutch votes no.

7316 Ms. Bass?

7317 Mr. Richmond?

7318 Mr. Jeffries?

7319 Mr. Cicilline?

7320 Mr. Cicilline. No.

7321 Ms. Strasser. Mr. Cicilline votes no.
7322 Mr. Swalwell?
7323 Mr. Lieu?
7324 Mr. Lieu. No.
7325 Ms. Strasser. Mr. Lieu votes no.
7326 Mr. Raskin?
7327 Mr. Raskin. No.
7328 Ms. Strasser. Mr. Raskin votes no.
7329 Ms. Jayapal?
7330 Ms. Jayapal. No.
7331 Ms. Strasser. Ms. Jayapal votes no.
7332 Mrs. Demings?
7333 Mrs. Demings. No.
7334 Ms. Strasser. Mrs. Demings votes no.
7335 Mr. Correa?
7336 Mr. Correa. No.
7337 Ms. Strasser. Mr. Correa votes no.
7338 Ms. Scanlon?
7339 Ms. Scanlon. No.
7340 Ms. Strasser. Ms. Scanlon votes no.
7341 Ms. Garcia?
7342 Ms. Garcia. No.
7343 Ms. Strasser. Ms. Garcia votes no.
7344 Mr. Neguse?
7345 Mr. Neguse. No.

7346 Ms. Strasser. Mr. Neguse votes no.
7347 Mrs. McBath?
7348 Mrs. McBath. No.
7349 Ms. Strasser. Mrs. McBath votes no.
7350 Mr. Stanton?
7351 Mr. Stanton. No.
7352 Ms. Strasser. Mr. Stanton votes no.
7353 Ms. Dean?
7354 Ms. Dean. No.
7355 Ms. Strasser. Ms. Dean votes no.
7356 Ms. Mucarsel-Powell?
7357 Ms. Mucarsel-Powell. No.
7358 Ms. Strasser. Ms. Mucarsel-Powell votes no.
7359 Ms. Escobar?
7360 Ms. Escobar. No.
7361 Ms. Strasser. Ms. Escobar votes no.
7362 Mr. Collins?
7363 Mr. Collins. Aye.
7364 Ms. Strasser. Mr. Collins votes aye.
7365 Mr. Sensenbrenner?
7366 Mr. Chabot?
7367 Mr. Chabot. Aye.
7368 Ms. Strasser. Mr. Chabot votes aye.
7369 Mr. Gohmert?
7370 Mr. Jordan?

7371 Mr. Buck?

7372 Mr. Buck. Aye.

7373 Ms. Strasser. Mr. Buck votes aye.

7374 Mr. Ratcliffe?

7375 Mrs. Roby?

7376 Mr. Gaetz?

7377 Mr. Johnson of Louisiana?

7378 Mr. Biggs?

7379 Mr. McClintock?

7380 Mr. McClintock. Aye.

7381 Ms. Strasser. Mr. McClintock votes aye.

7382 Mrs. Lesko?

7383 Mrs. Lesko. Aye.

7384 Ms. Strasser. Mrs. Lesko votes aye.

7385 Mr. Reschenthaler?

7386 Mr. Reschenthaler. Aye.

7387 Ms. Strasser. Mr. Reschenthaler votes aye.

7388 Mr. Cline?

7389 Mr. Cline. Aye.

7390 Ms. Strasser. Mr. Cline votes aye.

7391 Mr. Armstrong?

7392 Mr. Steube?

7393 Mr. Steube. Yes.

7394 Ms. Strasser. Mr. Steube votes yes.

7395 Chairman Nadler. Has everyone voted who wishes to vote?

7396 The gentleman from Tennessee?

7397 Mr. Cohen. No.

7398 Ms. Strasser. Mr. Cohen votes no.

7399 Chairman Nadler. The gentleman from Texas?

7400 Mr. Gohmert. Yes.

7401 Ms. Strasser. Mr. Gohmert votes yes.

7402 Chairman Nadler. Anybody else? Has everyone voted who

7403 wishes to vote?

7404 The Clerk will report.

7405 Ms. Strasser. Mr. Chairman, there are 9 ayes and 20

7406 noes.

7407 Chairman Nadler. The amendment is not agreed to.

7408 Are there any further amendments to the amendment in the

7409 nature of a substitute?

7410 Then the question occurs on the amendment, in the nature

7411 of a substitute. This will be followed immediately by a vote

7412 on final passage of the vote.

7413 All those in favor of the amendment in the nature of a

7414 substitute respond by saying aye.

7415 Those opposed, no.

7416 In the opinion of the chair the ayes have it and the

7417 amendment in the nature of a substitute is agreed to.

7418 I ask unanimous consent to insert into the record

7419 statements made by the Latin America Working Group, National

7420 TPS Alliance, two articles by the Center for American

7421 Progress, and eight reports by the Catholic Legal Immigration

7422 Network on TPS Countries.

7423 Without objection they will be inserted into the record.

7424 [The information follows:]

7425

7426 Chairman Nadler. A reporting quorum being present, the
7427 question is on the motion to report the bill H.R. 2821 as
7428 amended, favorably to the house.

7429 Those in favor, respond by saying aye.

7430 Those opposed, no.

7431 The ayes have it and the bill is ordered reported
7432 favorably.

7433 Recorded vote is requested. The Clerk will call the
7434 roll.

7435 Ms. Strasser. Mr. Nadler?

7436 Chairman Nadler. Aye.

7437 Ms. Strasser. Mr. Nadler votes aye.

7438 Ms. Lofgren?

7439 Ms. Lofgren. Aye.

7440 Ms. Strasser. Ms. Lofgren votes aye.

7441 Ms. Jackson Lee?

7442 Ms. Jackson Lee. Aye.

7443 Ms. Strasser. Ms. Jackson Lee votes aye.

7444 Mr. Cohen?

7445 Mr. Cohen. Yes.

7446 Ms. Strasser. Mr. Cohen votes yes.

7447 Mr. Johnson of Georgia?

7448 Mr. Johnson of Georgia. Aye.

7449 Ms. Strasser. Mr. Johnson of Georgia votes aye.

7450 Mr. Deutch?

7451 Mr. Deutch. Aye.

7452 Ms. Strasser. Mr. Deutch votes aye.

7453 Ms. Bass?

7454 Mr. Richmond?

7455 Mr. Jeffries?

7456 Mr. Cicilline?

7457 Mr. Cicilline. Aye.

7458 Ms. Strasser. Mr. Cicilline votes aye.

7459 Mr. Swalwell?

7460 Mr. Lieu?

7461 Mr. Lieu. Aye

7462 Ms. Strasser. Mr. Lieu votes aye.

7463 Mr. Raskin?

7464 Mr. Raskin. Aye.

7465 Ms. Strasser. Mr. Raskin votes aye.

7466 Ms. Jayapal?

7467 Ms. Jayapal. Aye.

7468 Ms. Strasser. Ms. Jayapal votes aye.

7469 Mrs. Demings?

7470 Mrs. Demings. Yes.

7471 Ms. Strasser. Mrs. Demings votes yes.

7472 Mr. Correa?

7473 Mr. Correa. Aye.

7474 Ms. Strasser. Mr. Correa votes aye.

7475 Ms. Scanlon?

7476 Ms. Scanlon. Aye.

7477 Ms. Strasser. Ms. Scanlon votes aye.

7478 Ms. Garcia?

7479 Ms. Garcia. Aye.

7480 Ms. Strasser. Ms. Garcia votes aye.

7481 Mr. Neguse?

7482 Mr. Neguse. Aye.

7483 Ms. Strasser. Mr. Neguse votes aye.

7484 Mrs. McBath?

7485 Mrs. McBath. Aye.

7486 Ms. Strasser. Mrs. McBath votes aye.

7487 Mr. Stanton?

7488 Mr. Stanton. Aye.

7489 Ms. Strasser. Mr. Stanton votes aye.

7490 Ms. Dean?

7491 Ms. Dean. Aye.

7492 Ms. Strasser. Ms. Dean votes aye.

7493 Ms. Mucarsel-Powell?

7494 Ms. Mucarsel-Powell. Aye.

7495 Ms. Strasser. Ms. Mucarsel-Powell votes aye.

7496 Ms. Escobar?

7497 Ms. Escobar. Aye.

7498 Ms. Strasser. Ms. Escobar votes aye.

7499 Mr. Collins?

7500 Mr. Collins. No.

7501 Ms. Strasser. Mr. Collins votes no.
7502 Mr. Sensenbrenner?
7503 Mr. Chabot?
7504 Mr. Chabot. No.
7505 Ms. Strasser. Mr. Chabot votes no.
7506 Mr. Gohmert?
7507 Mr. Gohmert. No.
7508 Ms. Strasser. Mr. Gohmert votes no.
7509 Mr. Jordan?
7510 Mr. Buck?
7511 Mr. Buck. No.
7512 Ms. Strasser. Mr. Buck votes no.
7513 Mr. Ratcliffe?
7514 Mrs. Roby?
7515 Mr. Gaetz?
7516 Mr. Johnson of Louisiana?
7517 Mr. Biggs?
7518 Mr. McClintock?
7519 Mr. McClintock. No.
7520 Ms. Strasser. Mr. McClintock votes no.
7521 Mrs. Lesko?
7522 Mrs. Lesko. No.
7523 Ms. Strasser. Mrs. Lesko votes no.
7524 Mr. Reschenthaler?
7525 Mr. Reschenthaler. No.

7526 Ms. Strasser. Mr. Reschenthaler votes no.
7527 Mr. Cline?
7528 Mr. Cline. No.
7529 Ms. Strasser. Mr. Cline votes no.
7530 Mr. Armstrong?
7531 Mr. Steube?
7532 Mr. Steube. No.
7533 Ms. Strasser. Mr. Steube votes no.
7534 Chairman Nadler. The gentleman -- Neguse?
7535 Ms. Lofgren. Oh, has he voted?
7536 Ms. Strasser. Mr. Neguse is recorded as aye.
7537 Chairman Nadler. Oh, excuse me.
7538 Are there any other members who wish to vote who haven't
7539 voted yet?
7540 The Clerk will report.
7541 Ms. Strasser. Mr. Chairman, there are 20 ayes and 9
7542 noes.
7543 Chairman Nadler. The ayes have it. The bill is amended
7544 as ordered reported favorably to the House. Members will
7545 have --
7546 [Applause.]
7547 Chairman Nadler. We have one more to go. Members will
7548 have two days to submit views. The bill will be reported as
7549 a single amendment in the nature of a substitute incorporate
7550 all adopted amendments. Without objection, the staff is

7551 authorized to make technical and confirming changes.

7552 Pursuant to notice, I now call up H.R. 549, the
7553 Venezuela TPS Act of 2019. For purposes of markup I move
7554 that the committee report the bill favorably to the house.

7555 The Clerk will report the bill.

7556 Ms. Strasser. H.R. 549, to designate Venezuela under
7557 Section 244 of the Immigration and Nationality Act, to permit
7558 nationals of Venezuela to be eligible for temporary protected
7559 status under subsections and for other purposes.

7560 Chairman Nadler. Without objection, the bill is
7561 considered as read and open for amendment at any point.

7562 [The bill follows:]

7563

7564 Chairman Nadler. I will begin by recognizing myself in
7565 opening statement.

7566 As we know from our consideration of the Promise Act,
7567 temporary protected status, TPS, provides relief from removal
7568 to persons in the United States who are unable to return to
7569 their country because of armed conflict, environmental
7570 disaster, or other extraordinary conditions.

7571 Venezuela, once one of Latin America's most prosperous
7572 countries, is now in the throes of a political crisis in
7573 which its people are being starved, beaten, and murdered.
7574 That makes it essential that we now designate Venezuela for
7575 TPS.

7576 This is not a partisan issue. It is uncontested that a
7577 political and humanitarian disaster is unfolding in
7578 Venezuela. Just last week, the Department of Homeland
7579 Security suspended all commercial passenger and cargo flights
7580 to Venezuela because the conditions there are so severe that
7581 the safety and security of passengers and crew cannot be
7582 guaranteed.

7583 This situation is exactly the type of humanitarian
7584 crisis that TPS was designed to address. For this reason
7585 alone, we should support this bill.

7586 Venezuela has experienced economic and political turmoil
7587 for years, largely due to mismanagement of the economy,
7588 plunging oil prices, and the political instability.

7589 Unfortunately, the situation has recently worsened. Families
7590 live without regular access to food, medicine, and clean
7591 water. There is increasing violence and crippling economic
7592 insecurity, and the nation's leaders are currently locked in
7593 a power struggle over who is the legitimate president.

7594 As a result, the people of Venezuela are suffering
7595 immensely. Last month, I traveled to the Venezuela-Colombia
7596 border, along with Ms. Lofgren, Ms. Jayapal, and a bipartisan
7597 group of members from the Foreign Affairs Committee. We
7598 visited a soup kitchen in Colombia where thousands of
7599 Venezuelan families received meals. While there, I talked to
7600 a young father who lost his job at a Venezuelan oil company.
7601 Unable to find other work he had no choice but to go to
7602 Colombia to find work as a day laborer. Every dollar he
7603 earns is put towards food for his wife children back in
7604 Venezuela.

7605 That father is one of the more than 3 million people who
7606 have fled Venezuela since 2015. Three million people have
7607 fled the country in the last 3 1/2 years, the vast majority
7608 finding refuge in South America. Others have come to the
7609 United States to find protection. The Trump administration
7610 could, and should provide that protection by designating
7611 Venezuela for TPS. But because the President has failed to
7612 act, it is our duty to do so now.

7613 TPS was created in the Immigration Act of 1990, which

7614 was signed into law by President George H. W. Bush. Since
7615 then, both Democrats and Republicans have recognized our duty
7616 to provide relief and a temporary haven to individuals and
7617 families fleeing conflict and violence.

7618 I would like to commend my colleagues, Darren Soto,
7619 Debbie Mucarsel-Powell, and Debbie Wasserman Schultz, for
7620 their work on this bipartisan measure and for their
7621 commitment to the Venezuelan community in the United States.

7622 Until political economic and food security are restored,
7623 Venezuelans need our protection. We have the capacity to
7624 offer that protection now with the Venezuela TPS Act of 2019.
7625 This is, as I said before, not a partisan issue. Everybody,
7626 in all political parties, recognizes the dire situation in
7627 Venezuela. Most people are united in understanding the
7628 nature of the political crisis down there that is causing the
7629 economic and social crisis. We have the capacity to offer
7630 that protection now with the Venezuela TPS Act of 2019, and I
7631 urge all my colleagues to support this important legislation.

7632 I now recognize the ranking member of the Judiciary
7633 Committee, the gentleman from Georgia, Mr. Collins, for his
7634 opening statement.

7635 Mr. Collins. Thank you, Mr. Chairman. H.R. 549
7636 statutorily designates Venezuela for TPS or temporary
7637 protective status, pursuant to the Immigration and
7638 Nationality Act, and the DHS Secretary can designate a

7639 country for this TPS if the circumstances will prevent the
7640 safe return of aliens to that country or if that country is
7641 temporarily unable to adequately handle that.

7642 We just got through dealing with this in a bigger forum,
7643 just in the last bill, and the effect of the TPS designation
7644 is these nationals in designated countries are in the United
7645 States on the date of such designation, whether here legally
7646 or illegally may apply, stay here, and receive employment
7647 authorization.

7648 An interesting fact. DHS has estimated there are
7649 270,000 such Venezuelan nationals currently in the U.S.,
7650 123,000 of those are here illegally. It should be noted that
7651 the reason that they are here and the reason that we are
7652 having to deal with this is the very unstable country that
7653 has been done so by socialist economy and socialize regime
7654 that has basically destroyed their own country. This is
7655 hopefully a temporary designation, and while I hope that in
7656 just a few moments the temporary protective status -- and
7657 temporary should be the operative word, not long-term -- that
7658 the chairman knows, with the support, an amendment that I
7659 have here.

7660 Remember, there is no doubt the Venezuelan people are
7661 suffering. There is no doubt anybody here would say that.
7662 In fact, we want to see a regime -- we want to see that
7663 happen. We want to see that happen. We want to see that

7664 change. We want to see their country back to the way it was.
7665 However, socialism has killed it and that is what denying
7666 personal freedom, destroying the society, and undermining the
7667 whole social fabric that we see.

7668 Consequently, I would hope that as we look at this, I
7669 believe we should consider statutory designation for
7670 Venezuela for TPS. However, it needs to be temporary. We
7671 want their country back the way it should be and people not
7672 having to come here.

7673 What we have just found out, in just the last few
7674 minutes as we blanketly passed a bill granting Green Cards to
7675 those who are currently under this designation, I would just
7676 almost say that if we don't put a temporary on this, we leave
7677 the T out of this, then we might as well just save ourselves
7678 some time, change the wording of this, offer an amendment
7679 just to give anyone from Venezuela a Green Card that wants to
7680 come, because that is exactly what is going to happen.

7681 If you want to do that, all for the amendment, because
7682 that is exactly what is here, because 20 years from now, in
7683 this Judiciary Committee, maybe some of the members will be
7684 here, there will be a bill that says the temporary protective
7685 status for Venezuela, we are trying to make it as we just did
7686 in the previous bill, permanent.

7687 So, you know, if that is what we are going to do, we are
7688 going to jump in front of the line for all those who tried to

7689 do it legally, we are going to jump the line because they
7690 have a situation in which socialism is destroying the country
7691 and we are going to put temporary protective status on it,
7692 either make sure we do the T, the temporary part, or let us
7693 just jump ahead, let us go to the end result here, and just
7694 offer Green Cards to anyone from Venezuela that wants to
7695 come, because that is where we are headed, after, especially,
7696 the last bill, and now with this one.

7697 So that, I just say H.R. 549 is currently drafted. I
7698 want to support those in Venezuela running from that regime.
7699 I want that regime to change. But I would hope that they
7700 would work with me to amend this bill, and a well-intentioned
7701 bill, so that we can move forward this evening.

7702 With that I yield back.

7703 Chairman Nadler. Thank you, Mr. Collins. I now
7704 recognize myself for purposes of offering an amendment in the
7705 nature of a substitute. The Clerk will report the amendment.

7706 Ms. Strasser. Amendment in the nature of a substitute
7707 to H.R. 549, offered by Mr. Nadler. Strike all that follows
7708 after the enacting clause and insert the following.

7709 Chairman Nadler. Without objection, the amendment in
7710 the nature of a substitute will be considered as read, and
7711 shall be considered as base text for purposes of amendment.

7712 [The amendment of Mr. Nadler follows:]

7713

7714 Chairman Nadler. I will recognize myself to explain the
7715 amendment.

7716 This amendment simply strikes to sections of the
7717 underlying bill, Section 2, which consists solely of
7718 congressional findings, and Section 3, which contains only
7719 senses of Congress. Otherwise, the substantive provisions in
7720 Section 4 of the underlying bill remain unchanged, and I urge
7721 my colleagues to support the amendment.

7722 I want to add that no one doubts that there is a
7723 disaster unfolding in Venezuela. No one doubts it is to a
7724 large extent due to the incompetence of the current
7725 government. I would simply note that I disagree -- and we
7726 are not going to debate this now, but I disagree that is
7727 particularly socialism that is destroying that country, but
7728 that is a different question.

7729 I urge my colleagues to support the amendment in the
7730 nature of a substitute. I will now recognize the ranking --
7731 Mr. Raskin. Would the gentleman yield --

7732 Chairman Nadler. I will now recognize the ranking
7733 member of the full committee, Mr. Collins, for any comments
7734 he may have on the amendment.

7735 Mr. Collins. No comment.

7736 Chairman Nadler. Very well. Are there any amendments
7737 to the amendment?

7738 Ms. Lofgren. Mr. Chairman, I would to strike the last

7739 word.

7740 Chairman Nadler. Okay. I was going to say, are there
7741 any amendments to the amendment -- are there any amendments
7742 to the amendment in the nature of a substitute. For what
7743 purpose does the gentlelady from California seek recognition?

7744 Ms. Lofgren. Well, I just want to say something, to
7745 strike the word.

7746 Chairman Nadler. The lady is recognized.

7747 Ms. Lofgren. This is an important, really, an
7748 essential, a life-saving bill, and obviously the authors are
7749 calling Mr. Soto, and we have, you know, several Floridians,
7750 Mrs. Demings, Mr. Deutch. But the person who deserves credit
7751 -- and I don't know that she will be willing to speak up for
7752 herself, is Congressman Mucarsel-Powell, who has been an
7753 unbelievable advocate for this bill -- on the floor, in this
7754 committee. Really, I think, without her tremendous effort I
7755 don't know that we would be as far along in this process as
7756 we are today.

7757 So I didn't want to -- you know, a didn't give an
7758 opening statement, but sometimes modest people don't claim
7759 the credit that they are due, but she deserves unbelievable
7760 amounts of credit, so I wanted to take the time to recognize
7761 that.

7762 [Applause.]

7763 Chairman Nadler. Does the gentlelady yield?

7764 Ms. Lofgren. I would be happy to yield.

7765 Chairman Nadler. I simply want to second the remarks of
7766 the gentlelady from California. The advocacy for this bill
7767 by Ms. Mucarsel-Powell has been steady, persistent, and
7768 forceful and informed, and we probably wouldn't have this
7769 bill before us right now if weren't for that. So I want to
7770 acknowledge that.

7771 I yield back.

7772 Mr. Deutch. Would the gentlelady yield?

7773 Ms. Lofgren. I would be happy to yield?

7774 Mr. Deutch. Thank you. I thank my friend. I would
7775 just like to say, for the benefit of this committee, that in
7776 South Florida the issue of Venezuela is a local issue as well
7777 as it is an international issue. And members of the
7778 Venezuelan community, so many of them in our own communities,
7779 wake every day worried about their family back home, and go
7780 to bed every night worried about their family back home. And
7781 for those who are in our community who are there because of
7782 this horrific situation that Maduro has wrought, it is their
7783 good fortune, frankly, that they have a representative and we
7784 have a colleague like Ms. Mucarsel-Powell who has fought so
7785 hard for them, that has allowed us to get to this point.

7786 And I appreciate the opportunity to say that and I yield
7787 back.

7788 Ms. Lofgren. Reclaiming my time, as the chairman said,

7789 we did go to the Colombian-Venezuela border and we saw the
7790 very thin Venezuelans who were coming across the border to
7791 get something to eat, coming every day, waiting for hours
7792 before they went back home to Venezuela. This is a tragic
7793 situation, and the idea that we would even consider returning
7794 people to that basket case of a country is just
7795 inconceivable.

7796 So thank you, Mr. Chairman, for allowing me to speak
7797 briefly, and I don't know if Ms. Mucarsel-Powell will get her
7798 own time but I would be happy to yield the remainder of my
7799 time in addition.

7800 Ms. Mucarsel-Powell. Thank you. I am so touched. It
7801 is really an honor for me to be able to serve with the
7802 chairman, the ranking chair, who are committed to making sure
7803 that they are listening to all the members, including the
7804 freshman class. And the issues are so important not only to
7805 us in our own personal districts but all over the world. So
7806 I am really without words. I really thank that recognition.
7807 And yes, I move to strike the last word.

7808 Chairman Nadler. Are there any -- the gentlelady yields
7809 back. Oh, the gentlelady from California yields back. For
7810 what purpose does the gentlelady from Florida seek
7811 recognition?

7812 Ms. Mucarsel-Powell. Mr. Chairman, I move to strike the
7813 last word.

7814 Chairman Nadler. The gentlelady is recognized.

7815 Ms. Mucarsel-Powell. Thank you, Mr. Chairman. H.R.

7816 549, the Venezuelan TPS Act of 2019, is a vitally important

7817 bill that aims to provide help and support to those fleeing

7818 the crisis in Venezuela. There are millions of Venezuelans

7819 who have fled Venezuela to escape the catastrophe that the

7820 Maduro regime has caused. The poverty rate in Venezuela is

7821 soaring and the nation's health system has collapsed. Nearly

7822 one-third of Venezuelan physicians have fled the country, and

7823 an astounding 79 percent of hospitals are experiencing

7824 shortages in supplies to assist the country's mounting

7825 medical needs.

7826 This dire situation is only exacerbated by massive food

7827 and water shortages. Venezuelans do not have food to eat,

7828 especially children and women who are pregnant. Frequent

7829 nationwide blackouts contribute to the deterioration of

7830 already impoverished communities. This is one of the worst

7831 humanitarian crises that we have faced in the Western

7832 Hemisphere.

7833 The temporary protective status statute was created for

7834 this exact situation. It is designed for people from a

7835 country with an ongoing armed conflict, a country suffering

7836 from an environmental disaster, or in the case of Venezuela,

7837 extraordinary or temporary conditions that prevent its

7838 nationals from safely returning.

7839 My district has one of the largest Venezuelan
7840 populations in the nation, and I understand this crisis very
7841 well, having come from Ecuador at the age of 14, having seen,
7842 firsthand, the damage that authoritarian and corrupt leaders
7843 in South America have caused their countries. I still have
7844 very good friends that are living in Caracas and I have some
7845 extended family that are living in Maracaibo, and I can tell
7846 you that I hear the desperation in their voices any time they
7847 can update me on the crisis.

7848 One thing is clear -- we have to help our Venezuelan
7849 brothers and sisters in the United States. This
7850 Administration has been unwilling to do that. We have spoken
7851 to the Administration. We have sent letters urging TPS for
7852 Venezuelans, but nothing has been done. We, in Congress,
7853 have exhausted the avenues with the Executive branch. The
7854 Administration's failure to act makes this bill necessary.
7855 We have heard from both sides about the need to assist
7856 Venezuelans, but we have the power to do so right now, to
7857 help the Venezuelans that are living in this country.

7858 We must pass H.R. 549 to ensure that Venezuelans in the
7859 United States are safe from the disaster in their country. I
7860 strongly urge my colleagues to support this bill.

7861 I yield back.

7862 Chairman Nadler. I thank the gentlelady for yielding,
7863 and before we get to an amendment I would like to recognize

7864 the gentlelady from Pennsylvania. What purpose do you --

7865 Ms. Scanlon. I move to strike the last word.

7866 Chairman Nadler. The last word is duly struck. The
7867 gentlelady is recognized.

7868 Ms. Scanlon. I just wanted to thank Emilio Buitrago,
7869 Fernando Torres, Diabo Melendes, and Rosana Ortega for
7870 traveling to D.C. today to represent the 10,000 to 12,000
7871 members of the Venezuelan community who are in the greater
7872 Philadelphia region. I am proud to represent this highly
7873 qualified, hard-working community who have been seeking
7874 safety from the disastrous conditions in their home country
7875 and contributing their many talents to our country.

7876 I wanted to note that Emilio, who is now a U.S. citizen,
7877 came here today after working 18 hours at the polls
7878 yesterday in Pennsylvania. He has a passionate belief in our
7879 democracy and a commitment to upholding the rule of law in
7880 this, his adopted country. So I thank them.

7881 Chairman Nadler. Are there any amendments to the
7882 amendment in the nature of a substitute?

7883 Before we get to amendments, the gentleman from
7884 Maryland.

7885 Mr. Raskin. Thank you, Mr. Chairman. I move to strike
7886 the last word.

7887 Chairman Nadler. The gentleman is recognized.

7888 Mr. Raskin. I just -- I wanted first to salute

7889 Congresswoman Debbie Mucarsel-Powell for her magnificent
7890 leadership here. Her constituents in Florida are well served
7891 by her passionate advocacy and commitment to improving the
7892 quality of life for all of her constituents. So we all
7893 salute you and I am delighted that we can rise to the
7894 occasion through this legislation to help deal with the
7895 crisis caused by what the Congresswoman correctly described
7896 as the authoritarianism and the corruption in Venezuela.

7897 And I notice her language is different from that of our
7898 esteemed ranking member, who said that the people leaving are
7899 pleading socialism. If that were the case, of course, you
7900 would have millions of people fleeing universal health care
7901 and paid maternity and family leave and 12-week vacations in
7902 Sweden, Denmark, and Norway. But we are not getting that.

7903 So I am not someone who is a socialist, and I love to
7904 talk to my friend, Congresswoman Ocasio-Cortez about why not.
7905 But, in any event, we should -- I think we should be clearer
7906 in our use of political terminology. The people fleeing
7907 Venezuela are fleeing corruption and violence, and it would
7908 be just as wrong to say that the people who arrive here from
7909 civil war-torn El Salvador or Guatemala or Haiti were fleeing
7910 capitalism. They weren't fleeing an economic system. They
7911 were fleeing terrible conditions, social conditions there,
7912 and I think that is the same thing in Venezuela.

7913 And there are very stable totalitarian regimes, like the

7914 one President Trump loves in North Korea, the Communism
7915 totalitarian government of Kim Jong-un, which he has praised,
7916 and people can't even get out there. So the question of
7917 exodus and flight is different from the question of the
7918 character of economic system.

7919 But in any event, America is rising to the occasion to
7920 stand up for people who are fleeing terrible conditions
7921 around the world, and I am proud to support this legislation.

7922 I yield to my friend from Pennsylvania, Congresswoman
7923 Dean.

7924 Ms. Dean. I thank my friend from Maryland, and I want
7925 to just associate myself with the good words of members of
7926 this committee who raise you up in terms of your advocacy for
7927 the people of Venezuela and for H.R. 549.

7928 You know, as I sit here today with this very long markup
7929 on three very important bills, I think that we, as public
7930 servants, we as elected, are faced with a single question
7931 every single day -- will you do something for the good of
7932 others? Will you do something for the good of others?

7933 This is an extraordinary piece of legislation that does
7934 something for the good of others, that lifts up the
7935 vulnerable, those who are harmed. Though I add my voice to
7936 this, like my friend and colleague from Pennsylvania, I too
7937 was visited, in my district office, by now American citizens
7938 who told me of the plight of their families in Venezuela,

7939 with lack of adequate food, lack of access to clean water,
7940 lack of access to energy, electricity, the stench from a
7941 local morgue that had no electricity. These people talked
7942 about their parents and their grandparents, their family
7943 members and their friends whose lives were in danger and
7944 whose public health was in danger.

7945 So I just add my voice, that here we are, a chance to do
7946 something good. We must designate Venezuela for TPS and not
7947 in any hurried way but in a way that is meaningful and
7948 lasting and saves lives.

7949 Thank you. I yield back.

7950 Mr. Neguse. Would the gentlelady yield?

7951 Ms. Dean. I will yield. I will yield to Mr. Neguse and
7952 the non.

7953 Mr. Neguse. I would just associate myself with the
7954 remarks of Representative Dean and again thank our colleague,
7955 Ms. Mucarsel-Powell, for her leadership in bringing this bill
7956 forward. And as Representative Dean said, I think the
7957 collection of these bills, and the leadership of, of course,
7958 our chairwoman if the Immigration Subcommittee,
7959 Representative Lofgren, and Representative Jayapal, who has
7960 worked night and day, tirelessly, not just in Congress but
7961 long before she arrived in Congress, on these issues.

7962 As most of my colleagues know, I am the son of
7963 immigrants, of refugees who fled a war-torn country in East

7964 Africa many years ago. And so as I think about the countless
7965 lives that will be touched by each and every one of these
7966 bills I think we can all look back on this evening, this long
7967 evening, with great pride as we work through this markup in
7968 delivering the promise of the American dream to countless
7969 people across this great country.

7970 And with that I would yield to the distinguished
7971 gentleman from Rhode Island.

7972 Mr. Cicilline. Thank you. I too want to thank your
7973 colleague, Congresswoman Mucarsel-Powell, for her
7974 extraordinary advocacy. It is -- it was really magnificent
7975 to watch over the last several weeks, in particular, how
7976 persistent she was, and this markup is a direct result of her
7977 love of her community and her hard work. And I hope we can
7978 send a strong bipartisan message by swiftly passing this bill
7979 and letting the Venezuelan people and the world know American
7980 remains true to its values.

7981 With that I yield back.

7982 Chairman Nadler. The gentleman yields back. Are there
7983 any amendments to the amendment in the nature of a
7984 substitute.

7985 Mr. Collins. Mr. Chairman, I have an amendment.

7986 Chairman Nadler. The gentleman from Georgia is
7987 recognized for the purpose of offering an amendment.

7988 The Clerk will report the amendment.

7989 Ms. Strasser. Amendment to the amendment in the nature
7990 of a substitute to H.R. 549, offered by Mr. Collins of
7991 Georgia.

7992 Chairman Nadler. Without objection, the amendment will
7993 be considered as read.

7994 [The amendment of Mr. Collins follows:]

7995

7996 Ms. Lofgren. And I reserve a point of order.

7997 Chairman Nadler. The gentlelady reserves a point of
7998 order.

7999 The gentleman from Georgia is recognized for the purpose
8000 of explaining his amendment.

8001 Mr. Collins. Thank you, Mr. Chairman. I won't take a
8002 long time on this. This goes back to another thing, and I
8003 want to also add my, you know, thanks to Ms. Mucarsel-Powell
8004 and others and the work on this. This is a difficult
8005 situation -- others have talked about this -- you know, for a
8006 variety of reasons. I appreciate, you know, her work on this
8007 in bringing it forward.

8008 I think what we have seen here, though, is the reason
8009 for my amendment, and I appreciate this work, is just to make
8010 the temporary back to temporary. It is making sure that we
8011 move this so that the temporary protective status goes back
8012 to temporary, and not, as the chairman said in his opening
8013 statement on the bill previously, that where roots and
8014 families are dug in after years of extension into where the
8015 temporary protective status is no longer temporary. It
8016 becomes just another pathway to legalization as we go here.

8017 So simply, all this says is that the amendment would
8018 allow the Executive to retain initial authority to designate
8019 a country for TPS, but then would require the Secretary to
8020 report to Congress with a recommendation of whether or not to

8021 extend TPS. Congress, not the Executive branch, would then
8022 decide whether to extend TPS again after the initial
8023 designation.

8024 You know, again, no change in the status quo. Executive
8025 still does that. But if there is a conversation that happens
8026 in this committee a lot it is when does the temporary end and
8027 we end up in problems that are difficult for both sides?
8028 Because after a while there are areas where people have been
8029 here for a long amount of time, after the temporary
8030 designation has even been lifted, or they could have gone
8031 back. It just presents problems. And as long as we are
8032 going to have TPS as a program, I just believe the temporary
8033 ought to be part, and if it is not going to be temporary,
8034 this body ought to be the ones that extend it out.

8035 And so my amendment is very simple. It has nothing to
8036 do -- and I appreciate the intent of what has been done as
8037 far as going along with this. I wish that I thought it would
8038 be temporary. I don't think it will be. That is why I am
8039 offering this amendment. I would encourage my colleagues on
8040 both sides of the aisle to join me, if we continue to have
8041 the temporary part as temporary. As long as T is part of the
8042 temporary protective status I would encourage us to at least
8043 say let us have a part in extending it and not just having an
8044 uncertainty that goes on in the administrations over and
8045 over, and ending up putting it a problem in our lap that

8046 administrations come and go, and we are the ones that end up
8047 having to deal with it.

8048 And with that I yield back.

8049 Chairman Nadler. The gentleman yields back. Does the
8050 gentlelady insist on a point of order?

8051 Ms. Lofgren. I do. I believe that this amendment is --
8052 expands the scope of the underlying bill by attempting to
8053 deal with individuals who are not covered by the H.R. 549,
8054 and amending the underlying Immigration and Nationality Act
8055 do so, which is not before us. So I think it is not germane
8056 and it is beyond the scope of the underlying bill.

8057 Chairman Nadler. Does the gentleman seek to be heard on
8058 the point of order?

8059 Mr. Collins. I do believe this is -- well, I think this
8060 amendment actually does apply to this because we are dealing
8061 with the temporary protective status. I know this is an
8062 expansion of 244, but again, in this protective status the
8063 temporary is part of this and we are just simply taking a
8064 discretionary part away from the Executive and having to
8065 bring it back to us for an approval. I think it is germane
8066 to the bill and would --

8067 Ms. Lofgren. Mr. Chairman.

8068 Mr. Collins. I am not done.

8069 Ms. Lofgren. Oh, I am so sorry. Pardon me.

8070 Mr. Collins. Mr. Chairman, if there continues to be the

8071 point of order, and the gentlelady, I appreciate, you know,
8072 has been really good at this all day. You know, bringing
8073 this up, I would be willing, and orally we could do this if
8074 agreed by you now, to narrowly tailor it to just this
8075 specific one. If there is the concern that it is too broad I
8076 will then offer to say that we will word this to where it
8077 applies to this, under this act it applies to this act, and
8078 this act only. You know, if the gentlelady continues to
8079 uphold her point of order.

8080 Chairman Nadler. Gentlelady?

8081 Ms. Lofgren. Well, it is not germane. You could
8082 redraft it. But if you redrafted it I would also oppose it.

8083 Mr. Collins. Okay. Opposing is not the problem, and I
8084 understand that we have done this many times. But the
8085 question is, if it -- I will make an oral amendment, and if
8086 it is accepted --

8087 Ms. Lofgren. I think the last time we did an oral
8088 amendment it ended up with problems. So I -- I think --

8089 Mr. Collins. We will withdraw. We will withdraw at
8090 this time.

8091 Chairman Nadler. The amendment is withdrawn. Are there
8092 any other amendments to the amendment in the nature of a
8093 substitute?

8094 The gentleman from Pennsylvania. For what purpose does
8095 the Gentleman from Pennsylvania seek recognition?

8096 Mr. Reschenthaler. I would like to offer an amendment.

8097 Chairman Nadler. The gentleman has an amendment at the

8098 desk and the Clerk will report the amendment.

8099 Ms. Lofgren. I reserve a point of order.

8100 Chairman Nadler. The gentlelady reserves a point of

8101 order.

8102 Ms. Strasser. Amendment to the amendment in the nature

8103 of a substitute to H.R. 549, offered by Mr. Reschenthaler of

8104 Pennsylvania.

8105 [The amendment of Mr. Reschenthaler follows:]

8106

8107 Chairman Nadler. The gentleman is recognized to explain
8108 his amendment.

8109 Mr. Reschenthaler. Thank you, Mr. Chairman. I
8110 appreciate it.

8111 Mr. Chairman, this amendment adds a simple finding to
8112 this bill. It puts the blame for Venezuela's economy, the
8113 humanitarian crisis, the security crisis, and the refugee
8114 crisis squarely where it belongs, and that is on socialism.

8115 It states that the crisis is the direct result of years
8116 of socialist policies implemented by the regimes of Hugo
8117 Chavez and Nicolas Maduro.

8118 Mr. Chairman, Venezuela should be the wealthiest country
8119 in the world -- I am sorry -- in South America, the
8120 wealthiest country in South America.

8121 [Gavel sounding.]

8122 Chairman Nadler. The committee is not in order. Please
8123 proceed.

8124 Mr. Reschenthaler. Thank you, Mr. Chairman.

8125 Venezuela used to be the wealthiest country in South
8126 America. It is gifted with vast oil reserves and it should
8127 be thriving to this day. Yet it is currently experiencing,
8128 according to the New York Times, the worst economic collapse
8129 outside of war in the last half century.

8130 Venezuelans are experiencing shortages of food,
8131 medicine, and simple commodities. Inflation is set to reach

8132 10 million percent this year. Just think about that -- 10
8133 million percent in inflation. A tenth of the population --
8134 again, one-tenth of the population has fled the country due
8135 to the crisis and the collapse of the government.

8136 Just a few months ago I was on the border of Venezuela
8137 and Colombia, and I was watching as Venezuelans crossed over
8138 into Colombia. It was heartbreaking, to say the least. I
8139 talked to many of the refugees who were talking about the
8140 conditions they fled from. I heard stories of physicians
8141 carrying out surgeries with smartphone lights because the
8142 power was going out during the middle of surgeries. I was
8143 talking to individuals who said there were folks dying and
8144 they couldn't get simple penicillin. And to this day, 5
8145 percent of the Colombian population is actually Venezuelan
8146 refugees. It truly is a crisis on a scale that I think a lot
8147 of people do not recognize.

8148 And what has caused this? Well, according to the New
8149 York Times, economists attribute the collapse to poor
8150 government, corruption, and the misguided socialist policies
8151 of Nicolas Maduro, and before him, Hugo Chavez.

8152 All was well in Venezuela until the United States
8153 started exporting natural gas, which dropped the price of the
8154 commodity crude oil, exposed flaws in a community and social
8155 economy that Maduro had in place. So it has been proven over
8156 and over and over again that socialism leads to ruinous

8157 results.

8158 I urge my colleagues to call the Venezuelan crisis for
8159 what it is -- the result of unfettered socialist policies. I
8160 would urge my colleagues to support this amendment.

8161 Thank you, Mr. Chairman.

8162 Chairman Nadler. Does the gentlelady insist on a point
8163 of order?

8164 Ms. Lofgren. I do, Mr. Chairman. As you will note, in
8165 the amendment in the nature of a substitute there are no
8166 findings, and that is the reason we want to focus in on the
8167 actual needs of the Venezuelans who are stranded here, not
8168 get into a foreign policy debate.

8169 It is not germane. I would call the Maduro regime a
8170 thugocracy. They are clearly abusive. I don't know that
8171 they have any ideology except they want to stay in power.
8172 They are willing to kill people to keep that power, and they
8173 are thugs, and they should be removed. That is my view, but
8174 that is just a personal opinion. It is not part of this
8175 bill.

8176 This amendment is not germane and I would insist on my
8177 point of order.

8178 Mr. Reschenthaler. Mr. Chairman.

8179 Chairman Nadler. Does the gentleman wish to be heard on
8180 the point of order of the amendment?

8181 Mr. Reschenthaler. Thank you, Mr. Chairman. Mr.

8182 Chairman, the underlying measure would provide a temporary
8183 protective status for Venezuelan citizens, and the amendment
8184 makes a finding about the cause of the underlying emergency
8185 that has caused the need for this legislation. This is an
8186 expression of policy that is closely related to the
8187 underlying measure and safely within the scope. This is
8188 fully and specifically supported by the precedents of the
8189 House, specifically Deshers Volume 11, Chapter 28, Section
8190 2.30. If the chairman would like I would be happy to recite
8191 this precedent.

8192 Chairman Nadler. The chair is prepared to rule on the
8193 point of order.

8194 Mr. Chabot. Mr. Chairman? Doesn't he get five minutes
8195 to speak on this?

8196 Ms. Lofgren. He already had.

8197 Mr. Reschenthaler. Mr. Chairman, I would like to read
8198 the actual rule.

8199 Chairman Nadler. The gentleman is recognized.

8200 Mr. Reschenthaler. Mr. Chairman, can I have more time
8201 since that --

8202 Mr. Chabot. He didn't speak for five minutes on this.

8203 Chairman Nadler. The gentleman -- on this?

8204 Mr. Reschenthaler. I just want to read the rule.

8205 So Section 2.30, to substitute dealing with humanitarian
8206 and evacuation assistance to war victims in Vietnam,

8207 protected by amendment to prohibit such assistance to
8208 specified groups, a further amendment, stating that the
8209 necessity for the relief provided has been caused by the
8210 actions of the group's denied assistance was held germane as
8211 an expression of foreign policy not extending beyond the
8212 purposes of the perfected proposition.

8213 Now I have been sitting here and I have been hearing
8214 from across the aisle about the humanitarian crisis. I think
8215 it is a humanitarian crisis. In fact, a lot of my colleagues
8216 on the other side of the aisle voted with me, in Foreign
8217 Affairs, on this very issue. We have been talking about the
8218 underlying crisis. There is precedent to discuss the
8219 underlying crisis, and I think in the rules it is clear that
8220 I can offer this amendment.

8221 And I would yield the balance of my time to the
8222 gentleman from Ohio.

8223 Mr. Chabot. Thank you. I thank the gentleman for
8224 yielding. I would note, in support of the gentleman's point
8225 of order, that the chairman stated himself, a little while
8226 ago, that he did not think that socialism had anything to do
8227 with the disaster in Venezuela. When the gentleman offered
8228 this amendment, which basically states that socialism was at
8229 fault in the problems that Venezuela had, there were gasps of
8230 disbelief from our colleagues on the other side of the aisle.

8231 Ms. Mucarsel-Powell. Yes.

8232 Mr. Chabot. There are a couple of heads nodding just
8233 now. And it shows how far the party, the folks on the other
8234 side, have come in essentially becoming a party --

8235 Ms. Mucarsel-Powell. Would the gentleman yield --

8236 Mr. Chabot. It is not my time, but I am speaking at
8237 this time -- that they have basically embraced socialism.

8238 And it is unfortunate --

8239 Ms. Mucarsel-Powell. Would the gentleman yield?

8240 Mr. Chabot. -- because it is clear -- not at this time.

8241 You know, they don't want to acknowledge that socialism had
8242 anything to do with the humanitarian disaster in Venezuela,
8243 yet corruption and mismanagement were the direct result. And
8244 the chair said, "Well, it might have been corruption but not
8245 socialism," but --

8246 Ms. Mucarsel-Powell. I wish to be heard on point of
8247 order.

8248 Mr. Chabot. -- were the direct result --

8249 [Gavel sounding.]

8250 Mr. Chabot. -- of an increased -- thank you, Mr.
8251 Chairman. Corruption and mismanagement were the direct
8252 result of increased government control of the economy, and
8253 that is what socialism is. So the gentleman from
8254 Pennsylvania is exactly right, and in reality, lower oil
8255 prices and U.S. sanctions and mismanagement and those other
8256 things that have been blamed weren't the cause of it.

8257 Instead, mass starvation and exodus faced by the Venezuelans
8258 are the natural consequences of the socialist policies
8259 implemented by a couple of dictators, Hugo Chavez and Nicolas
8260 Maduro, and they were out-and-out, absolute socialists, and
8261 in some cases, communists.

8262 And the fact that the other side does not want to
8263 acknowledge that socialism had anything to do with the
8264 humanitarian disaster in Venezuela is pretty incomprehensible
8265 to a lot of folks on this side, who didn't gasp when the
8266 gentleman offered this amendment.

8267 Ms. Lofgren. Would the gentleman yield?

8268 Mr. Chabot. The gentleman is absolutely right. If the
8269 gentleman wants to yield I would be happy.

8270 Ms. Lofgren. Would the gentleman yield?

8271 Mr. Reschenthaler. No. I would just like to say,
8272 again, that when this issue was brought up in the past, with
8273 Vietnam, this issue was ruled on. It was absolutely viewed
8274 as germane to talk about the underlying issue of why the TPS
8275 was being granted.

8276 I think that the crisis in Venezuela has been caused
8277 because for years it was propped up by a state-controlled
8278 economy that relied solely on petroleum. The price of
8279 petroleum has dropped, largely because of U.S. exports of
8280 natural gas, and that has exposed flaws in a socialist
8281 country. And I think that we have the right to discuss the

8282 underlying cause of why we need to have this bill.

8283 So I don't know why my colleagues from across the aisle
8284 will not just call it what it is and say that this is due to
8285 socialist policies and a state-run economy.

8286 Mr. Deutch. Mr. Chairman?

8287 Mr. Reschenthaler. Mr. Chairman, I yield back the
8288 balance of my time.

8289 Mr. Deutch. Mr. Chairman?

8290 Chairman Nadler. The gentlelady from Florida is
8291 recognized.

8292 Ms. Mucarsel-Powell. You know -- thank you, Mr.
8293 Chairman -- I -- this is very dangerous, what you are doing
8294 here right now, and I would request that those words are
8295 stricken from the record. First of all, this amendment --
8296 yeah, yes -- first of all, this amendment is not germane
8297 because your opinion doesn't constitute a finding, which is
8298 exactly what you have placed in this amendment, number one.

8299 Number two, the Maduro regime is an illegitimate regime.
8300 He held fraudulent elections. It is a narco regime,
8301 authoritarian regime, and let me tell you a few facts about
8302 Maduro that may sound a little familiar with the things that
8303 we are dealing here, right now -- grab of power,
8304 circumventing other branches of government, violating the
8305 constitution of its country, arresting peaceful protestors,
8306 and enriching himself and his cronies because of failed

8307 economic policies.

8308 So I really -- let us be very careful. You are talking
8309 about petroleum prices. That is one issue. But to make the
8310 determination that, first of all, that we don't recognize
8311 socialism, trying to label all of us as socialist -- I
8312 denounce that firmly because it is your rhetoric to try to
8313 attack all Democrats and it is false.

8314 So I do request, Mr. Chairman, that those words be
8315 stricken from the record.

8316 Ms. Lofgren. Does the gentlewoman yield?

8317 Chairman Nadler. The gentlelady will state the words
8318 she asked to be stricken from the record, and whether or not
8319 -- the gentlelady will strike -- will strike --

8320 Ms. Mucarsel-Powell. His opinion. His opinion on the
8321 socialist policies implemented by the regimes of Chavez and
8322 Maduro.

8323 Chairman Nadler. I am sorry. Starting where?

8324 Ms. Mucarsel-Powell. Well, the whole amendment,
8325 actually.

8326 [Gavel sounding.]

8327 Chairman Nadler. The gentlelady will suspend. The
8328 gentlelady will suspend.

8329 Let me explain what is going on here. I am prepared to
8330 rule that this amendment is out of order and not germane.

8331 However, in the desire to be very accommodating to the

8332 minority, we are consulting with the parliamentarians,
8333 wherever they are, and we are killing time until we get an
8334 answer from them. But you cannot debate the nature of
8335 socialism or the merits of this -- on this bill. I mean, you
8336 can't debate it now.

8337 Ms. Mucarsel-Powell. And Chairman --

8338 Chairman Nadler. So we have permitted -- I have been
8339 overly -- I have been overly solicitous. I permitted debate
8340 by both sides. I really shouldn't have. So let's -- the
8341 question before us is the germaneness of the amendment. As I
8342 said, I am prepared to rule that it is not germane, but we
8343 have asked for an opinion from the parliamentarians and I
8344 will abide by that. But I am not going to entertain a debate
8345 on foreign policy right now.

8346 So let us just suspend for a couple of minutes while we
8347 get an answer from the parliamentarians, because this
8348 committee is not the proper place for a foreign policy
8349 debate, period. We will suspend for a few minutes.

8350 [Pause.]

8351 Mr. Chabot. Mr. Chairman, in an attempt to try to be
8352 helpful, I think what the gentlelady may be talking about is
8353 --

8354 Ms. Lofgren. We are suspended.

8355 Mr. Chabot. All right. I will be helpful by not being
8356 helpful.

8357 Chairman Nadler. The committee will come back to order.

8358 Before we proceed, I want to remind everyone, everyone,
8359 that it is not proper to impugn the motives of any member of
8360 the committee or any Member of the House. And people should
8361 be very careful about that. We have had several complaints
8362 today on both sides of the aisle now.

8363 And I understand that it may not have been someone's
8364 intention, but be very -- people should be very careful in
8365 the heat of debate, in the heat of discussion not to impugn
8366 the character or motive of any other Member, or anybody else
8367 for that matter.

8368 I am prepared to rule on the point of order.

8369 The gentleman from Pennsylvania?

8370 Mr. Reschenthaler. Mr. Chairman, I am clear that the
8371 ruling was that I did not -- I did not impugn anybody's
8372 character, right? That is the ruling?

8373 Ms. Lofgren. No.

8374 Chairman Nadler. No, no. No, no, no. I didn't say you
8375 had or anybody else had. I just reminded everybody that no
8376 one should. And you know whether you did or not, that is
8377 fine.

8378 Now I am prepared to rule on the point of order against
8379 the bill.

8380 Ms. Lofgren. Amendment. Point of order against the
8381 amendment.

8382 Chairman Nadler. I am sorry. Point of order against
8383 the amendment.

8384 Does the gentleman --

8385 Mr. Reschenthaler. Mr. Chairman? Mr. Chairman, I will
8386 withdraw the amendment.

8387 Chairman Nadler. The gentleman has withdrawn the
8388 amendment, and therefore -- therefore, I need not rule on the
8389 germaneness or lack of germaneness of the amendment.

8390 The gentleman would like to be recognized to strike the
8391 last word.

8392 Mr. Reschenthaler. Mr. Chairman, thank you.

8393 I did withdraw it, but I do just want to note that
8394 during the comment, I did not impugn anybody's character. In
8395 fact, I think the opposite was true, that my character was
8396 impugned. I think that words were put in my mouth.

8397 And as I read the case law to the committee, it is very
8398 clear that a very similar point was made in the past with
8399 Vietnam, and the ruling went the other way. And I think that
8400 reading the black letter law and the case law on this would
8401 clearly indicate that the amendment was germane.

8402 We have got to remember that for temporary protective
8403 status, you have to consider what is going on in the country
8404 from which the person is applying status. By definition,
8405 that would require discussions about what is going on in the
8406 home country. So, again, I withdraw my amendment, but I

8407 still think that the discussion was above board, and I think
8408 the amendment was germane.

8409 I will say this. There were comments made about my
8410 amendment being dangerous. When it comes to Venezuela, I
8411 think the only thing that was dangerous was the vote that we
8412 took not only in Foreign Affairs on the floor to tie the
8413 administration's hands when it comes to assisting President
8414 Guido. That is what is dangerous.

8415 And when I talk to --

8416 Mr. Cicilline. Point of order, Mr. Chairman. What does
8417 this got to do with this? There is nothing pending before
8418 the committee. If you would like to make a foreign policy
8419 statement, let us finish our business --

8420 Mr. Collins. Hey, Mr. Chairman --

8421 [Gavel sounding.]

8422 Chairman Nadler. I recognized the gentleman to withdraw
8423 and to make a short statement. It is not proper to debate
8424 foreign policy on this committee.

8425 Mr. Reschenthaler. Well, Mr. Chairman, we are talking
8426 about immigration. The key to immigration is that the people
8427 coming from --

8428 Chairman Nadler. The gentleman withdrew his amendment.
8429 He has withdrawn the amendment. There is nothing -- there is
8430 nothing --

8431 Ms. Lofgren. He struck the last word.

8432 Chairman Nadler. He struck the last word.

8433 Ms. Lofgren. Five minutes.

8434 Mr. Reschenthaler. I just think when you are talking
8435 about immigration, key to immigration is talking about the
8436 country from which the immigrant is seeking TPS status. But
8437 I just will say this.

8438 I think it is somewhat misguided when we talk about
8439 Venezuela and we don't recognize the fact that in other
8440 committees on the floor, we voted to tie the hands of the
8441 administration dealing with Venezuela and tied -- and voted
8442 to prevent the use of us assisting President Guido in trying
8443 to overthrow Maduro. So I just think it is -- I just want
8444 that noted.

8445 Ms. Lofgren. Would the gentleman yield? Would the
8446 gentleman yield for just a quick comment, please?

8447 Mr. Reschenthaler. Yes. Yes.

8448 Ms. Lofgren. I just wanted to speak. The
8449 parliamentarians -- and I know you are a relatively new
8450 Member. The parliamentarians are completely apolitical.
8451 Sometimes they rule ways you don't like. Sometimes they rule
8452 the way you do like. And we waited for them to make a
8453 ruling. I know that you didn't mean to impugn their
8454 character in any way, but it is important that the officers
8455 of the House, who are not partisans in any way, have our
8456 respect when they reach decisions.

8457 And I just wanted to comment on it, since you are
8458 relatively new, and you may not understand the role.

8459 Mr. Chabot. Would the gentleman yield to me?

8460 Mr. Reschenthaler. I would yield to the gentleman from
8461 Ohio.

8462 Mr. Chabot. I thank the gentleman for yielding, and I
8463 will make a quick point here that the chair said that, oh, we
8464 are not going to talk about foreign affairs here.

8465 We have been talking about Venezuela. We have been
8466 talking about a whole bunch of other countries. We are
8467 talking about Mexico, which is not part of the United States.
8468 These are foreign entities we are talking about.

8469 So if the gentleman in his 5 minutes wants to bring up
8470 Vietnam or he wants to bring up some other country, he has
8471 got every right to do that.

8472 Mr. Cicilline. Parliamentary inquiry, Mr. Chairman.

8473 Mr. Chabot. You may not like the point that he is
8474 making. You may not like the way he is getting there, but it
8475 is up to him. Members in this committee get to use their
8476 time basically the way they want to, unless they impugn
8477 another person, which you are not allowed to do. And
8478 generally, we don't, and we shouldn't.

8479 So I thank the gentleman for yielding and --

8480 Chairman Nadler. Does the gentleman yield back?

8481 Mr. Reschenthaler. Mr. Chairman, I would yield back the

8482 remainder of my time.

8483 Chairman Nadler. The gentleman yields back.

8484 Mr. Gohmert. Point of order.

8485 Chairman Nadler. The gentleman will state his point of
8486 order.

8487 Mr. Gohmert. Since the chair has ruled we can't discuss
8488 foreign matters, do you intend to strike foreign countries
8489 from the amendment in the nature of a substitute?

8490 Chairman Nadler. That is not a point of order, nor is
8491 it even a proper parliamentary inquiry.

8492 The question -- are there any further amendments?

8493 Ms. Jackson Lee. Mr. Chairman?

8494 Mr. Gohmert. What was the ruling on the motion to
8495 strike the language? That is what we took --

8496 Chairman Nadler. There was no ruling on the motion to
8497 strike the language.

8498 For what purpose does the gentlelady seek recognition?

8499 Ms. Jackson Lee. To strike the last word.

8500 Mr. Gohmert. So he ignored the motion to strike the
8501 language.

8502 Chairman Nadler. The gentlelady is recognized.

8503 Ms. Jackson Lee. First of all, let me thank the
8504 gentleman for withdrawing his amendment. I think it is
8505 important to recognize that we have people who are
8506 desperately in need and that the different views that may be

8507 held are not to be conflicted with what we are doing. I
8508 wanted to take the time to thank Ms. Mucarsel-Powell for her
8509 great leadership, excuse my voice.

8510 And also Congressman Soto, I thought was in the
8511 audience, and I know that he has worked so very hard on this
8512 legislation. And you have a wonderful partner in our
8513 colleague from Florida, and I wanted to make note of that.

8514 I just wanted to say that Venezuela did have some good
8515 days, and that is why I think it is important to focus on the
8516 needs of the people now, and to attribute any particular
8517 political view does not affirm or improve the devastation
8518 that Venezuelans are now experiencing. And so I just wanted
8519 to take note of a particular point of the turmoil that
8520 Venezuela is in and that the need for this legislation to
8521 move as quickly as possible because of the many people here
8522 needing relief.

8523 I visited Venezuela and whatever political leadership it
8524 had that it was a prosperous nation. I think now we have an
8525 oppression of both the life and the survival of people in
8526 Venezuela, and I ask my colleagues to support the underlying
8527 legislation.

8528 I thank the gentlelady from Florida for her leadership.
8529 I know she is getting a lot of applause. And thank the
8530 gentleman from Florida, Mr. Soto.

8531 I yield back.

8532 Chairman Nadler. The question occurs on the amendment
8533 in the nature of a substitute. This will be followed
8534 immediately by a vote on final passage of the bill.

8535 All those in favor of the amendment in the nature of a
8536 substitute, respond by saying aye.

8537 Opposed, no.

8538 In the opinion of the chair, the ayes have it, and the
8539 amendment in the nature of a substitute is agreed to.

8540 A reporting quorum being present, the question is on the
8541 motion to report the bill H.R. 549, as amended, favorably to
8542 the House.

8543 Those in favor, respond by saying aye.

8544 Those opposed, no.

8545 The ayes have it.

8546 Mr. Collins. I would like a recorded vote.

8547 Chairman Nadler. Recorded vote is requested. The clerk
8548 will call the roll.

8549 Ms. Strasser. Mr. Nadler?

8550 Chairman Nadler. Aye.

8551 Ms. Strasser. Mr. Nadler votes aye.

8552 Ms. Lofgren?

8553 Ms. Lofgren. Aye.

8554 Ms. Strasser. Ms. Lofgren votes aye.

8555 Ms. Jackson Lee?

8556 Ms. Jackson Lee. Yes.

8557 Ms. Strasser. Ms. Jackson Lee votes yes.

8558 Mr. Cohen?

8559 Mr. Cohen. Aye.

8560 Ms. Strasser. Mr. Cohen votes aye.

8561 Mr. Johnson of Georgia?

8562 Mr. Johnson of Georgia. Aye.

8563 Ms. Strasser. Mr. Johnson of Georgia votes aye.

8564 Mr. Deutch?

8565 Mr. Deutch. Aye.

8566 Ms. Strasser. Mr. Deutch votes aye.

8567 Ms. Bass?

8568 Mr. Richmond?

8569 Mr. Jeffries?

8570 Mr. Cicilline?

8571 Mr. Cicilline. Aye.

8572 Ms. Strasser. Mr. Cicilline votes aye.

8573 Mr. Swalwell?

8574 Mr. Lieu?

8575 Mr. Lieu. Aye.

8576 Ms. Strasser. Mr. Lieu votes aye.

8577 Mr. Raskin?

8578 Mr. Raskin. Aye.

8579 Ms. Strasser. Mr. Raskin votes aye.

8580 Ms. Jayapal?

8581 Ms. Jayapal. Aye.

8582 Ms. Strasser. Ms. Jayapal votes aye.
8583 Mrs. Demings?
8584 Mrs. Demings. Aye.
8585 Ms. Strasser. Mrs. Demings votes aye.
8586 Mr. Correa?
8587 Mr. Correa. Aye.
8588 Ms. Strasser. Mr. Correa votes aye.
8589 Ms. Scanlon?
8590 Ms. Scanlon. Aye.
8591 Ms. Strasser. Ms. Scanlon votes aye.
8592 Ms. Garcia?
8593 Ms. Garcia. Yes.
8594 Ms. Strasser. Ms. Garcia votes yes.
8595 Mr. Neguse?
8596 Mr. Neguse. Yes.
8597 Ms. Strasser. Mr. Neguse votes yes.
8598 Mrs. McBath?
8599 Mrs. McBath. Aye.
8600 Ms. Strasser. Mrs. McBath votes aye.
8601 Mr. Stanton?
8602 Mr. Stanton. Aye.
8603 Ms. Strasser. Mr. Stanton votes aye.
8604 Ms. Dean?
8605 Ms. Dean. Aye.
8606 Ms. Strasser. Ms. Dean votes aye.

8607 Ms. Mucarsel-Powell?
8608 Ms. Mucarsel-Powell. Yes.
8609 Ms. Strasser. Ms. Mucarsel-Powell votes yes.
8610 Ms. Escobar?
8611 Ms. Escobar. Yes.
8612 Ms. Strasser. Ms. Escobar votes yes.
8613 Mr. Collins?
8614 Mr. Collins. No.
8615 Ms. Strasser. Mr. Collins votes no.
8616 Mr. Sensenbrenner?
8617 Mr. Chabot?
8618 Mr. Chabot. No.
8619 Ms. Strasser. Mr. Chabot votes no.
8620 Mr. Gohmert?
8621 Mr. Gohmert. No.
8622 Ms. Strasser. Mr. Gohmert votes no.
8623 Mr. Jordan?
8624 Mr. Buck?
8625 Mr. Buck. No.
8626 Ms. Strasser. Mr. Buck votes no.
8627 Mr. Ratcliffe?
8628 Mrs. Roby?
8629 Mr. Gaetz?
8630 Mr. Johnson of Louisiana?
8631 Mr. Biggs?

8632 Mr. McClintock?

8633 Mr. McClintock. No.

8634 Ms. Strasser. Mr. McClintock votes no.

8635 Mrs. Lesko?

8636 Mrs. Lesko. No.

8637 Ms. Strasser. Mrs. Lesko votes no.

8638 Mr. Reschenthaler?

8639 Mr. Reschenthaler. No.

8640 Ms. Strasser. Mr. Reschenthaler votes no.

8641 Mr. Cline?

8642 Mr. Cline. No.

8643 Ms. Strasser. Mr. Cline votes no.

8644 Mr. Armstrong?

8645 Mr. Steube?

8646 Mr. Steube. No.

8647 Ms. Strasser. Mr. Steube votes no.

8648 Ms. Jackson Lee. Mr. Chairman, how am I recorded?

8649 Ms. Strasser. Ms. Jackson Lee, you are recorded as aye.

8650 Chairman Nadler. Has every Member voted who wishes to

8651 vote?

8652 [No response.]

8653 Chairman Nadler. The clerk will report.

8654 Ms. Strasser. Mr. Chairman, there are 20 ayes and 9

8655 noes.

8656 Chairman Nadler. The ayes have it. The bill, as

8657 amended, is ordered reported --

8658 [Applause.]

8659 Mr. Chabot. Mr. Chairman?

8660 [Gavel sounding.]

8661 Mr. Chabot. Mr. Chairman?

8662 Chairman Nadler. The bill, as amended, is ordered

8663 reported favorably to the House.

8664 Mr. Chabot. Mr. Chairman, parliamentary inquiry.

8665 Parliamentary inquiry.

8666 Chairman Nadler. Members will have 2 days to submit

8667 views. The bill will be reported as a single amendment in

8668 the nature of a substitute, incorporating all adopted

8669 amendments. And without objection, staff is authorized to

8670 make technical and conforming changes.

8671 Mr. Chabot. Parliamentary inquiry, Mr. Chairman?

8672 Chairman Nadler. The gentleman will state his --

8673 [Gavel sounding.]

8674 Chairman Nadler. The committee will come to order in

8675 order to hear the gentleman's parliamentary inquiry.

8676 Mr. Chabot. Mr. Chairman, is it the practice of this

8677 committee to allow demonstrations either for or against

8678 legislation that is passed in the committee?

8679 Chairman Nadler. No, and I have not done that. I

8680 banged the gavel. We have maintained control as much as

8681 possible.

8682 Mr. Chabot. Could the chairman tell the audience before
8683 a hearing what they are allowed and not allowed to do?

8684 Chairman Nadler. When it seems indicated, we will do
8685 so.

8686 Mr. Chabot. I would appreciate that.

8687 Chairman Nadler. I think in general -- I think in
8688 general --

8689 Mr. Chabot. Well, this is the third time today, and it
8690 has not been noticed. And the chair has done nothing about
8691 it.

8692 Chairman Nadler. I would remind people that
8693 demonstrations are not in order.

8694 Mr. Chabot. That is it?

8695 Chairman Nadler. I will also state that as far as I
8696 know, Mr. Reschenthaler didn't impugn anybody's motives.

8697 This concludes our business for today. Thanks to all of
8698 our Members for attending.

8699 The markup is adjourned.

8700 [Whereupon, at 9:00 p.m., the committee was adjourned.]