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2 SHAYLAH BURRILL

3 HJU198000

4 MARKUP OF H.R. 3239, THE "HUMANITARIAN STANDARDS FOR
5 INDIVIDUALS IN CUSTOMS AND BORDER PROTECTION CUSTODY ACT."
6 Wednesday, July 17, 2019
7 House of Representatives
8 Committee on the Judiciary
9 Washington, D.C.

10 The committee met, pursuant to call, at 10:17 a.m., in
11 Room 2141, Rayburn Office Building, Hon. Jerrold Nadler
12 [chairman of the committee] presiding.

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

20 Staff present: Madeline Strasser, Chief Clerk; Susan

21 Jensen, Parliamentarian/Senior Counsel; Betsy Lawrence,
22 Counsel, Immigration and Citizenship Subcommittee; David
23 Shahoulian, Chief Counsel, Immigration and Citizenship
24 Subcommittee; Joshua Breisblatt, Counsel, Immigration and
25 Citizenship Subcommittee; Rachel Calanni, Professional Staff
26 Member, Immigration and Citizenship Subcommittee; Sarnata
27 Reynolds, Counsel, Immigration and Citizenship Subcommittee;
28 Ami Shah, Counsel, Immigration and Citizenship Subcommittee;
29 Brendan Blair, Minority Chief of Staff; Robert Parmiter,
30 Minority Deputy Chief of Staff; Jon Ferro, Minority
31 Parliamentarian; Erica Barker, Minority Legislative Clerk;
32 Andrea Woodard, Minority Professional Staff Member; Andrea
33 Loving, Minority Counsel; and James Rust, Minority Counsel.
34

35 Chairman Nadler. [Presiding.] The Judiciary Committee
36 will please come to order, a quorum being present.

37 Without objection, the chair is authorized to declare a
38 recess at any time.

39 Pursuant to Committee Rule II and House Rule XI, Clause
40 2, the chair may postpone further proceedings today on the
41 question of approving any measure or matter or adopting an
42 amendment for which a recorded vote for the yeas and nays are
43 ordered.

44 Pursuant to notice, I now call up H.R. 3239, the
45 Humanitarian Standards for Individuals in Customs and Border
46 Protection Custody Act, for purposes of markup, and move that
47 the committee report the bill favorably to the House. The
48 clerk will report the bill.

49 Ms. Strasser. H.R. 3239, to require U.S. Customs and
50 Border Protection to perform an initial health screening on
51 detainees, and for other purposes.

52 Chairman Nadler. Without objection, the bill is
53 considered as read and open for amendment at any point.

54 [The bill follows:]

55

56 Chairman Nadler. I will begin by recognizing myself for
57 an opening statement.

58 H.R. 3239, the Humanitarian Standards for Individuals in
59 Customs and Border Protection Custody Act, responds to the
60 chaos and cruelty of the Trump Administration's immigration
61 policy, a policy that has contributed to the needless deaths
62 of 10 people in Customs and Border Protection, or CBP
63 custody, in the last 9 months, including three children and
64 seven adults. This critical legislation would require all
65 individuals in CBP custody to receive an initial medical
66 screening and would set certain minimum standards of hygiene,
67 nutrition, and shelter that CBP must meet.

68 Treating individuals in CBP custody with basic standards
69 of human decency is the very least that we can do, and it is
70 outrageous that the Administration may need Congress to act
71 before it will do the right thing. For some time we have
72 been confronted with the images of too many children and
73 families squeezed into overcrowded and unsanitary CBP
74 facilities. These images, while powerful, can make the
75 suffering and deaths of individuals, even children, seem
76 abstract. But these individuals are someone's loved ones.
77 These children have names, including Carlos Hernandez
78 Vasquez, who was 16 when he died, Felipe Alonzo-Gomez, who
79 died at 8 years old, and Jakelin Caal Maquin, who was just 7
80 years old when she died in CBP custody.

81 The bill we are considering today will not bring them
82 back, but it will help make certain that no other child or
83 parent in CBP custody dies for lack of an appropriate medical
84 screening or access to medical care. Whatever the President
85 might say, CBP custody facilities are not overcrowded and
86 under resourced because too many people are seeking
87 protection from conflict and violence on our southern border.
88 These facilities are overwhelmed because the Administration
89 had made the unnecessary jailing of children and families the
90 center of its immigration policy.

91 There is much we could do instead, such as more rapid
92 adjudication of asylum cases and the release of some families
93 pending their hearings. Instead of doing the hard work of
94 responding to and managing the challenges at our border, the
95 Administration is focused on dehumanizing immigrants with all
96 too tragic results. But this bill does not deal with the
97 causes of that crisis. This bill deals simply with the
98 people in custody. Our colleague, the gentleman from
99 California, Mr. Ruiz, a medical doctor and the author of this
100 legislation, has put in the effort that the Administration
101 apparently lacks the will or the ability to do.

102 H.R. 3239 is designed to ensure that CBP facilities
103 protect the health and safety of both immigrant and CBP
104 officers and to prevent needless deaths. It requires CBP to
105 partner with professionals in emergency response, healthcare,

106 and child welfare so that CBP agents can return to their
107 primary role of protecting the border from real threats, and
108 immigrants can be assessed by health professionals who can
109 make informed decisions.

110 It requires that CBP facilities provide basic human
111 necessities, including sufficient numbers of showers, soap,
112 toothpaste, and clean clothing so that children and CBP
113 agents do not get sick as a result of unsanitary conditions
114 that are easily cured if planned for and managed well. The
115 bill requires written documentation concerning health
116 screenings, medical care, and medications so that upon
117 arrival at an Immigration and Customs Enforcement or Health
118 and Human Services facility, an immigrant's health status is
119 already known, and staff can prepare appropriately.

120 The Administration's enforcement-only policies already
121 needlessly fill up facilities with men, women, and children
122 who simply do not need to be there, and people have been
123 dying as a result. This bill is the first step in preventing
124 additional deaths by ensuring that individuals are held in
125 humane conditions and have access to basic medical care when
126 circumstances warrant. It is the very least we can do as a
127 civilized society. This bill does not deal unfortunately
128 with the needlessly filling up of these facilities with men,
129 women, and children who do not need to be there. It simply
130 deals with their health and sanitation needs.

131 I commend Representative Dr. Ruiz for introducing the
132 Humanitarian Standards for Individuals in CBP Custody Act,
133 and I urge all my colleagues to support this important
134 legislation. I now recognize the ranking member of the
135 Judiciary Committee, the gentleman from Georgia, for his
136 opening comments.

137 Mr. Collins. Thank you, Mr. Chairman. As
138 Administration officials have been saying for months, the
139 current migration flow, and we heard even this earlier this
140 week, is resulting in a humanitarian crisis that has
141 overwhelmed the government's ability to adequately respond.

142 In January, I introduced H.R. 586, which is the Fix the
143 Immigration Loopholes Act, to modernize our laws and address
144 the perverse incentive fueling this illegal migration that we
145 are seeing and the increase that we are seeing. However, we
146 have chosen not to bring that bill to markup. In fact, we
147 are not even bringing a bill that would be an equivalency
148 from a different perspective. We are marking up no bills
149 that address actually the crisis on what is fueling the large
150 numbers and the problems that we are having to address, I
151 think, in an honest way, but also a very misguided way in
152 this bill. In fact, the only bill we have passed has
153 actually probably exacerbated the process as we went forward,
154 which was H.R. 6.

155 With the undeniable evidence of the crisis now firmly in

156 the public spotlight, I was hopeful we could finally see a
157 serious effort by both colleagues of both sides to din this
158 crisis, Democrats included, and especially since you control
159 the markup schedule. Instead we have decided to mark up H.R.
160 3239, a bill that will do absolutely nothing to address the
161 root causes of the crisis, and, in fact, will make it worse.

162 As the system was intended to work, individuals
163 encountered by the Customs and Border Protection remain in
164 CBP custody for short periods of time to complete processing,
165 generally no more than 72 hours. Individuals are then
166 transferred to ICE custody in the case of adults, HHS in the
167 case of kids or children, or released. But the enormous
168 unprecedented numbers of migrants crossing have overwhelmed
169 the system. The ICE detention and HHS shelters are full, and
170 CBP currently releases virtually all family units as soon as
171 the processing stage is completed. In short, what the
172 Administration officials have been warning has come true.
173 The system is broken.

174 But we are not marking up a bill to fix legal loopholes
175 incentivizing mass illegal migration. No, we are marking up
176 the Humanitarian Standards for Individual in Customs and
177 Border Protection Custody Act, a bill with a nice name, but
178 is actually unworkable in many ways, and it would
179 significantly and severely impact the CBP. But we are also
180 in this debate not talking about the effects it would have on

181 that Agency. To be clear, CBP should comply with custodial
182 care requirements set out in their TEDS standards and should
183 treat all detainees with respect. How is the one-size-fits-
184 all approach in this bill completely unworkable?

185 Let's take a look. The requirements of H.R. 3239 apply
186 to hundreds of CBP facilities, no matter how big, small,
187 urban, remote, or how busy or how idle. For instance, even
188 though my colleagues offer anecdotes from the southern
189 border, this bill would apply to the very busy airports, such
190 as Hartfield-Jackson in my home State of Georgia, where it
191 receives millions of passengers a year, or an extremely
192 remote port of entry like the Port Poker Creek in Alaska,
193 which is only open for a few months a year, or a border
194 patrol substation like Big Bend, Texas, which normally houses
195 no more than 10 detainees per day, or an isolated forward-
196 operating base like Camp Bounds in Arizona or a seaport like
197 Port Ferry in Washington, or even the Truth or Consequences
198 border patrol checkpoint in New Mexico. Do you see what I am
199 saying? As the men and women of CBP are doing everything
200 they possibly can to confront the crisis, H.R. 3239 would
201 impose burdensome and often impossible standards of care onto
202 these facilities.

203 In addition to initial medical screening of all migrants
204 entering CBP custody, H.R. 3239 would require CBP to provide
205 additional, for free, the alien medical services, the bill

206 where it states, "Where practicable, CBP shall have onsite in
207 addition to licensed medical professionals" -- they already
208 have to conduct medical screenings -- "licensed emergency
209 care professionals, specialty physicians, including
210 physicians specializing in pediatric, family medicine,
211 obstetrics and gynecology, geriatric medicine, internal
212 medicine, and infectious diseases, nurse practitioners and
213 other nurses and physician assistants, licensed social
214 workers, mental health professionals, public health
215 professionals, dietitians, interpreters, and chaperones. If
216 impracticable to have them onsite, CBP must have them on
217 call." Our Border Patrol should be out doing what they are
218 supposed to be doing, and that is protecting our border,
219 interdicting narcotics, preventing the illegal immigration,
220 and stopping child trafficking, not setting up the hospitals
221 that they are not equipped to do at every single facility.

222 The bill would also prevent CBP from housing individuals
223 outside of temporary facilities and require all facilities to
224 be climate controlled while simultaneously limiting the
225 number a CBP processing facility can house. CBP will,
226 therefore, be forced to release even more people into the
227 U.S. interior since this bill would limited its ability to
228 respond to migrant surges. The bill also mandates a
229 provision of showers that may not be appropriate in some
230 areas of a custodial setting, and it even mandates the number

231 is specifically enough to the toilet/detainee ratio.

232 Perhaps the worst part about this bill is it increases
233 the incentive to exploit children to gain entrance into the
234 United States. Smugglers know migrants will be released into
235 the U.S. interior if they bring a child because of the legal
236 loophole created by the Flores Settlement Agreement. The
237 loophole currently only applies to parents and legal
238 guardians. DHS continues to see adults fraudulently posing
239 as a child's parents or legal guardian to use the child to
240 get into the United States. This bill rips the existing
241 loophole even further. Instead of only benefitting parents
242 and legal guardians, the bill would extend to mere adult
243 relatives of the child.

244 H.R. 3239, although possibly well intentioned and is
245 well intentioned, is unworkable. It will do nothing to
246 address the border crisis and increases the likelihood for
247 children to be trafficked because of the openings that it
248 provides. I, again, will vote no on this bill for the many
249 reasons that I have just stated, but I also would encourage
250 us to look instead of always at the symptoms of the problem,
251 let's look at fixing the problem.

252 I have ideas. You have ideas. Let's bring those to the
253 table and have those discussions. And with that, I yield
254 back.

255 Chairman Nadler. Thank you, Mr. Collins. I now

256 recognize the chair of the Subcommittee on Immigration and
257 Citizenship, the gentlelady from California, Ms. Lofgren, for
258 her opening statement.

259 Ms. Lofgren. Thank you, Mr. Chairman. Today we have
260 the opportunity to pass a piece of legislation that will
261 prevent the deaths of children in our immigration detention
262 system. Without H.R. 3239, it is a certainty that more
263 children and other immigrants will fail to get adequate
264 treatment, and some will die in Customs and Border Patrol
265 custody. The bill is a life-saving piece of legislation
266 rooted in the long medical experience of our colleague,
267 Representative Raul Ruiz, in response to the needs of the
268 children and families in CBP custody.

269 The Trump Administration's immigration policies have
270 intentionally dehumanized immigrant children and families and
271 pushed them into severely-crowded CBP cells where many are
272 forced to stand for weeks on end. The Administration asserts
273 that these conditions are the inevitable result of large
274 numbers of people seeking protection at our border, but that
275 is not true. A competent Administration would plan for the
276 expected arrival and care of immigrants in needs of
277 protection. It would staff child welfare and healthcare
278 professionals at CBP facilities so that our CBP agents could
279 focus on their mission of vigilance, integrity, and
280 professionalism. A capable Administration would support CBP

281 agents in the identification of individuals who pose a risk
282 to our country and facilitate the release of families and
283 individuals who pose no risk so that overcrowding is not an
284 issue.

285 The Trump Administration has done none of this, and so
286 CBP agents are guarding families instead of the border, and
287 administering punishment on children instead of going after
288 criminals. This does nothing to protect the United States,
289 but it does undermine the mission, morale, integrity, and
290 professionalism of CBP officers. It has got to stop.

291 This bill cuts through the Trump Administration's
292 incompetence and restores order and basic humanity to the
293 processing of immigrants at the border. It requires that
294 each CBP facility include at least one medical professional.
295 It could be a nurse, a nurse practitioner, an EMT to conduct
296 health screenings for individuals upon arrival. It mandates
297 that other emergency care professionals be immediately
298 available so that if a life-threatening situation arises, it
299 can be addressed quickly instead of hours later at a
300 hospital. The bill prohibits the severe overcrowding of
301 children, families, and single adults, which has become the
302 norm in CBP custody facilities, which exposes immigrants as
303 well as our staff to health and safety concerns.

304 The bill requires that clean clothing and nutritious
305 food be made available to immigrants in CBP custody so that

306 they are no longer forced to eat boloney sandwiches at every
307 meal and wear clothing soiled from the sweat and heat of
308 overcrowding. In short, this bill is a plan for CBP custody
309 that the Trump Administration seems incapable of putting
310 together.

311 I would like to commend Representative and Dr. Raul Ruiz
312 for his effort and commitment to the safety and dignity of
313 every person, regardless of their origin, and I would urge my
314 colleagues to support this bill. The crisis that we see at
315 the border, and we had a hearing, a subcommittee hearing,
316 just this Monday, a report from the inspector general of the
317 Department of Homeland Security, was simply shocking reports
318 of overcrowding and unacceptable conditions that violate the
319 standards of the Department. If we do not act, more people
320 will sicken and die.

321 I am mindful that these conditions are a choice that the
322 Trump Administration has made. While people have piled up in
323 these border facilities, empty space was available on ICE
324 facilities. I am mindful that in 2014 when there was a surge
325 of immigrants coming to our southern border, the Obama
326 Administration constructed an overflow facility that housed
327 over 1,000 people in 10 days to avoid the kind of disorder
328 that the President has allowed to be created because of the
329 asylum seekers.

330 So we need to put some order into this situation. If

331 the President's Administration can't manage this, the
332 Congress needs to step in, and I would urge that we pass this
333 bill.

334 Chairman Nadler. Thank you, Ms. Lofgren. I now
335 recognize the ranking member of the Immigration Subcommittee,
336 the gentleman from Colorado, Mr. Buck, for his opening
337 statement.

338 Mr. Buck. Thank you, Mr. Chairman. For months now,
339 Republicans have raised the alarm about a crisis at the
340 border. Our colleagues ignored the issue, and some even
341 claimed it was a manufactured crisis. Five months ago, this
342 committee heard from Carla Provost, the chief of the U.S.
343 Border Patrol. What did she tell us? There was a security
344 and humanitarian crisis at the border. What did the majority
345 do? Nothing.

346 This committee also heard testimony from Commander White
347 of the Public Health Service Commission Corps. What did he
348 tell us? HHS was maintaining double the number of beds for
349 unaccompanied minors as compared to 17 months prior in
350 October 2017. UAC numbers were historically high. UACs were
351 held in custody nearly 50 percent longer than in Fiscal Year
352 2018. The majority did not hear these pleas either. In
353 fact, on the very same day that Chief Provost and Commander
354 White testified, the majority voted against the President's
355 emergency declaration to address the crisis.

356 Earlier this year, the majority passed a bill to
357 actually cut funding for ICE detention beds. One article
358 suggested the Democrat's bill would encourage ICE to detain
359 fewer immigrants and asked, "Will it work?" We now know the
360 answer. No, it has not worked. This Congress, this
361 majority, has been derelict in its duties. Finally, the
362 majority brought forth a bill related to the border. This
363 proves one thing. The majority finally admits we have a
364 problem at our southern border. Unfortunately, because of
365 how bad this bill is, it also proves the majority still don't
366 understand the cause of the crisis.

367 For the past 2 days, the Immigration Subcommittee has
368 heard about the crisis and strain on the system. We have
369 heard policies enacted by Congress can and have made things
370 worse. This bill, which is completely unworkable, won't fix
371 the current problem. It will only make them worse. It
372 wouldn't be the first time the majority pushed a solution
373 that made matters at the border worse. Take, for example,
374 the situation involving unaccompanied minors. That problem
375 was made worse, much worse, by legislation passed in 2008.
376 In 2008, there were 8,041 unaccompanied minors at the border.
377 Last Fiscal Year, there were 50,036, more than a 622 percent
378 increase. We cannot afford to make the same kind of mistakes
379 at the border, mistakes that will make the crisis worse, but
380 that is exactly what this bill is poised to do.

381 Customs and Border Patrol has not asked for input on the
382 implications of this bill. Let me repeat. CBP was never
383 consulted about this bill, and yet it will have a sweeping
384 and devastating impact on how that Agency fulfills its vital
385 duties. The committee has never had a hearing on this
386 legislation. The majority apparently is uninterested in
387 hearing from experts about the provisions of this bill.

388 This bill expands the *Flores* loophole allowing distant
389 relatives to use children to enter the U.S. This will
390 increase the risk and incidence of child trafficking at a
391 time where some media reports have suggested DNA tests who
392 nearly one-third of children apprehended at the border are
393 not related to the person who claimed a family relationship.

394 This bill would nearly immediately require every CBP
395 facility, whether it is a Border Patrol station, port of
396 entry, checkpoint, forward-operating base, and secondary
397 inspection stations to have a large array of medical staff
398 onsite or on call at all times, even in the most remote areas
399 along the border. It will nearly immediately impose building
400 standards on the Border Patrol, even though it will likely
401 take the Agency years to acquire, build, or contract with
402 third parties to obtain these facilities. What will the
403 effect of this be? CBP will have to release aliens caught at
404 the border into the U.S. This bill is a veiled effort to
405 create the Progressives' ultimate dream of open borders.

406 I would ask the chairman and the majority to hold a
407 hearing on this bill before we continue this markup. Let's
408 hear from the experts, and then let us move a bipartisan bill
409 that fixes *Flores*, sets standards to reduce frivolous asylum
410 claims, and truly secures our border. If we can do those
411 things, we can reduce some of the factors driving the border
412 crisis. This will make things manageable for Customs and
413 Border Patrol. It will help reduce overcrowding at CBP, ICE,
414 and HHS facilities. It will help reduce the number of people
415 whoa are risking their lives by paying smugglers to help them
416 traverse through dangerous deserts. A bill that reduces the
417 drivers of illegal immigration will save lives. There is a
418 better way.

419 I thank the chairman, and I yield back.

420 Chairman Nadler. I thank the gentleman, and I now
421 recognize myself for purposes of offering an amendment in the
422 nature of a substitute. The clerk will report the amendment.

423 Ms. Strasser. Amendment in the nature of a substitute
424 to H.R. 3239, offered by Mr. Nadler. Strike all that follows
425 after the enacting clause and insert the following.

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

429 [The amendment in the nature of a substitute of Chairman
430 Nadler follows:]

431 Chairman Nadler. I will recognize myself to explain the
432 amendment.

433 Most of the changes in this amendment are either of a
434 technical nature or simply clarify the intent of certain
435 provisions. For example, the bill refers to infants,
436 toddlers, children, and minors under the age of 17 as
437 vulnerable populations. The amendment replaces each of these
438 words with "child," consistent with the definition of a child
439 in the Immigration and Nationality Act.

440 Aside from these more technical revisions, the amendment
441 makes three substantive changes. The first change concerns
442 the amount of private space afforded to each individual in
443 custody. The bill requires two square meters of space per
444 individual. The amendment revises this to require that no
445 individual be placed in a room if it would exceed the maximum
446 occupancy determined by the appropriate building code or the
447 fire marshal. If a facility is nearing maximum capacity, the
448 amendment permits CBP to contract for the construction of
449 additional temporary facilities. Congress just recently
450 appropriated an additional \$4.5 billion so that agencies can
451 do this contingency planning, thereby avoiding dangerous
452 overcrowding.

453 I should add I note that the distinguished gentleman
454 from Colorado said that it took years to construct such a
455 facility. The distinguished gentlelady, the subcommittee

456 chair, pointed out that the Obama Administration, they
457 constructed such a facility in 10 days. If they can do it in
458 10, we can do it in 9.

459 The second substantive change amends the amount of time
460 in which CBP is required to conduct an initial health
461 screening. As originally drafted, the bill requires that all
462 individuals be screened within 12 hours of apprehension and
463 within 3 hours for vulnerable populations. The amendment
464 requires that all individuals be screened within 12 hours of
465 entering a CBP facility and within 6 hours for vulnerable
466 populations. The final change adds language requiring that
467 members of Congress have access to any kind Customs and
468 Border Protection facility.

469 These changes are relatively minor and all improve the
470 bill. Therefore, I urge my colleagues to support the
471 amendment in the nature of a substitute, and I yield back the
472 balance of my time. I will now recognize the ranking member
473 of the full committee, Mr. Collins, for any comments he may
474 have on the amendment in the nature of a substitute.

475 Mr. Collins. Thank you, Mr. Chairman. I agree that it
476 meets those standards, and I yield back.

477 Chairman Nadler. The gentleman yields back. Are there
478 any amendments to the amendment in the nature of a
479 substitute?

480 Mr. Lofgren. Mr. Chairman? Mr. Chairman, I have a --

481 Chairman Nadler. The gentlelady is recognized.

482 Mr. Lofgren. -- an amendment at the desk.

483 Chairman Nadler. The clerk will report the amendment.

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

485 of a substitute to H.R. 3239, offered by Ms. Lofgren.

486 Mr. Lofgren. I ask unanimous consent that the amendment

487 be considered as read.

488 [The amendment of Ms. Lofgren follows:]

489

490 Mr. Lofgren. These are --

491 Chairman Nadler. Without objection, the amendment is
492 considered as read, and the gentlelady is recognized in
493 support of her amendment.

494 Mr. Lofgren. These amendments are technical in nature.
495 They have been shared with the minority, and I think although
496 members of the minority may oppose the overall amendment, do
497 not disagree that this actually refines in a sensible way the
498 understanding of the amendment. So I would offer this as a
499 clarifying technical amendment and ask that it be adopted.

500 Mr. Collins. Will the gentlelady yield?

501 Mr. Lofgren. Yes.

502 Mr. Collins. Look, we will stipulate only to the fact
503 that there are technical changes. While I would disagree
504 with the bill as a whole and will still vote against it, this
505 doesn't help it, but it is only technical amendments, and I
506 will stipulate to that.

507 Mr. Lofgren. Thank you.

508 Chairman Nadler: Thank you. I recognize myself to
509 strike the last word in support of the amendment. As the
510 chair of the Immigration Subcommittee has stated, this
511 amendment makes mostly technical and non-substantive changes
512 to the bill and corrects a number of minor drafting errors.
513 I appreciate the gentlelady offering this amendment, which
514 improves the bill. I encourage my colleagues to support it,

515 and I thank the gentleman, the ranking member, for indicating
516 that he would support this technical amendment. I yield back
517 the balance of my time.

518 Are there any further comments on this amendment? For
519 what purpose does the gentlelady from Washington seek
520 recognition?

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

522 Chairman Nadler. The gentlelady is recognized.

523 Ms. Jayapal. Thank you, Mr. Chairman, and I thank the
524 chairwoman of the Immigration Subcommittee for this technical
525 amendment. I am support of it. I just wanted to say a few
526 words on the underlying bill. I am proud that we are marking
527 up this bill today to create some meaningful standards for
528 how CBP treats people in its custody. Frankly, we shouldn't
529 have to do this, but we are in a position where we are forced
530 to do this.

531 We have to say that we cannot tolerate people and
532 children being held in conditions where children are forced
533 to wear "clothing stained with vomit," where people are
534 forced to share combs during a lice outbreak, where
535 facilities lack adequate food, water, and sanitation, and
536 where Border Patrol agents are asking children to care for
537 other children with little to no help from any adult. And I
538 just saw an article today that says that Border Patrol turned
539 a 3-year-old and asked if she wanted to stay with one parent

540 who was being deported or the other parent who was going to
541 be kept here in the United States.

542 It is unacceptable that at least 7 children have died in
543 the last year when no child had died in DHS custody for
544 nearly 10 years. So these standards are absolutely
545 necessary. And just last week, ProPublica reported that
546 Border Patrol agents are handing out commemorative coins to
547 mock their duty to care for the children in their custody.
548 So this is an important first step to address conditions at
549 the border, but it can't be the last. We do also have to
550 address other issues.

551 First, very worrying reports that overcrowding at the
552 border is being manufactured by this Administration, and I
553 would just cite to you Border Patrol claimed on July 4th that
554 HHS did not have the capacity to accept unaccompanied
555 children, but in a July 10th BuzzFeed news story, HHS refuted
556 Border Patrol's claim and said that they had beds available.
557 Mr. Chairman, I seek unanimous consent to enter into the
558 record the BuzzFeed news article entitled, "Border Patrol
559 Said There Wasn't Room for More Immigrant Kids. The Shelter
560 Agency Says Otherwise."

561 Chairman Nadler. Without objection.

562 [The information follows:]

563

564 Ms. Jayapal. The *Wall Street Journal* drew attention to
565 information that "several facilities run by immigration
566 authorities that are intended for children were not being
567 fully used for that purpose." And as of June 27th, as the
568 Nation reeled at images at severe overcrowding and harsh
569 conditions for children and others, family detention
570 facilities were actually running at under half capability.
571 Mr. Chairman, I seek unanimous consent to enter into the
572 record that *Wall Street Journal* article entitled, "As Border
573 Crisis Worsens, a Detention Center Designed for Children Has
574 None."

575 Chairman Nadler. Without objection.

576 [The information follows:]

577

578 Ms. Jayapal. Policies like metering, the attempts by
579 the Trump Administration -- no, no -- the attempts, the
580 actual rules by the Trump Administration to say that we are
581 shutting down the ability for people to enter through legal
582 ports of entry, and, therefore, to seek asylum, and,
583 therefore, they are going between legal ports of entry and
584 crossing over the border in dangerous conditions such that we
585 had people dying crossing the river. Those kinds of
586 policies, along with limiting or even eliminating the ability
587 for legal asylum seekers to seek asylum, policies like that
588 remain in Mexico. These are policies. Policies like mass
589 prosecutions of people who are crossing the border, that has
590 not been seen before. So these are the kinds of policies,
591 along with addressing root causes in the sending countries,
592 that are creating this giant chaos at the border. So, yes,
593 it is a manufactured crisis by this Administration.

594 We also have to address the massive overincarceration of
595 people in immigration detention centers, and we will be
596 having a hearing on conditions of detention and detention
597 facilities later in this committee. But these are things
598 that would be addressed through my bill with Congressman Adam
599 Smith called Dignity for Detained Immigrants. And I don't
600 think the majority of Americans understand that the 56,000
601 people every day who are being held in prisons -- we call
602 them detention, but they are actually in some cases prisons

603 -- that the vast majority of those people don't have a
604 conviction, much less a charge against them other than
605 perhaps illegal reentry or entry.

606 So these are not people that should be detained. Many
607 of them are asylum seekers. Many of them are people who if
608 we adjusted our immigration laws, and let me remind this
609 committee once again that in 2013, there was a bipartisan
610 bill to comprehensively reform our immigration system. It
611 was passed with 68 bipartisan votes, and guess who held it up
612 in this chamber? Speaker John Boehner. Republicans have
613 refused repeatedly to comprehensively reform the immigration
614 system in a just and humane way.

615 So I think this is a very important bill that we are
616 passing, but it is certainly not the end. And I resent any
617 implications that somehow Republicans have been trying to fix
618 this problem. There has been no attempt to do. Thank you.
619 I yield back.

620 Chairman Nadler. The gentlelady yields back. The
621 gentlelady from Georgia, Ms. McBath. For what purpose do you
622 seek recognition?

623 Mrs. McBath. Thank you, Mr. Chairman. I move to strike
624 the last word.

625 Chairman Nadler. The gentlelady is recognized.

626 Mrs. McBath. Mr. Chairman, this bill should not be
627 controversial. This is America, and we can provide clean

628 drinking weight, three decent meals, a place to sleep with
629 the lights off, and a place to shower once a day. Customs
630 and Border Patrol's own standards require some of these same
631 basic elements of care. The Department of Homeland Security
632 already agreed it must relieve dangerous overcrowding at its
633 Del Norte Processing Center.

634 The standards set by these agencies themselves are not
635 being met. These are children. These are children who are
636 scared to death and families who have run away from violence.
637 This isn't a problem in the future. It is a problem right
638 now. And if we don't act now, I fear our failure risks the
639 deaths of more innocent children. And I pray that these
640 standards are met, Mr. Chairman, because I fear the
641 consequences if we don't meet just these basic human needs.
642 And I yield back the balance of my time.

643 Chairman Nadler: -- the gentlelady from California.

644 All in favor, say aye.

645 Opposed?

646 The ayes have it. The ayes have it.

647 Are there any further amendments to the amendment in the
648 nature of a substitute?

649 Mr. Gaetz. Mr. Chairman?

650 Chairman Nadler. The gentleman from Florida. For what
651 purpose does the gentleman from Florida seek recognition?

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

653 Mr. Lofgren. I reserve a point of order.

654 Chairman Nadler. The clerk will report the amendment.

655 The gentlelady reserves a point of order.

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

657 of a substitute to H.R. 3239, offered by Mr. Gaetz of

658 Florida.

659 Chairman Nadler. Without objection, the amendment is

660 considered as read.

661 [The amendment of Mr. Gaetz follows:]

662

663 Chairman Nadler. And the gentleman is recognized in
664 support of the amendment.

665 Mr. Gaetz. Thank you, Mr. Chairman. There is a crisis
666 at our southern border. It is a crisis that Secretary
667 McAleenan shared with this body repeatedly starting back in
668 February. It is a crisis that House Democrats have ignored,
669 and it is even a crisis that the Democratic whip laughed at
670 -- I repeat, laughed at -- on January 9th when asked whether
671 there was a humanitarian crisis. To solve the crisis, we
672 need to change our asylum laws, we need to erect physical
673 barriers on the border, and we need a commonsense immigration
674 enforcement regime that allows for interior enforcement of
675 our immigration laws and support for Customs and Border
676 Patrol and ICE.

677 These statements didn't used to be controversial. Just
678 back, way back in the 1990s, the distant 1990s, Democrats
679 included in their official platform that criminal illegal
680 aliens needed to be deported. And obviously you need the
681 elements of ICE to be able to do that, and you need a strong
682 CBP to ensure that we have a secure border. But now some on
683 the radical left have substantially moved the Democratic
684 Party in a dangerous direction.

685 They say that interior enforcement of our immigration
686 laws is racist. They say that building a wall is racist.
687 And despite the fact that a substantial percentage of the

688 brave Americans who work at ICE and CBP are of some minority
689 status, there are claims that these institutions of ICE and
690 CBP are in and of themselves racist. Those claims are
691 absurd. These are patriotic Americans doing all they can to
692 be helpful.

693 But I wonder, where are we in this Congress? Where are
694 House Democrats because, as I have seen, the new spokespeople
695 for the Democratic Party, the squad, step forward and call
696 for the abolition of ICE, the abolition of the Department of
697 Homeland Security, and the abolition of Customs and Border
698 Patrol. I wonder what elements of the securing of our border
699 or the enforcement of our immigration laws would any of you
700 even stand to support.

701 And so I bring this amendment, largely demonstrably, to
702 see who among the Democrats on the House Judiciary Committee
703 agree with the most radical fringe on the Democratic left.
704 So this amendment would do as the squad has called for. It
705 would abolish CBP, and I would like to know who among you
706 stand with the brave Americans who toe the line, who work the
707 border, who enforce our laws, and who among you stand with
708 the squad? I can't wait to find out, and I certainly hope
709 that my Democratic colleagues will not use procedural
710 maneuvers to block consideration and to figure out which side
711 of the line you are on. I yield back, Mr. Chairman.

712 Mr. Lofgren. Mr. Chairman?

713 Chairman Nadler: The gentleman yields back. Does the
714 gentlelady insist upon her point of order?

715 Mr. Lofgren. I do, Mr. Chairman. The amendment is
716 beyond the scope of the bill and the manager's amendment,
717 which relates to the conditions of confinement, and this is
718 far beyond germane. I would say, however, if it were
719 germane, I would vote against this amendment because
720 obviously we need to have Border Patrol agents and an agency
721 to enforce border security. So I do insist on my point of
722 order.

723 Chairman Nadler. Does the gentleman wish to be heard on
724 the point of order? On the point of order.

725 Mr. Gaetz. I am aware, Mr. Chairman, yes. I am
726 disappointed that the gentlelady insists on her point of
727 order, but given those remarks, I will withdraw the
728 amendment.

729 Chairman Nadler. Does the gentleman seek unanimous
730 consent to withdraw the amendment?

731 Mr. Gaetz. Yes, Mr. Chairman, I seek unanimous consent
732 to withdraw the amendment.

733 Chairman Nadler. Very well. Let me just say that this
734 is well out of order, and I am glad that the gentleman will
735 seek unanimous consent to withdraw it. I doubt anybody would
736 vote for it on this side of the aisle. I am glad to hear
737 that the gentleman from Florida thinks we ought to abolish

738 the CBP, but I think most people think we need a Border
739 Patrol. But if the gentleman seeks unanimous consent to
740 withdraw the amendment after having wasted the committee 's
741 time, I am glad to.

742 Without objection, the amendment is withdrawn.

743 Are there any other amendments to the amendment in the
744 nature of a substitute?

745 Mr. Swalwell. Mr. Chairman?

746 Chairman Nadler. For what purpose does the gentleman
747 from California seek recognition?

748 Mr. Swalwell. Mr. Chairman, I have an amendment at the
749 desk.

750 Chairman Nadler. The clerk will report the amendment.

751 Ms. Strasser. Amendment to the amendment in the nature
752 of a substitute --

753 Mr. Lofgren. I reserve a point of order.

754 Chairman Nadler. The gentlelady reserves a point of
755 order. The clerk will report the amendment.

756 Ms. Strasser. Amendment to the amendment in the nature
757 of a substitute --

758 Mr. Collins. Mr. Chairman, I reserve as well.

759 Ms. Strasser. -- to H.R. 3239, offered by Mr. Swalwell
760 of California.

761 Mr. Swalwell. I ask unanimous consent to dispense with
762 the reading.

763 Chairman Nadler. First of all, the gentleman from
764 Georgia also reserves a point of order, and without
765 objection, the reading will be dispensed with.

766 [The amendment of Mr. Swalwell follows:]

767

768 Chairman Nadler. The gentleman from California is
769 recognized to explain his amendment.

770 Mr. Swalwell. Thank you, Mr. Chairman. My amendment
771 would require the Government Accountability Office to examine
772 whether an implementation of this bill, Customs and Border
773 Patrol agents making abusing, prejudicial, discriminatory, or
774 other similar comments, including on social media. And so
775 essentially, Mr. Chairman, in light of overwhelming evidence
776 in the last few months that there are secret online Facebook
777 pages where members of CBP are making inflammatory statements
778 about immigrants, inflammatory statements about members of
779 Congress who have oversight ability, that this should be a
780 part of what GAO looks at.

781 But stepping back, Mr. Chairman, I do want to thank the
782 chairman and Dr. Ruiz for bringing forth this legislation.
783 There is nothing easy about what is happening at our southern
784 border, and I have recently visited the San Diego sector. I
785 have visited Ms. Murcarsel-Powell's district, and I went to
786 the Homestead Detention Facility. And there is nothing easy
787 about why these immigrants are coming here. It is actually a
788 lot of the conditions that are going on in the northern
789 triangle of Guatemala, Honduras, and El Salvador. And a lack
790 of leadership by the United States to address the economic
791 and security conditions there leads to a continued flow, and
792 we can't just go to the border to address this issue.

793 But presidential leadership could actually work with the
794 private sector and other countries to invest in those
795 countries and make sure that people can stay where they are
796 from, which is overwhelmingly what they would prefer to do if
797 it was safe and if there was opportunity. But recognizing
798 that right now we have no leadership, the people will
799 continue to take 1,000-plus mile journey, and who among us
800 would not do the same if we had nothing and we feared for our
801 lives? And who among us would think that coming to the
802 United States and facing separation would probably still be
803 safer than what we would be leaving behind? That is why most
804 of these individuals come, so they are at our border.

805 There is nothing easy about why they are coming here,
806 but when it comes to the conditions they should face when
807 they arrive here, that call should be easy. And what I see
808 at these facilities is not easy to see or process. To see in
809 a room half the size of the room that we sit in today dozens
810 of people who have not had showers for weeks. They are
811 wearing the same clothes they wore weeks before when they
812 first presented to our country. No beds. Space blankets.
813 Little access to food and water. And the thousands of people
814 in the communities around them who want to send in
815 humanitarian resources are being denied the opportunity to
816 send in humanitarian resources. And those are just the
817 adults.

818 Then there are the children in the cages who are
819 subjected to days on days without showers, without the lights
820 being turned off when they go to sleep, without the bed that
821 we would expect, and give a prisoner accused of the worst
822 crime in the United States. It is easy for all of us, I
823 believe, it should be easy to say that they deserve better
824 and they deserve humanitarian conditions when they present.
825 There is nothing easy about why they came. There is nothing
826 easy about what we should do to process their claims. But it
827 is easy. It is an easy call as to how we should treat them
828 when they are in our custody.

829 And it is also an easy call as to how we should expect
830 the custodians of these facilities to treat them. I have all
831 the respect in the world, Mr. Chairman, for the men and women
832 of law enforcement. I am the son of a cop. My brother are
833 cops. I worked as a prosecutor. I have worked with our CBP
834 agents. I have gone across the border with them. It is a
835 tough job, hot, straining conditions, and overwhelmingly,
836 most of them show up to work every day and they do their job
837 with pride. But what I see on these Facebook pages does not
838 rise to the level of what we should expect from these
839 individuals. And these are the individuals that we are
840 trusting to take care of these children and these fleeing
841 refugee adults.

842 And so my amendment would ask that GAO look at these

843 Facebook pages and to find if there is anyone who we have
844 trusted to take care of these individuals who are engaging in
845 this conduct. And if so, hopefully CBP would take action to
846 remove them and so that they do not stain the good
847 reputations of the overwhelming majority of CBP agents who
848 want to just do their job, protect people, protect our
849 country, and protect these children. And with that, I yield
850 back.

851 Chairman Nadler: The gentleman yields back. Does the
852 gentlelady from California insist on her point of order?

853 Mr. Lofgren. No, Mr. Chairman. We did call the
854 parliamentarian, who advises us that the amendment is
855 germane. So I withdraw my point of order.

856 Chairman Nadler. The gentlelady withdraws her point of
857 order. Does the gentleman from Georgia insist on his point
858 of order?

859 Mr. Collins. I will withdraw my point of order, but I
860 do have a question and just as a clarification question. I
861 am assuming the way that the gentleman from California worded
862 this, he is talking about prospective and not regressive
863 acts. Is that correct?

864 Mr. Swalwell. That is correct, yes.

865 Mr. Collins. Okay. I withdraw the point of order.

866 Chairman Nadler. The point of order is withdrawn. Is
867 there any further --

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

869 Chairman Nadler. Does anyone else wish to be heard on
870 the amendment? The gentleman from Florida. For what purpose
871 does the gentleman from Florida seek recognition?

872 Mr. Gaetz. Strike the last word.

873 Chairman Nadler. The gentleman from Florida is
874 recognized.

875 Mr. Gaetz. Thank you, Mr. Chairman, and I agree with
876 the gentleman from California that no one working within our
877 government should utilize social media to harass or engage in
878 these type of social media comments. This is now the 2nd
879 time in this committee hearing that the chairman has accused
880 a member of the minority of wasting time. It was Ms. Lesko's
881 amendment earlier in this Congress where when the chairman
882 called for the amendment, the chairman characterized it as
883 frivolous.

884 And members of the minority will take no lecture from
885 this chairman when it comes to wasting this committee's time.
886 The chairman of this committee has scheduled three hearings
887 on the Mueller report without providing a fact witness before
888 the committee and the country that could even speak to the
889 Mueller report. The chairman called back Ms. Hicks for an 8-
890 hour interview and found no new information, no new facts.

891 And so as we are dealing with a real crisis on the
892 border, as we are dealing with real challenges that this

893 committee could work for, the leadership of this committee
894 seems so focused on this crazy witch hunt, they are so
895 unwilling to bend to the overwhelming will of the American
896 people, 6 of 10 of whom oppose the opening of an impeachment
897 inquiry, that you continue to waste our time, you continue to
898 ignore the problems. And we will take no lecture from you
899 when it comes to the utility of our contributions to this
900 committee. And I yield back.

901 Chairman Nadler. The gentleman yields back. Does
902 anyone else seek recognition on the amendment?

903 Mr. Lofgren. Mr. Chairman?

904 Chairman Nadler. The gentlelady from California.

905 Mr. Lofgren. I move to strike the last word. I don't
906 object to having a study of this. I would note that the
907 Department itself is investigating the social media material
908 that has been reported on and is, I guess, without doubt, I
909 mean, they are very problematic. I would note also that the
910 inspector general advised us on that Monday that the
911 inspector general's office would be looking into those
912 allegations.

913 So I feel some level of confidence that we will get to
914 the bottom of what has happened in the past, and I would
915 assume that all of us would want to know that and make sure
916 that appropriate action is taken.

917 Mr. Collins. Would the gentlelady yield?

918 Mr. Lofgren. I would be happy to yield.

919 Mr. Collins. And I agree with the gentlelady because I
920 have had reports just as you have that they are looking into
921 this, and that is why I asked is this is a progressive. And
922 I think what this was trying to get at, and I understand the
923 gentleman's sentiment, and I agree with my friend from
924 Florida, and I also agree with his statements just now about
925 the comments coming from the chair that are editorializing
926 many times these statements on our side. And you and I have
927 talked about this, and I would hope it would stop. It
928 doesn't seem to be, but it continues.

929 But in this here, I think, you know, again I think we
930 are going to get to the bottom. I agree with the gentlelady
931 from California. I think it is a priority for the Department
932 in light of everything else that is going on. And, frankly,
933 you know, I would just say that this is going to get to the
934 bottom of it. I am not sure how this would, you know, help
935 what is already a flawed bill. I yield back.

936 Mr. Lofgren. I yield back.

937 Chairman Nadler. The gentlelady yields back. Is there
938 any further --

939 Mr. Cline. Mr. Chairman?

940 Chairman Nadler. The gentleman from Virginia. For what
941 purpose does the gentleman from Virginia seek recognition?

942 Mr. Cline. Move to strike the last word.

943 Chairman Nadler. The gentleman is recognized.

944 Mr. Cline. Mr. Chairman, I am going to support the
945 amendment. But in light of the gentleman from Florida's
946 comments and others that were made, I just wanted to point
947 out that this is already against the law when it comes to
948 Federal employees. And from the gentlelady's comments, it is
949 already being investigated. So, you know, I am happy to
950 support the repeat of this policy and the continued
951 application of this policy, but it does seem like it is
952 repetitive. But I will support the amendment. Thank you. I
953 yield back.

954 Chairman Nadler. The question occurs on the amendment.

955 All in favor, say aye.

956 Opposed, no.

957 The amendment is agreed to.

958 Are there any further amendments to the amendment in the
959 nature of a substitute? For what purpose does the gentleman
960 from Arizona seek recognition?

961 Mr. Biggs. Mr. Chairman, I have an amendment at the
962 desk.

963 Mr. Lofgren. I reserve a point of order.

964 Chairman Nadler. The gentleman has an amendment at the
965 desk. The clerk will report the amendment. The gentlelady
966 from California reserves a point of order.

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

968 of a substitute to H.R. 3239, offered by Mr. Biggs.

969 [The amendment of Mr. Biggs follows:]

970

971 Chairman Nadler. The gentleman is recognized for 5
972 minutes on his amendment.

973 Mr. Biggs. Thank you, Mr. Chairman. This amendment
974 replaces the words "adult relative with parent" to ensure
975 that children are kept together with their parents or legal
976 guardians in CBP custody, and not just with any adult
977 relative. In my multitude of visits to the border and
978 detention facilities and watching people surrendering, I have
979 always been astounded that there almost always is an even
980 number of adult people with children.

981 And that is done because of our current longstanding
982 practice that family units consist of parent or legal
983 guardian. But we are only able to confirm a parent/child
984 relationship through birth certificates, legal documents,
985 and, in some limited cases, through DNA testing. But now
986 this bill would require CBP to consider any adult relative of
987 a child or a human trafficker posing as an adult relative of
988 a child to be part of the family unit.

989 This year alone, more than 5,000 children, as parts of
990 false family units, have been found out and protected from
991 the human trafficker that was using them to create a family
992 unit. That would not be possible, quite frankly, under the
993 3239. The outer limits of the relationship is left
994 undefined. Is it brothers and sisters? Is it aunts and
995 uncles? To what degree of consanguinity do we even consider,

996 presumably even distant relatives.

997 Of course it would be ideal for children to stay with
998 their adult relatives in a perfect world, but we don't live
999 in such a world. We live in a world where children are
1000 exploited and trafficked, a world where our laws incentivize
1001 the use of a child to illegally enter the United States. I
1002 spoke recently about a young girl, 11 years old, who was
1003 being kept in Charleston, South Carolina, who had been used
1004 and manipulated and exploited by human traffickers. She was
1005 there responsible for two children, two small boys, who were
1006 awaiting reuse by human traffickers from the Yuma Port of
1007 Entry. Fortunately, the CBP, together with ICE, Loco Leos,
1008 and FBI, were able to go in and save those three children.

1009 There is already a loophole in immigration law created
1010 by the Flores Settlement Agreement that prevents children
1011 from being detained with their parents for longer than 20
1012 days. The practical effect of this loophole is that
1013 virtually no family unit is detained. This incentives
1014 individuals to bring a child with them when they cross to
1015 ensure they are released into the interior of the country.
1016 And that incentive is so great that human traffickers refer
1017 to children as "passports," and DHS has identified an
1018 increasing number of fraudulent cases where adults pose as a
1019 child's parent or legal guardian in order to gain entry into
1020 the United States. The language in this allows them to

1021 expand who would be considered the family unit. The
1022 incentive to bring a child would be exacerbated, while DHS'
1023 efforts to identify true relationship and prevent the
1024 trafficking of children for nefarious purposes would be made
1025 even more difficult.

1026 This new requirement will incentivize child traffickers
1027 to pose as distant relatives to evade detection, and this is
1028 unacceptable. We should be closing legal loopholes, like the
1029 Flores Settlement Agreement, not expanding them. This
1030 amendment does not end the Flores Settlement Agreement, but
1031 it would at least keep the status quo, ensuring that children
1032 stay together with their parents and legal guardians without
1033 extending the legal loophole to distant relatives and human
1034 traffickers who would fraudulently pose as such relatives to
1035 bring children into the United States for nefarious purposes.

1036 I urge my colleague to vote for this amendment to ensure
1037 that we are protecting children, not creating more reasons
1038 under our laws to exploit children. And I just want to make
1039 an additional comment that illegal reentry into the United
1040 States of America is a felony. And I want to bring two
1041 important cases from my own district where someone who
1042 committed that felony of reentry who had been deported, come
1043 back, murdered Grant Ronnebeck, the son of Steve Ronnebeck,
1044 and another who had also been deported and reentered,
1045 committing that felony of reentry, killed Brandon Mendoza,

1046 son of Mary Ann Mendoza, in my district. And so I think it
1047 is important to never forget the separation that occurred for
1048 the Ronnebeck and the Mendoza families.

1049 With that, Mr. Chairman, I yield back.

1050 Mr. Collins. Would the gentleman yield? Would the
1051 gentleman yield?

1052 Mr. Biggs. Yes, I yield to the --

1053 Mr. Collins. I just want to say, I agree with the
1054 gentleman's amendment. At this time, I believe rapid DNA,
1055 other things need to come into contact here, but at this
1056 time, expanding this in this bill is not helpful, and would
1057 actually exacerbate a problem. I think there needs to be a
1058 better solution. It should not be in this bill, and the
1059 expansion should not be here. With that, I yield back to the
1060 gentleman.

1061 Mr. Lofgren. [Presiding.] The gentleman yields back.
1062 First, I withdraw my point of order. Obviously the amendment
1063 is germane. I would urge opposition to the amendment and
1064 explain why I think, although --

1065 Mr. Gaetz. Regular order, Madam Chair.

1066 Mr. Lofgren. Pardon me?

1067 Mr. Gaetz. I think you have to recognize yourself.

1068 Mr. Lofgren. I thought I had recognized myself for 5
1069 minutes. The amendment, although I am sure well intended, I
1070 think creates problems that would not be suitable. Right now

1071 as the bill stands, a family member, and this is quite
1072 frequent, a grandmother, an aunt, an older sibling, may be
1073 accompanying a minor child. And what is happening is that
1074 children are being removed from their grandmother and then,
1075 in many cases, lost in the Trump Administration's mismanaged,
1076 and, I would say, incompetent immigration system.

1077 We have received reports that there are still thousands
1078 of children, some of them pre-verbal, who have been separated
1079 from their families and never reunited. In fact, the
1080 inspector general pointed out that the Border Patrol for pre-
1081 verbal children didn't even take pictures or fingerprints of
1082 the babies, and so there was no way to reunite these babies
1083 with their parents.

1084 The need to make sure that children are not separated
1085 from their family and then lost in the system is an urgent
1086 one. This bill does not change or improve on any substantive
1087 rights of adults, but it is necessary to safeguard immigrant
1088 children because it has been proven that this Administration
1089 can't or won't protect these children once they enter the
1090 system. I would note that the issue of trafficking is a real
1091 one, and the manager's amendment notes that if the
1092 arrangement poses a safety or security concern, then the
1093 measure would not be adhered to.

1094 I would note further the mention of rapid DNA, which I
1095 believe is being unfolded out at the border. This is

1096 something that Mr. Sensenbrenner and I worked on, and it is
1097 an important advance to determining identity of individuals.
1098 It is something that is relatively inexpensive. It can be
1099 operated within minutes by non-technical people. It is
1100 simply a machine that is being used by the FBI and in other
1101 countries with a high degree of reliability in terms of
1102 identification, so that is a very large advance.

1103 And so although I know the amendment is well
1104 intentioned, I think it would do harm to children, and I
1105 would urge that we oppose that amendment. And with that, I
1106 yield back.

1107 Are there other members who wish to be heard on the
1108 amendment? The gentleman from Texas.

1109 Mr. Gohmert. Thank you, Madam Chair. I wish to strike
1110 the last word. For the chair to say this Administration
1111 can't or won't help the children or protect the children
1112 after they are separated, and that has been proven, is a
1113 statement that that is really unbecoming the chair. I have
1114 personally seen many, many, many efforts to protect the
1115 children by Border Patrol and by ICE, and it is an affront to
1116 those people who are not paid enough for the hell they go
1117 through trying to enforce our laws to say they can't or won't
1118 protect these children.

1119 There are cases where they haven't gotten the protection
1120 that we would want.

1121 Mr. Lofgren. Would the gentleman yield?

1122 Mr. Gohmert. Yes.

1123 Mr. Lofgren. I thank the gentleman for yielding. To
1124 clarify, and I perhaps did not make this as clear as
1125 necessary, it was the inspector general of the Department
1126 itself that identified that pre-verbal children had been
1127 removed from their parents without any identifiers, either a
1128 written record, a picture --

1129 Mr. Gohmert. That is not every child, though. That is
1130 my point.

1131 Mr. Lofgren. I don't want to say every child, but
1132 children have been lost in the system, and, in fact, over
1133 1,000 are still lost in the system, and I yield back.

1134 Mr. Gohmert. Well, reclaiming my time. The statement
1135 was that this Administration can't or won't help these
1136 children pre-verbal, and they help them every single day.
1137 There are cases where they haven't gotten the protection that
1138 they should have. There were cases that I observed, you
1139 know, the cages that were built by the Obama Administration,
1140 seeing those overcrowded firsthand, having the Obama
1141 Administration officials trying to keep me out of those
1142 facilities. I saw all that.

1143 But those poor Border Patrolmen were doing the best they
1144 could in almost every situation. They are trying, but it
1145 doesn't help when we have people up here encouraging people

1146 who are breaking our laws to resist our law enforcement. It
1147 is a wonder that every Border Patrolman doesn't have PTSD.
1148 They are trying to enforce the law we hire them and pay them
1149 to enforce while we have people in this Capitol, on Capitol
1150 Hill, that are elected servants, and they are telling people
1151 to resist the Border Patrol, resist ICE. I mean, it is
1152 absolutely insane. They are doing the best they can. Nearly
1153 all of them are doing the best they can under horrible
1154 conditions and when they are not even being given the money
1155 they need to address these situations.

1156 I know there are people on the other side think that to
1157 address the situation means you just let everybody out,
1158 whether they are MS-13ers, they are about to kill or cause
1159 harm. But we hire people to enforce our laws, and I would
1160 like to yield the rest of my time to Mr. Biggs from Arizona.

1161 Mr. Biggs. I thank the gentleman for yielding time to
1162 me. I just want to point out that when the representative
1163 from California talks about the situation where you might
1164 have a grandparent or an auntie or an uncle who is there with
1165 the child, the problem with the bill as constructed is you
1166 have not defined what an adult relative is. You just haven't
1167 done that. And by the way, I go down to the border often,
1168 and a lot of these folks coming over, they have documents as
1169 they transiting Mexico. They come and they destroy their
1170 documents on the southern side of the border, and then when

1171 they come in, there is no authentication, there is no proof
1172 of who is related to whom. And that gets to your point of
1173 maybe rapid DNA might be appropriate.

1174 But that isn't in this bill. You haven't defined what
1175 an adult relative is. In fact, you have actually expanded
1176 this thing out that you are going to get people claiming,
1177 because there is no line of demarcation in the line of
1178 consanguinity anywhere. So what that is going to do is that
1179 allows people to manipulate the system, and will actually be,
1180 quite frankly, a further magnet, an incentive to come here
1181 because we will have lost even more control over what defines
1182 a family unit.

1183 And so I think that is why my amendment is so important,
1184 and I would urge passage of the amendment. And I yield back.

1185 Mr. Lofgren. The gentleman's time has expired. The
1186 gentlelady from Texas is recognized for 5 minutes.

1187 Ms. Escobar. Thank you.

1188 Mr. Lofgren. To strike the last word.

1189 Ms. Escobar. Thank you, Madam Chair. I move to strike
1190 the last word.

1191 I would like to ask my colleagues to please vote against
1192 the amendment and to support the underlying bill for a couple
1193 for a couple of reasons. And I first want to thank Dr. Raul
1194 Ruiz who drafted this bill after visiting El Paso and touring
1195 the sector with me and with other members of the

1196 Congressional Hispanic Caucus, and then sitting down and
1197 meeting with the folks on staff at those facilities and also
1198 meeting with families who had been in our detention. Next
1199 week, hopefully this bill will be on the House floor and will
1200 have significant support from both parties. My bill also,
1201 the Homeland Security Improvement Act, will hopefully be on
1202 the floor next week and will hopefully have support from both
1203 parties.

1204 You know, I think one of the things that frustrates the
1205 American public about Washington, and it frustrates me as
1206 well, and I find myself of guilty of participating in this as
1207 well, is a lot of looking in the rear view mirror of who said
1208 what, who did what. The American public wants us to solve
1209 problems, and I think that we all want to do that. I want to
1210 believe that is what everybody in Congress wants to do. We
1211 have an opportunity.

1212 A couple weeks ago we passed a supplemental bill. It
1213 was a Senate bill, a border supplemental, that unfortunately
1214 did not have standards, but the funding has been provided.
1215 What this bill and what my bill can do and will do next week
1216 is increase standards for those in our custody, and also,
1217 through my bill, increase oversight, transparency, and
1218 accountability.

1219 And I will tell you, I am approaching this not just from
1220 the perspective of how we should treat migrants in our care

1221 and in our custody, but after having spoken with Border
1222 Patrol agent after Border Patrol agent after Border Patrol
1223 agent, agents that we go to church with, agents who are our
1224 neighbors, agents who live in my community, and my community,
1225 El Paso, has been ground zero for many of the atrocities that
1226 have shocked the conscience of the American public.

1227 So how do we take action? How do we go forward? This
1228 is an important step. But to the amendment specifically, and
1229 the reason why I think it would be, and I think Mr. Biggs is
1230 coming from a good place, and I appreciate what he is trying
1231 to point out. But the danger and the risk with approving
1232 this amendment, by limiting keeping a family together to a
1233 parent and a child, is that that doesn't recognize the
1234 reality of many of the people and the families arriving at
1235 our front door.

1236 I have spoken to a grandmother who has had to raise her
1237 grandchild because her daughter was murdered. That is a
1238 family. I have spoken to a brother who he and his sister
1239 made the trek together because they had no other choice.
1240 That is a family. I have spoken to an aunt with her niece
1241 who fled Central America because they had no other
1242 alternative. That is a family. The minute that we limit the
1243 definition of "family," what we will do is cause more family
1244 separation. We will cause more overcrowding in our detention
1245 facility because we will have increased the number of single

1246 adults. And we will have more children in our care that this
1247 government doesn't know what to do with.

1248 So I would urge that we think about how we can best work
1249 together to address this great challenge, how we do right by
1250 our country, how we do right by our founding values, and
1251 recognize that the people arriving at our front door, while
1252 they present a challenge, they are not a threat to us and
1253 that we stop treating them as though they are.

1254 Ms. Jackson Lee. Would the gentlelady yield?

1255 Ms. Escobar. I yield.

1256 Ms. Jackson Lee. First of all, let me thank the
1257 gentlelady for her words and also indicate to my colleagues,
1258 and was just in Homeland Security where we are addressing
1259 some of these very important issues. I just want to reaffirm
1260 the gentlelady's pictorial presentation by my experiences at
1261 the border. I think the first stark experience,
1262 Congresswoman, was holding 9-month-old Roger in my arms in
1263 2018 in one of the HHS centers. And Roger's mother was dead.
1264 His 19-year-old sister was his mother, but she was separated
1265 because she was not his mother, but she was his relative.

1266 Mr. Lofgren. The gentlelady's time has expired.

1267 Ms. Jackson Lee. And so I would just simply say I
1268 oppose the amendment because the reality is --

1269 Mr. Lofgren. The gentlelady's time has expired.

1270 Ms. Jackson Lee. -- that people are coming with adults

1271 that are their relatives and guardians. With that, I am
1272 happy to yield back.

1273 Mr. Lofgren. The gentlelady's time has expired. Are
1274 there other individuals wishing to strike the last word?

1275 [No response.]

1276 Mr. Lofgren. Seeing no one, the gentleman from Rhode
1277 Island is recognized to strike the last word for 5 minutes.

1278 Mr. Cicilline. Thank you, Madam Chair. I oppose the
1279 amendment, and I want to thank the chairman for holding this
1280 markup of H.R. 3239, the Humanitarian Standards for
1281 Individuals in Customs and Border Protection Custody Act.
1282 This legislation ensures that Customs and Border Protection
1283 facilities are equipped to meet and deliver basic
1284 humanitarian standards of care for detained individuals,
1285 including families and children. The fact that we even need
1286 this legislation is, frankly, disturbing and very
1287 disappointing.

1288 We are currently facing a humanitarian crisis on our
1289 southern border. I have been to the border twice, and we
1290 have also seen recent media accounts, and I know many of my
1291 colleagues have witnessed it as well firsthand, that our
1292 current immigration system is failing refugees seeking their
1293 legal right to asylum in the United States. The Trump
1294 Administration's policies have contributed significantly to
1295 increases of individuals apprehended at the southern border

1296 and have sadly led to several deaths of individuals in CBP
1297 custody.

1298 The point of this legislation is to prevent further
1299 harms to children and families. As we know, these short-term
1300 holding facilities under the jurisdictions of Customs and
1301 Border Protection are not equipped for the increase of
1302 individuals apprehended at the border, but the President
1303 continues to push policies that only exacerbate the crisis.
1304 Some of CBP's detention facilities were intended for short-
1305 term processing stays of 24 to 48 hours, but there are
1306 individuals who have been detained in CBP custody in these
1307 facilities for 40 days or more.

1308 Many of the individuals at our southern border are
1309 seeking asylum from unsafe circumstances and conditions they
1310 face in their home countries. Families are risking their
1311 lives to get into CBP custody. They are fleeing gang
1312 violence and death threats. Because of the President's
1313 reckless policies, individuals who survive this treacherous
1314 journey to the border are faced with prolonged detentions in
1315 overcrowded facilities without adequate food and no ready
1316 access to water. Individuals are not able to brush their
1317 teeth or shower, and they face conditions that make it
1318 impossible to adequately rest or sleep.

1319 These are not illegals or invaders. These are human
1320 beings, and we should never lose sight of that. The people

1321 seeking asylum are children and pregnant women, mothers and
1322 fathers, the elderly, people with disabilities or special
1323 needs. That President Trump would have the Department of
1324 Justice lawyers argue before a Federal court that
1325 necessities, like access to water and soap, is not necessary
1326 for CBP to ensure safe and sanitary conditions for people
1327 detained at the border is unacceptable and not who we are as
1328 a country. These conditions are inhumane. It is
1329 unacceptable to treat people this way. Sadly, these stories
1330 are not new, and we must act now.

1331 H.R. 3239 takes an important step to begin to address
1332 this crisis and ensures that individuals detained at the
1333 border receive timely and appropriate health screenings and
1334 care by licensed medical professionals. It guarantees
1335 regular access to drinking water, private and secure shower
1336 facilities, and products to maintain basic hygiene. It
1337 requires basic food and shelter, and among other important
1338 protections, it mandates that children who arrive with a
1339 relative or a legal guardian are detained with that relative
1340 or legal guardian.

1341 Let's be clear. These are not frills, luxuries. These
1342 are basic requirements of safety and dignity, and the fact
1343 that we even have to have this discussion today makes me sick
1344 to my stomach. The Administration should be ashamed of the
1345 conditions in which it has held these human beings and these

1346 children, and the judgment of history will not be kind.
1347 While asylum seekers and migrants are in the custody of CBP,
1348 it is our responsibility and our legal and moral obligation
1349 to make sure they are treated humanely and have access to
1350 adequate care.

1351 I strongly urge my colleagues to support this
1352 legislation. I thank Dr. Ruiz for his strong leadership.
1353 And I yield back the balance of my time.

1354 Chairman Nadler. [Presiding.] The gentleman yields back.
1355 For what purpose does the gentlelady from Pennsylvania seek
1356 recognition?

1357 Ms. Scanlon. I move to strike the last word.

1358 Chairman Nadler. The gentlelady is recognized.

1359 Ms. Scanlon. Thank you. I strongly oppose this
1360 amendment because I think it ignores the realities of the
1361 situation at the border. As my colleague from Texas has
1362 already said, many times we end up with family members
1363 bringing other family members, and it is not a parent and
1364 child unit. Often the parent is already here. We need to
1365 make the situation better and not worse.

1366 This legislation is absolutely critical to address the
1367 incompetence of an Administration that has created this
1368 humanitarian crisis that we are now addressing. Since
1369 December 2018, six children have died in the custody of U.S.
1370 Customs and Border Patrol. Six children have died in our

1371 care. For a decade before that, no children died in U.S.
1372 custody, and it is not because this situation is so unique or
1373 unprecedented. Prior Administrations planned for and dealt
1374 with surges, and while their responses may not always have
1375 been perfect, no children died.

1376 This Administration didn't plan for a seasonal surge,
1377 and its single-minded focus on an unnecessary and expensive
1378 law, between that and making policy changes that have
1379 increased detentions and have reduced releases, that is why
1380 we are here. The inspector general in the last 2 months has
1381 been forced to issue two extraordinary alerts that dangerous
1382 overcrowding at these detention centers, which the
1383 Administration has not moved to address, those dangerous
1384 overcrowded conditions have created threats to the health and
1385 safety of both detainees and U.S. government employees. And
1386 still no response from this Administration.

1387 So I strongly support the underlying legislation. I
1388 oppose the amendment because it would further exacerbate the
1389 situation, and I yield back.

1390 Chairman Nadler. The question occurs on the amendment.

1391 All in favor of the amendment, say aye.

1392 Opposed, no.

1393 The noes have it. A recorded vote is requested. The
1394 clerk will call the roll.

1395 Ms. Strasser. Mr. Nadler?

1396 Chairman Nadler. No.

1397 Ms. Strasser. Mr. Nadler votes no.

1398 Ms. Lofgren?

1399 Ms. Lofgren. No.

1400 Ms. Strasser. Ms. Lofgren votes no.

1401 Ms. Jackson Lee?

1402 Ms. Jackson Lee. No.

1403 Ms. Strasser. Ms. Jackson Lee votes no.

1404 Mr. Cohen?

1405 Mr. Johnson of Georgia?

1406 Mr. Deutch?

1407 Ms. Bass?

1408 Mr. Richmond?

1409 Mr. Jeffries?

1410 Mr. Cicilline?

1411 Mr. Cicilline. No.

1412 Ms. Strasser. Mr. Cicilline votes no.

1413 Mr. Swalwell?

1414 Mr. Swalwell. No.

1415 Ms. Strasser. Mr. Swalwell votes no.

1416 Mr. Lieu?

1417 Mr. Lieu. No.

1418 Ms. Strasser. Mr. Lieu votes no.

1419 Mr. Raskin?

1420 Mr. Raskin. No.

1421 Ms. Strasser. Mr. Raskin votes no.
1422 Ms. Jayapal?
1423 Ms. Demings?
1424 Mr. Correa?
1425 Ms. Scanlon?
1426 Ms. Scanlon. No.
1427 Ms. Strasser. Ms. Scanlon votes no.
1428 Ms. Garcia?
1429 Mr. Neguse?
1430 Mr. Neguse. No.
1431 Ms. Strasser. Mr. Neguse votes no.
1432 Ms. McBath?
1433 Mrs. McBath. No.
1434 Ms. Strasser. Ms. McBath votes no.
1435 Mr. Stanton?
1436 Mr. Stanton. No.
1437 Ms. Strasser. Mr. Stanton votes no.
1438 Ms. Dean?
1439 Ms. Dean. No.
1440 Ms. Strasser. Ms. Dean votes no.
1441 Ms. Mucarsel-Powell?
1442 Ms. Mucarsel-Powell. No.
1443 Ms. Strasser. Ms. Mucarsel-Powell votes no.
1444 Ms. Escobar?
1445 Ms. Escobar. No.

1446 Ms. Strasser. Ms. Escobar votes no.
1447 Mr. Collins?
1448 Mr. Collins. Yes.
1449 Ms. Strasser. Mr. Collins votes yes.
1450 Mr. Sensenbrenner?
1451 Mr. Chabot?
1452 Mr. Gohmert?
1453 Mr. Gohmert. Yes.
1454 Ms. Strasser. Mr. Gohmert votes yes.
1455 Mr. Jordan?
1456 Mr. Buck?
1457 Mr. Buck. Yes.
1458 Ms. Strasser. Mr. Buck votes yes.
1459 Mr. Ratcliffe?
1460 Ms. Roby?
1461 Mrs. Roby. Yes.
1462 Ms. Strasser. Ms. Roby votes yes.
1463 Mr. Gaetz?
1464 Mr. Johnson of Louisiana?
1465 Mr. Johnson of Louisiana. Yes.
1466 Ms. Strasser. Mr. Johnson of Louisiana votes yes.
1467 Mr. Biggs?
1468 Mr. Biggs. Aye.
1469 Ms. Strasser. Mr. Biggs votes aye.
1470 Mr. McClintock?

1471 Mr. McClintock. Aye.

1472 Ms. Strasser. Mr. McClintock votes aye.

1473 Ms. Lesko?

1474 Mr. Reschenthaler?

1475 Mr. Cline?

1476 Mr. Cline. No.

1477 Ms. Strasser. Mr. Cline votes no.

1478 Mr. Armstrong?

1479 Mr. Armstrong. No.

1480 Ms. Strasser. Mr. Armstrong votes no.

1481 Mr. Steube?

1482 Mr. Steube. Yes.

1483 Ms. Strasser. Mr. Steube votes yes.

1484 Mr. Deutch. No.

1485 Ms. Strasser. Mr. Deutch votes no.

1486 Chairman Nadler. The gentlelady from Washington?

1487 Ms. Jayapal. No.

1488 Ms. Strasser. Ms. Jayapal votes no.

1489 Chairman Nadler. The gentlelady from Texas?

1490 Ms. Garcia. No.

1491 Ms. Strasser. Ms. Garcia votes no.

1492 Chairman Nadler. The gentleman from Tennessee?

1493 Mr. Cohen. No.

1494 Ms. Strasser. Mr. Cohen votes no.

1495 Chairman Nadler. The gentleman from Georgia?

1496 Mr. Johnson of Georgia. No.

1497 Ms. Strasser. Mr. Johnson of Georgia votes no.

1498 Chairman Nadler. Are there any other members who
1499 haven't voted who wish to vote?

1500 [No response.]

1501 Chairman Nadler. The clerk will report the result.

1502 Ms. Strasser. Mr. Chairman, there are 8 ayes and 21
1503 noes.

1504 Chairman Nadler. The amendment is not agreed to. Are
1505 there any further amendments to the amendment in the nature
1506 of a substitute? The gentleman --

1507 Ms. Jackson Lee. I have an amendment at the desk.

1508 Chairman Nadler. For what purpose does the gentlelady
1509 from Texas seek recognition?

1510 Ms. Jackson Lee. I have two amendments to the --

1511 Chairman Nadler. An amendment in the nature of a
1512 substitute. The clerk will report the amendment.

1513 Mr. Lofgren. I reserve a point of order.

1514 Ms. Strasser. Amendment to H.R. 3239, as reported,
1515 offered by Ms. Jackson Lee of Texas.

1516 Mr. Lofgren. [Presiding.] Without objection, the
1517 gentlelady is recognized for 5 minutes in support of her
1518 amendments, which I understand are being offered en banc.

1519 Ms. Jackson Lee. Yes.

1520 Mr. Lofgren. All right, en banc.

1521 Ms. Jackson Lee. I thank the gentlelady, and I am
1522 delighted that these amendments have been vetted and are
1523 prepared in that vein. One is simply to ensure that any
1524 video that is in the detention facility must be maintained
1525 with certified records for a period of 90 days. It is a
1526 question of safety. It is a question of fairness to all
1527 parties. It is a question of dealing with those individuals
1528 who are both protecting and need to be protected.

1529 I would ask my colleagues as we pursue improving the
1530 standards in these facilities that many of us have already
1531 seen, whether it is cleanliness or healthcare or the
1532 interaction with those migrants, that we would want to have
1533 the accurate information for all parties to be engaged and to
1534 be assured that safety is our highest protocol and highest
1535 protected atmosphere.

1536 The second, of course, is to make sure that the detainee
1537 bill of rights includes all languages in the relevant
1538 indigenous languages of the individuals. I was reminded of
1539 being in a court proceeding dealing with immigration, and the
1540 person from Guatemala was being spoken to in Spanish. They
1541 had limited understanding of Spanish. Their first language
1542 was their indigenous language from Guatemala, which are
1543 really the relevant languages that we are speaking of from
1544 the northern triangle.

1545 So I would ask my colleagues to support the Jackson Lee

1546 amendments, and I yield back my time.

1547 Mr. Buck. Would the gentlelady yield for a moment,
1548 please?

1549 Mr. Lofgren. The gentlelady yields.

1550 Mr. Buck. For a question?

1551 Ms. Jackson Lee. I am happy to yield.

1552 Mr. Buck. I am just wondering, does the gentlelady know
1553 how many indigenous languages are involved and would be
1554 required for this kind of notice?

1555 Ms. Jackson Lee. The way it is articulated, it is for
1556 the Agency to determine the language relevant in the
1557 particular area. In this instance, we are speaking
1558 specifically about the language that many Guatemalans speak.

1559 Mr. Lofgren. Would the gentlelady yield?

1560 Ms. Jackson Lee. I yield. I think it is his --

1561 Mr. Lofgren. No, he yielded back.

1562 Ms. Jackson Lee. I yield.

1563 Mr. Lofgren. I would just note that AT&T, and there may
1564 be other providers, provide virtually every language known to
1565 man as a service as a service, as an interpretation service.
1566 When I was in local government, we used them at the hospital
1567 because you couldn't possibly have interpreters for every
1568 language. We used them in the court system as well, and they
1569 vastly expand the capacity of what you can provide by way of
1570 language translation. It is a wonderful service and one that

1571 would be utilized, I think, in this case. And I thank the
1572 gentlelady for yielding.

1573 Mr. Buck. Would the gentlelady yield again?

1574 Ms. Jackson Lee. And I think I just want to comment on
1575 the point, and I would happy to yield. Ms. Lofgren and the
1576 point that she made is expanded by the new technology that we
1577 have that can also dictate the different languages. But yes
1578 to the gentleman.

1579 Mr. Buck. So it appears from your amendment that you
1580 are suggesting that these bill of rights in indigenous
1581 languages are posted, which would indicate to me that they
1582 are in writing. So unless the gentlelady is talking about
1583 having something read with the interpretation skills that the
1584 ranking member or, I am sorry, the chair is referring to.
1585 But these are actually posted on the walls of the detention
1586 facility. Is that correct?

1587 Ms. Jackson Lee. Reclaiming my time. If I understand
1588 the gentlelady and what she is suggesting, she is using the
1589 technology example that these indigenous languages are
1590 available and would be available to the Department at large
1591 as the Department of Homeland Security to be able to utilize
1592 that are particularly relevant to those populations that they
1593 are dealing with at the border.

1594 Reclaiming my time, let me conclude by saying it is
1595 fairness. It is a fairness of understanding on both sides.

1596 And I have had law enforcement officers express themselves
1597 very happily when they come up on a scene or interact with
1598 individuals who do not speak English, to be able to engage
1599 with them in their language for the fairness of law
1600 enforcement and the fairness of the individual that is
1601 engaged in an incident or a need. And I think this is one
1602 that speaks to the needs at the border, and I would ask my
1603 colleagues to support these two amendments.

1604 Safety, protection of all parties involved in the
1605 holding of individuals, human beings, at the border. With
1606 that, I yield.

1607 Mr. Lofgren. The gentlelady's time has expired. I
1608 withdraw my point of order. I am advised that it is in
1609 order.

1610 Mr. Collins. Madam Chair, I move to strike the last
1611 word.

1612 Mr. Lofgren. Mr. Collins is recognized to strike the
1613 last word.

1614 Mr. Collins. Thank you. I appreciate it. Look, the
1615 gentlelady from Texas and I, we disagree on this, and I have
1616 seen some of it. I think the biggest issues I have here are
1617 two things in particular. One, the bill already currently
1618 says it requires installation of video monitoring for
1619 detainee protection, you know, which would basically be
1620 useless without preservation. I think that is inherent in

1621 the bill, but also what is not inherent in the bill, again,
1622 showing why some of this needs to be actually had a hearing
1623 and actually worked on a little bit more is the parameters
1624 around that hearing. And without conversations with the
1625 Customs and Border Patrol, we don't know what the
1626 capabilities are or the cost, which is another thing that we
1627 have conveniently skipped in much of the discussion today is
1628 the cost around this. I am not saying these are good or bad
1629 ideas. The cost is something that we are not talking about
1630 as well as how this would actually be done.

1631 And as far as the detainee bill of rights amendment, it
1632 requires the bill of rights to include all rights afforded to
1633 detainees in the bill. It requires it be posted in all areas
1634 where the detainees are located, and it requires the
1635 indigenous language. The only question I have here, and I
1636 know there has been some discussions back and forth about
1637 this, is there are 68 indigenous languages spoken in Mexico
1638 alone, 21 Mayan languages in Guatemala, and that is just two
1639 of the countries. The United Nations in one of their
1640 handouts said that there are approximately 67,000 languages
1641 spoken around the world, including 4,000 indigenous
1642 languages, to include the indigenous languages likely to be
1643 encountered by CBP, combined with a litany of new
1644 requirements imposed on CBP would simply cover every wall
1645 that they have.

1646 I don't for one second disagree with the gentlelady's
1647 concern about this. My disagreement with it is how this
1648 would actually be implemented without a logical discussion
1649 with CBP, without getting their input, without having this
1650 done. I think her concern is genuine. I would never not
1651 believe that. I think the only problem in here is
1652 implementation, and that does present a problem, and
1653 especially for those of us who have dealt with this issue
1654 many years for cameras and reporting and also requirements,
1655 whether it be from officers on patrol to others, there is a
1656 huge cost element here that you have to take into account.
1657 And then also how would they manage this? Are they going to
1658 have to contract this out because this is not something they
1659 do now. Is this something they are going to have to contract
1660 out? Are they going to have to employ these people
1661 themselves?

1662 I think these are just general questions that need to be
1663 asked. That is why I would oppose it. I understand the
1664 lady's concern, but I would oppose it in this, there is
1665 plenty of opportunities as the line goes down to make other
1666 amendments if we come forward. With that, I yield back. I
1667 yield to Mr. Buck.

1668 Mr. Buck. I thank the gentleman for yielding. I just
1669 wanted to share some information I learned this past week
1670 when the American flag was torn down from an ICE facility in

1671 my home State of Colorado and defaced, and the Mexican flag
1672 was raised at that facility, one of our colleagues went and
1673 visited that facility and learned that there were immigrants
1674 from 57 different countries being held at that facility.
1675 Now, that doesn't mean that there would be 57 different
1676 languages, but there were certainly a number of languages,
1677 probably over 30 languages spoken.

1678 Those individuals being held, there was no one country
1679 that was represented by more than 12 percent of that
1680 population. So the idea that these facilities hold people
1681 that speak only a few languages is just not accurate.

1682 Mr. Collins. Exactly. I appreciate the gentleman, and
1683 I think that is also the other thing. And I know it has been
1684 discussed in some conversation on how we could make that
1685 available. I think this just goes to show there is some more
1686 work to be done on this. This is not as simple answer as
1687 having it there because you have some remote facilities that
1688 might not have internet access or anything else to provide
1689 that extra access as we go forward.

1690 Again, I do not question the desire of the gentlelady.
1691 I think the problem here is implementation, and that is
1692 something that we should always discuss when we are dealing
1693 with amendments or bills like this is implementation. And
1694 there is a big enough problem with this bill overall that has
1695 not been discussed. So I appreciate the gentleman's concern,

1696 and with that, I do yield back.

1697 Mr. Lofgren. The gentleman yields back. I would the
1698 gentl lady whether by unanimous consent she would take a
1699 friendly amendment, after the word "posted," say "or
1700 otherwise made available."

1701 Ms. Jackson Lee. I would be happy to accept the
1702 gentl lady's friendly amendment.

1703 Mr. Lofgren. And the ranking member said he does not
1704 object to the language, although he may still have an issue
1705 with the amendment.

1706 Ms. Jackson Lee. I thank you.

1707 Mr. Johnson of Georgia. Madam Chair?

1708 Mr. Lofgren. Unless there is objection? Are you
1709 reserving the right to object?

1710 Mr. Biggs. Yes, I reserve the right to object. Thank
1711 you or question, if I may.

1712 Mr. Lofgren. Correct.

1713 Mr. Biggs. The part of the problem is if you look at
1714 indigenous languages, whether it is in Mexico or the northern
1715 triangle or even as we see folks coming from Africa or other
1716 nations, there is a significant number of those languages
1717 that you can't --

1718 Ms. Jackson Lee. That is why --

1719 Mr. Biggs. They are not written languages.

1720 Mr. Lofgren. Correct.

1721 Mr. Biggs. It may be a language in Creole.

1722 Mr. Swalwell. Point of order, Madam Chair.

1723 Mr. Lofgren. No, he has reserved the right to object.

1724 This is in order.

1725 Mr. Biggs. So there may be Creole or something. So
1726 when you put that language into this, my question is, how do
1727 you ensure that that is still workable is my worry.

1728 Mr. Lofgren. If the gentleman would yield.

1729 Mr. Biggs. Absolutely.

1730 Mr. Lofgren. The intent would be, you are right. Some
1731 languages are not written, but through the miracle of
1732 technology, virtually every language can be translated. The
1733 amendment is intended to allow a verbal translation, for
1734 example, to be a Google translator to the individual. That
1735 would not necessarily have to be a written or a posting.

1736 Mr. Biggs. May I reclaim?

1737 Mr. Lofgren. Reclaiming?

1738 Mr. Biggs. Yes, thank you. I understand that for many
1739 languages that is the case, but not for all languages. Look,
1740 I have been in some odd circumstances myself. Actually in
1741 Mexico this happened to me once where the common language
1742 between me and who I was talking to was Japanese, and so we
1743 spoke Japanese. The point I am trying to make is I am not
1744 sure how this gets implemented, and that should be a concern
1745 to us because not all languages actually have Babble, Google

1746 Translate, or something like that available to them. So I am
1747 just raising that point. It is not that I object because I
1748 think this makes it better, so I withdraw an objection
1749 because I think that actually makes the amendment better. I
1750 just don't know how you make the underlying amendment work.

1751 Mr. Lofgren. Okay. So the point or order is withdrawn.
1752 The amendment to the amendment is unanimously adopted, and we
1753 will go on to the discussion of the amendment itself. The
1754 gentleman from Arizona had previously asked to be heard to
1755 strike the last word.

1756 Mr. Stanton. I move to strike the last word, and I
1757 speak in favor of the amendments offered by Congresswoman
1758 Jackson Lee, and in favor of the underlying bill, H.R. 3239,
1759 Humanitarian Standards for Individuals in Customs and Border
1760 Protection Custody Act. I want to thank our friend,
1761 Congresswoman Escobar, for her leadership in organizing the
1762 great delegation members that attended El Paso on July 1st
1763 and 2nd to tour the El Paso and Clint border patrol
1764 facilities. And earlier I had the opportunity to visit the
1765 border patrol station in Nogales, Arizona where people are
1766 also being detained. I will continue to reflect on these
1767 experiences while I do my job here in Congress.

1768 As Americans, we uphold certain values: equality,
1769 justice, and respect for the rule of law, freedom of speech.
1770 And I can tell you that those American values were not

1771 present in the facilities that I visited. Those facilities,
1772 regardless of whether they were for short-term or long-term,
1773 should have standards that reflect these values and always
1774 keep the wellbeing of the individual in mind.

1775 That is why I am proud to be an original co-sponsor of
1776 3239. This bill proposes what individuals in detention
1777 should be receiving. They should be receiving health
1778 screenings upon arriving at a CBP facility. They should
1779 receive those screenings promptly. They should be provided
1780 with interpretation services during those screenings if they
1781 need them. They should have basics while in detention,
1782 including clean drinking water, a working toilet, hand
1783 washing station, private and secure showers, soap,
1784 toothbrush, toothpaste, and feminine products.

1785 This is not an outrageous request. In fact, what is
1786 outrageous is that the CBP created its own minimum standards
1787 for how to treat people in detention, and even CBP has not
1788 been following their own standards as reported by DHS Office
1789 of Inspector General just last month. This is exactly why we
1790 need this legislation today to become law.

1791 I am committed to doing my part as a member of Congress
1792 from Arizona, a State that currently has several CBP and ORR
1793 facilities, to ensure that DHS is responsible and accountable
1794 for how all individuals are treated while in the custody of
1795 the United States government. Our immigration policy simply

1796 can't be one designed to inflict as much on migrants as
1797 possible. That is unacceptable, it is un-American, and it
1798 won't happen on our watch. I yield back.

1799 Mr. Lofgren. The gentleman yields back. The gentleman
1800 from Texas, Mr. Gohmert, is recognized to strike the last
1801 word.

1802 Mr. Gohmert. Thank you, Madam Chair. Thank you. I do
1803 think these proposals are coming from the right intention,
1804 but from a practical standpoint, sometimes we need to just
1805 step back and look at what they are doing. What is the
1806 effect of what we are doing? In the \$4.6 billion package
1807 that was passed out of the House, none of it was for
1808 enforcement. None of it was for detention beds. None of it
1809 was for any of the things that are now being added on or
1810 proposed to be added on to the Border Patrol.

1811 These guys took an oath. They are supposed to enforce
1812 our laws, and yet they are not only running into people from
1813 Capitol Hill urging lawbreakers to resist the people that we
1814 pay to enforce the law, but also without giving any more
1815 money when they are short of money. They don't have the
1816 personnel. The cages that were built by the Obama
1817 Administration have not been expanded or improved as we might
1818 hope. They are not being given the money to do their jobs.

1819 It is a wonder they haven't all had nervous breakdowns.
1820 We keep adding requirements onto them when they don't have

1821 the money to do what they are already doing. And I know
1822 there are some people out there saying, you know, we keep
1823 adding requirements without the money to do it. You know,
1824 there are forces at work trying to break the system. I know
1825 there are people here that are more concerned about the
1826 individuals, but you got to look at what we are doing here.

1827 No money. They don't have enough to take care of the
1828 people that are there, and yet the encouragement that we are
1829 not going to secure our border, we are going to get to an
1830 amnesty, we are going to get to legalization, keep coming
1831 from all over the world, and you know, it is a problem. And
1832 the idea of posting or in some manner making information
1833 available in indigenous languages, that is going to cost a
1834 bunch of money figuring all this out. I mean, you got to be
1835 Wycliffe trying to interpret the Bible in different languages
1836 all over the world, and they can't get it all done in a
1837 timely fashion. It costs a fortune.

1838 So my concern is we say we are concerned about the
1839 personal welfare of the individuals that are breaking our
1840 laws and being detained, and yet we keep adding requirements
1841 that will take away more money from the ability to do so.
1842 And I think everybody here on our committee has gotten used
1843 to the idea it is a good thing to have audio and video tape
1844 so that we know what has happened so if there is a renegade
1845 law enforcement officer that is not acting appropriately, we

1846 got it right there.

1847 That is true everywhere except one place that I know of,
1848 and that is our Federal Bureau of Investigation. And as we
1849 have looked into the Mueller report, we are going to have a
1850 hearing next week with Mr. Mueller himself, I continue to be
1851 amazed that what was considered at one time the preeminent
1852 law enforcement force in the country is the only one I know,
1853 they don't want video tapes. They don't want audio tapes.
1854 All they want is the ability not to allow anybody to have
1855 audio or video tapes, and then they will write up what we
1856 call a 302 memorializing a conversation and answers to
1857 questions, and so that when it comes to a trial or hearing,
1858 you have got people from this great law enforcement entity,
1859 the FBI, and an accused criminal.

1860 So my friend's amendment here brings back to mind I hope
1861 that we could work across the aisle y and push for video and
1862 audio recordings so we know what defendants and potential
1863 accusers have said. And we are not forced to take just the
1864 word of an FBI agent, but that is the reason they hadn't
1865 gotten rid of 302s. They get to be the ultimate source on
1866 what somebody said. And so I appreciate very much the effort
1867 to memorialize these things, and I hope we will expand it to
1868 the FBI after this. Thank you. I yield back.

1869 Mr. Lofgren. The gentleman's time has expired. The
1870 gentlelady from California, Ms. Bass, is recognized to strike

1871 the last word.

1872 Ms. Bass. Thank you, Madam Chair, and I do strike the
1873 last word. And let me first and foremost say that I support
1874 the Jackson Lee amendments. In 2018, there were nine migrant
1875 deaths that occurred during encountering Customs and Border
1876 Patrol, including 7-year-old Jakelin, who died of dehydration
1877 and shock, and 8-year-old Felipe, who died from the flu while
1878 in CBP custody. In the first half of 2019, there were 10
1879 deaths, including a 2-year-old who died from pneumonia, and
1880 16-year-old Carlos, who died from the flu.

1881 H.R. 3239 raises the bar on humanitarian standards at
1882 our southern border. As I have mentioned in previous
1883 hearings, I have been to refugee camps in South Sudan, in
1884 Uganda, and parents and family members are never separated
1885 from their children. But unfortunately, we don't have to
1886 look beyond our own front door to know what is the right
1887 thing to do. You wouldn't stand for poor treatment of your
1888 children, grandchildren, or family members. Your children
1889 and grandchildren need your loving arms to protect them from
1890 harm, to look out for their health, and to ensure they have
1891 what they need to grow into happy, healthy adults. Your
1892 children need you.

1893 Migrant children need their parents and family members,
1894 too. Migrant children need to feel the familial heartbeat,
1895 smells, and voices that assure them that they are going to be

1896 okay. But we already know from our own experiences migrant
1897 children are fleeing with their families escaping
1898 interpersonal and state violence. Migrant children need
1899 protection from harm. They need the people who know how and
1900 have the resources to soothe and care for them.

1901 Your children and grandchildren need pediatric health
1902 assessments and appropriate medical attention. So do migrant
1903 children. Your child's pediatrician needs the equipment and
1904 medication for assessment, triage, and treatment. So do the
1905 health providers for migrant children. You wouldn't leave
1906 your child sitting in soiled diapers, and you wouldn't change
1907 your child on a filthy surface. Migrant children deserve the
1908 same care for their hygiene and health.

1909 You make sure your children and grandchildren have
1910 nutritious food that allows them to be energetic, happy, and
1911 healthy. You wouldn't allow your children or grandchildren's
1912 safety, nutrition, health, and hygiene needs to go unmet
1913 because you know that that can lead to illness and deaths,
1914 like the deaths of at least seven children who died after
1915 being detained at the border.

1916 We must dig the bar out of the ground for the humane and
1917 dignified treatment of migrants and raise it up to minimum
1918 international standards. Someone's loved one's life is at
1919 stake. I now yield my time to Representative Jackson Lee.

1920 Ms. Jackson Lee. I thank the gentlelady, and I join

1921 her. I will yield to you, Hank, if she has yielded to me.
1922 So let me just make just a few comments. I thank the
1923 gentlelady for her commitment to this whole issue, and I also
1924 thank her for her support of the Jackson Lee amendments.

1925 I just clearly want to say that who would doubt that we
1926 need this bill by Dr. Ruiz, and I thank him so very much for
1927 the Humanitarian Standards for Individuals in Customs and
1928 Border Protection Custody Act. I thank the gentleman on the
1929 other side of the aisle, my good friend, for removing his
1930 objection. But I do think that we are now in the 21st
1931 century, and I believe having served on Homeland Security now
1932 for almost going into 2 decades, the Department of Homeland
1933 Security, which is one of the largest agencies that we have,
1934 knowing the process of management in that office, I believe
1935 that there is the wherewithal and the tools that we are given
1936 both in Judiciary and in Homeland Security that the idea of
1937 bill of rights with the relevant indigenous language and
1938 other languages, and the video to protect all parties is
1939 clearly going to be an added asset.

1940 I close by saying with new technology, you can draw down
1941 languages, and there are a finite number of languages, in
1942 particular, in the larger populations, that at this point
1943 when the surge is coming across the border, we will be able
1944 to be managed by the Department of Homeland Security. So I
1945 ask my colleagues to support the Jackson Lee amendments. I

1946 yield to the gentleman from Georgia.

1947 Mr. Johnson of Georgia. Thank you. I thank the
1948 gentl lady for yielding. I rise in support of the Jackson
1949 Lee amendment. The detainee bill of rights, it is in keeping
1950 with our values, and our values are represented by the United
1951 States flag, which one of my colleagues mentioned had been
1952 vandalized, taken down, and replaced in our country with
1953 another flag, with another country's flag. I don't support
1954 that, but I will say that we have not been living up to the
1955 values that our flag exemplifies for years now.

1956 It is said that red represents the blood shed for
1957 liberty, white for equality, and blue for fraternity and
1958 brotherhood. Those are the values espoused by those colors,
1959 and we have not been living up to our true colors as a
1960 Nation. And with that, I will yield back.

1961 Mr. Lofgren. The gentl lady's time has expired. Does
1962 anyone else wish to be heard? The gentleman?

1963 Mr. Armstrong. North Dakota. I move to strike the last
1964 word.

1965 Mr. Lofgren. The gentleman is recognized for 5 minutes.

1966 Mr. Armstrong. I don't necessarily disagree with the
1967 sentiment, and particularly from the video. A video doesn't
1968 do any good if it is not actually held for a period of time.
1969 My concern with this is, to get inherently pragmatic, is
1970 something that happens at all levels of government at all

1971 times. What is the remedy? We put something in place, but,
1972 I mean, we are not even requiring the promulgation of rules.
1973 I mean, what is the enforcement? And I think that really --

1974 Ms. Jackson Lee. Congressional oversight.

1975 Mr. Armstrong. I mean, even when you have, like, an
1976 employment bill of rights, I mean, there are actually
1977 remedies to what happens if you don't have that hanging in
1978 your workroom in your office. So my question is, I mean,
1979 what is the remedy?

1980 Ms. Jackson Lee. Would the gentleman yield?

1981 Mr. Armstrong. Yeah, absolutely.

1982 Ms. Jackson Lee. I mean, I think you ask a very, very
1983 important question, and what I would argue is what have the
1984 voices been saying across the Nation? That Congress should
1985 do something, and I think what that means is that every
1986 committee has a component of oversight. I think the remedy
1987 is the congressional oversight and compliance with the laws
1988 that we passed and signed by the President of the United
1989 States, and that is in Homeland Security and that is over
1990 here.

1991 And so we are today doing something collectively to deal
1992 with health standards and dealing with overall oversight of
1993 border conditions at Homeland Security right now as I speak.
1994 And so I would just simply say to you it will be the
1995 oversight that we will offer. We have a responsibility now

1996 to step it up. Now, if these bills pass, with Congressman
1997 Lofgren and her leadership, you can be assured that we will
1998 be steadfast in monitoring that.

1999 And so violations of laws that we have fit under the
2000 general framework of the oversight of Homeland Security.
2001 Failure to comply means that they are derelict of duty and
2002 they are responsive to that, which is the oversight of the
2003 United States Congress. I yield to the gentleman. I thank
2004 you for allowing me to --

2005 Mr. Armstrong. Thank you, and I appreciate that because
2006 I should have said excluding congressional oversight, what is
2007 the remedy, because, I mean, I agree with that. I mean,
2008 anything we pass we have oversight over, but when you are
2009 doing very specific requirements, particularly when you are
2010 dealing with the language that is indigenous language and now
2011 with the amendment we have adopted. I mean, and there are
2012 very specific requirements.

2013 And I have thought about this at government from county,
2014 State, Federal level. So controversial issues, mundane
2015 issues, it is not that. It is just I have a very difficult
2016 time supporting anything that has this many specific
2017 requirements without at least having the rulemaking authority
2018 to actually describe what the remedy is if it is violated.
2019 So with that, I yield back,

2020 Mr. Lofgren. Would the gentleman yield just briefly?

2021 Mr. Armstrong. Yes, ma'am.

2022 Mr. Lofgren. I know you don't intend to suggest that
2023 the Department of Homeland Security would violate the laws
2024 that we pass here because the President takes an oath to see
2025 that the laws are faithfully executed. It is our expectation
2026 that the laws, if this were to become law, would be executed
2027 by this Department, just as any department would follow the
2028 law. And I thank you for yielding.

2029 Mr. Armstrong. Yes, ma'am, particularly the second one
2030 is fairly specific. The first one, I mean, has some
2031 significant ambiguity to it, particularly with the amendment
2032 we have accepted. So with that, I yield back.

2033 Mr. Lofgren. The gentleman yields back. Unless there
2034 is further debate, the question is on the amendment, as
2035 amended.

2036 Those who are in favor will say aye.

2037 Those who are opposed will say no.

2038 In the opinion of the chair, the ayes have it, and the
2039 amendment is agreed to.

2040 Ms. Jackson Lee. Amendments.

2041 Mr. Lofgren. Amendments. Are there further amendments
2042 to the amendment in the nature of a substitute? Mr. Buck has
2043 asked for a recorded vote on the Jackson Lee amendments, and
2044 so we will have a recorded vote.

2045 Ms. Strasser. Mr. Nadler?

2046 Ms. Lofgren?

2047 Ms. Lofgren. Aye.

2048 Ms. Strasser. Ms. Lofgren votes aye.

2049 Ms. Jackson Lee?

2050 Ms. Jackson Lee. Aye.

2051 Ms. Strasser. Ms. Jackson Lee votes aye.

2052 Mr. Cohen?

2053 Mr. Cohen. Aye.

2054 Ms. Strasser. Mr. Cohen votes aye.

2055 Mr. Buck. Madam Chair? Madam Chair? Point of order?

2056 Which amendment are we voting right now?

2057 Mr. Lofgren. The two en banc amendments.

2058 Mr. Buck. What if you wanted to vote for one and vote

2059 against the other.

2060 Mr. Lofgren. Well, I think it is procedurally too late

2061 to make a request to divide the question. Right now there is

2062 one vote. I think we are too far in the proceedings to undo

2063 that unfortunately. We could note in the record when you

2064 vote your view, and we will try and have that in the record.

2065 Ms. Strasser. Mr. Johnson of Georgia?

2066 Mr. Johnson of Georgia. Aye.

2067 Ms. Strasser. Mr. Johnson of Georgia votes aye.

2068 Mr. Deutch?

2069 Ms. Bass?

2070 Mr. Richmond?

2071 Mr. Jeffries?
2072 Mr. Cicilline?
2073 Mr. Cicilline. Aye.
2074 Ms. Strasser. Mr. Cicilline votes aye.
2075 Mr. Swalwell?
2076 Mr. Swalwell. Aye.
2077 Ms. Strasser. Mr. Swalwell votes aye.
2078 Mr. Lieu?
2079 Mr. Raskin?
2080 Mr. Raskin. Aye.
2081 Ms. Strasser. Mr. Raskin votes aye.
2082 Ms. Jayapal?
2083 Ms. Jayapal. Aye.
2084 Ms. Strasser. Ms. Jayapal votes aye.
2085 Ms. Demings?
2086 Mr. Correa?
2087 Mr. Correa. Aye.
2088 Ms. Strasser. Mr. Correa votes aye.
2089 Ms. Scanlon?
2090 Ms. Scanlon. Aye.
2091 Ms. Strasser. Ms. Scanlon votes aye.
2092 Ms. Garcia?
2093 Ms. Garcia. Aye.
2094 Ms. Strasser. Ms. Garcia votes aye.
2095 Mr. Neguse?

2096 Mr. Neguse. Aye.

2097 Ms. Strasser. Mr. Neguse votes aye.

2098 Mrs. McBath?

2099 Mrs. McBath. Aye.

2100 Ms. Strasser. Mrs. McBath votes aye.

2101 Mr. Stanton?

2102 Mr. Stanton. Aye.

2103 Ms. Strasser. Mr. Stanton votes aye.

2104 Ms. Dean?

2105 Ms. Dean. Aye.

2106 Ms. Strasser. Ms. Dean votes aye.

2107 Ms. Mucarsel-Powell?

2108 Ms. Mucarsel-Powell. Aye.

2109 Ms. Strasser. Ms. Mucarsel-Powell votes aye.

2110 Ms. Escobar?

2111 Ms. Escobar. Aye.

2112 Ms. Strasser. Ms. Escobar votes aye.

2113 Mr. Collins?

2114 Mr. Sensenbrenner?

2115 Mr. Chabot?

2116 Mr. Gohmert?

2117 Mr. Gohmert. No.

2118 Ms. Strasser. Mr. Gohmert votes no.

2119 Mr. Jordan?

2120 Mr. Buck?

2121 Mr. Buck. No.

2122 Ms. Strasser. Mr. Buck votes no.

2123 Mr. Ratcliffe?

2124 Ms. Roby?

2125 Mrs. Roby. No.

2126 Ms. Strasser. Ms. Roby votes no.

2127 Mr. Gaetz?

2128 Mr. Gaetz. No.

2129 Ms. Strasser. Mr. Gaetz votes no.

2130 Mr. Johnson of Louisiana?

2131 Mr. Johnson of Louisiana. No.

2132 Ms. Strasser. Mr. Johnson of Louisiana votes no.

2133 Mr. Biggs?

2134 Mr. Biggs. No.

2135 Ms. Strasser. Mr. Biggs votes no.

2136 Mr. McClintock?

2137 Mr. McClintock. No.

2138 Ms. Strasser. Mr. McClintock votes no.

2139 Ms. Lesko?

2140 Mr. Resenthaler?

2141 Mr. Resenthaler. No.

2142 Ms. Strasser. Mr. Resenthaler votes no.

2143 Mr. Cline?

2144 Mr. Cline. No.

2145 Ms. Strasser. Mr. Cline votes no.

2146 Mr. Armstrong?

2147 Mr. Armstrong. No.

2148 Ms. Strasser. Mr. Armstrong votes no.

2149 Mr. Steube?

2150 Mr. Steube. No.

2151 Ms. Strasser. Mr. Steube votes no.

2152 Chairman Nadler. [Presiding.] The clerk will call the

2153 chairman's name.

2154 Ms. Strasser. Mr. Nadler?

2155 Chairman Nadler. Aye.

2156 Ms. Strasser. Mr. Nadler votes aye.

2157 Chairman Nadler. The gentleman from Georgia?

2158 Mr. Collins. No.

2159 Ms. Strasser. Mr. Collins votes no.

2160 Chairman Nadler. The gentleman from Pennsylvania?

2161 Pennsylvania. The gentleman from Florida?

2162 Mr. Gaetz. I vote no.

2163 Chairman Nadler. Any other members who wish to vote who

2164 haven't voted yet?

2165 [No response.]

2166 Chairman Nadler. The clerk will report the result.

2167 Ms. Strasser. Mr. Chairman, there are 18 ayes and 12

2168 noes.

2169 Chairman Nadler. The amendment is not agreed to. The

2170 amendment is agreed to. I am sorry. The amendment is agreed

2171 to.

2172 [Laughter.]

2173 Ms. Jackson Lee. Amendments plural.

2174 Chairman Nadler. The amendments are agreed to. The two
2175 amendments are agreed to.

2176 Mr. Buck. Mr. Chair, I move to strike the last word.

2177 Chairman Nadler. For what purpose does the gentleman
2178 from Colorado seek recognition?

2179 Mr. Buck. We are way above, Mr. Chairman.

2180 Chairman Nadler. At least north of it. At least north
2181 of it.

2182 Mr. Buck. I move to strike the last word.

2183 Chairman Nadler. The gentleman is recognized.

2184 Mr. Buck. Mr. Chairman, I appreciate that. I just
2185 wanted to explain my vote. I agree with the gentlelady's
2186 amendment on the video monitoring equipment. I disagree with
2187 the gentlelady's amendment on the posting of the bill of
2188 rights and including indigenous languages because I think it
2189 would be unworkable. And so I voted no because I had to vote
2190 on that second amendment involving the bill of rights, and I
2191 just wanted to clarify that. I appreciate the chair giving
2192 me that opportunity, and I yield back.

2193 Chairman Nadler. The gentleman yields back.

2194 Mr. Johnson of Louisiana. Mr. Chairman?

2195 Chairman Nadler. For what purpose does the gentleman

2196 from --

2197 Mr. Johnson of Louisiana. Louisiana. Strike the last
2198 word.

2199 Chairman Nadler. -- Louisiana seek recognition?

2200 Mr. Johnson of Louisiana. I want to echo the comments
2201 of Mr. Buck. I agree that the video proposal was a good one,
2202 but the posting of the languages is unworkable to me. So I
2203 voted no for the same reason. I yield back.

2204 Chairman Nadler. The gentleman yields back. For what
2205 purpose does the gentleman from Arizona seek recognition?

2206 Mr. Biggs. Thank you, Mr. Chairman. I also just want
2207 to say I was hoping that those would have been divided. I
2208 probably was asleep at the wheel. I should have made the
2209 motion, so I apologize for that. But I do agree with the
2210 proposer regarding the video, retention of video records. I
2211 think that is very important. I do think the other, as I
2212 mentioned in my earlier statement, I think it is really
2213 unworkable. And so I would have voted yes on the video and
2214 no on the other, but I yield back.

2215 Chairman Nadler. For what purpose does the gentleman
2216 from Florida seek recognition?

2217 Mr. Steube. I have an amendment at the desk, Mr.
2218 Chairman.

2219 Chairman Nadler. The clerk will report the amendment.

2220 Mr. Lofgren. I reserve a point of order.

2221 Chairman Nadler. The gentlelady reserves a point of
2222 order.

2223 Ms. Strasser. Amendment to the amendment in the nature
2224 of a substitute to H.R. 3239, offered by Mr. Steube of
2225 Florida.

2226 Chairman Nadler. The gentleman is recognized to explain
2227 his amendment. Without objection, the amendment is
2228 considered as read.

2229 [The amendment of Mr. Steube follows:]

2230

2231 Chairman Nadler. The gentleman is recognized to explain
2232 his amendment.

2233 Mr. Steube. Thank you, Mr. Chairman. This amendment is
2234 simple. First, it states that when the DHS Secretary makes a
2235 required report on plans for implementation under H.R. 3239,
2236 the Secretary also report the cost of implementation. And
2237 second, it delays the 6-month implementation requirement if
2238 Congress doesn't actually appropriate sufficient funds to
2239 carry out the requirements of this expensive bill.

2240 The requirements that H.R. 3239 would impose on CBP
2241 facilities are immensely burdensome and would create an
2242 unfunded mandate. Clearly CBP was not consulted as to the
2243 feasibility or time frame for implementing this bill. That
2244 is clear because the bill itself requires DHS to report to
2245 Congress after 60 days the "challenges of implementing its
2246 requirements." This is no way to legislate. We should worry
2247 about the feasibility now, not after we pass something that
2248 simply won't work. That is why this amendment would delay
2249 implementation unless Congress actually appropriates
2250 sufficient funds for CBP to meet the requirements of this
2251 bill.

2252 Under H.R. 3239, CBP will have to obtain, through hiring
2253 or contracting, numerous additional medical professionals and
2254 make updates to facilities to accommodate those professionals
2255 and their required activities, and it is not simply licensed

2256 medical professionals necessary to conduct comprehensive
2257 initial medical screenings. This bill directs CBP to have
2258 onsite to the extent practical, at all CBP facilities where
2259 individuals are brought after apprehension, "licensed
2260 emergency care professionals, specialty physicians, including
2261 physicians specializing in pediatrics, family medicine,
2262 obstetrics and gynecology, geriatric medicine, internal
2263 medicine, and infectious diseases, nurse practitioners, other
2264 nurses, physicians assistants, licensed social workers,
2265 mental health professionals, public health professionals,
2266 dietitians, interpreters, and chaperones."

2267 Let me just draw a parallel for you for a second. I
2268 represent a district that has a number of different VA
2269 facilities in them. At none of the VA facilities in my
2270 district are there any specialty physicians. So we are
2271 actually going to provide in this bill better healthcare to
2272 illegal immigrants breaking our laws than veterans who have
2273 served our country and are over 30 percent service-connected
2274 disabled, who swore an oath to support and defend our
2275 Constitution.

2276 Let me let that sink in for you for a second. If
2277 somebody in my district goes to a VA medical facility, they
2278 have to get a referral to another facility for a specialty
2279 physician because they are not at all the clinics. They have
2280 to go to a hospital for that, and that could take anywhere

2281 between 60 and 90 days based on the Mission Act that passed
2282 Congress last Congress. The time requirements in this bill
2283 for these specialty physicians is 12 hours after a detainee's
2284 arrival at a CBP facility, but not later than 6 hours after a
2285 detainee's arrival if it is a high priority individual.

2286 Furthermore, if they have psychiatric issues, on page 6 of
2287 the bill, that is required as well within those timeframes.

2288 Veterans are having to wait 60 to 90 days to get the
2289 type of treatment that they deserve. We have 35 veterans
2290 just last year that committed suicide in a veteran-approved
2291 licensed facility. We have 21 veterans a day that are
2292 committing suicide because they have to wait 60 to 90 days to
2293 get treatment, and so we are going to allow illegal
2294 immigrants only 6 hours to 12 hours to get specialty
2295 physicians.

2296 The requirements of H.R. 3239 applies across all CBP
2297 facilities, not just Border Patrol stations. CBP would have
2298 to implement the requirements at points of entry, including
2299 ports on the land borders, but also seaports, airports,
2300 checkpoints, and forward-operating bases operating in remote
2301 areas. CBP would also have to retrofit or build out new
2302 buildings at many facilities in order to meet the extensive
2303 requirements of this bill.

2304 Clearly, the cost of implementation will be extremely
2305 high, yet H.R. 3239 does not even authorize additional funds.

2306 How is the DHS to implement H.R. 3239 within 6 months? It is
2307 simply unrealistic. Therefore, I propose this amendment to
2308 ensure that DHS is only required to implement this bill
2309 within 6 months, provided that Congress has funded its
2310 implementation. I urge my colleagues to vote for this
2311 amendment to ensure that we are not creating an unfunded
2312 mandate that will simply be used to malign the men and women
2313 on the CBP on the front lines of meeting a true crisis.

2314 If my colleagues are content to pass a mere messaging
2315 bill that doesn't even authorize funding for its mandates,
2316 they should vote against this amendment. But if they are
2317 serious that these onerous and burdensome requirements
2318 actually be implemented by DHS, the least they can do is pay
2319 for it. That is the amendment. I yield back.

2320 Chairman Nadler. The gentleman yields back. The
2321 gentlelady does not insist on her point of order. I
2322 recognize myself in opposition to the amendment.

2323 We have a crisis. Children are dying. People are being
2324 tortured. The amendment, in essence, says that we should
2325 continue child abuse and should continue torture indefinitely
2326 until Congress comes up with other funds because we have to
2327 continue torturing and killing children, lest it be an
2328 unfunded mandate. It is offensive. Second of all, Congress
2329 has just finished passing \$4.5 billion which can be used for
2330 this purpose. This bill will cost nothing like \$4.5 billion,

2331 but a small fraction of it, and it should have been done
2332 previously already. The gentleman mentions that construction
2333 has to occur. The gentlelady from California, the chairwoman
2334 of the subcommittee pointed out that during the Obama
2335 Administration in 2014, a facility was constructed in 10
2336 days.

2337 If we want to stop torturing the children and the
2338 adults, we can do so. The funds have already been
2339 appropriated. We ought to do so. And the fact the gentleman
2340 alleges that veterans are getting poor medical care, well,
2341 then we ought to change that. If veterans are not getting
2342 proper medical care, we ought to give them proper medical
2343 care. But it is not a license to torture children and other
2344 people at the border.

2345 Second of all, the gentleman says these people are
2346 illegal aliens. Some of them are. Some of them will not get
2347 political asylum. Some of them will. These people are
2348 mostly applicants for political asylum. A lot of them will
2349 get political asylum. They are entitled to political asylum
2350 under our law. They are not illegal aliens. The fact that
2351 the Administration, by refusing people entry at ports of
2352 entry, is forcing people to cross the border illegally does
2353 not say that they should not have been admitted legally if
2354 not for the illegal policy of the Administration in refusing
2355 asylum applicants entry at the legal border crossing point,

2356 forcing them to cross at not at an entry point. And many of
2357 those people who cross not an entry point have perfectly
2358 valid legal claims for asylum, and upon adjudication will get
2359 asylum.

2360 The fact that we don't have enough resources, we haven't
2361 provided enough resources for enough immigration judges and
2362 for other procedures to speed it up is not their fault. And
2363 we should not torture people and children at the border,
2364 period. It is a disgrace in our country that we have been
2365 doing so, and we ought to stop it. This bill will at least
2366 provide for proper medical evaluation and screening and
2367 treatment right away. It will stop kids from dying at the
2368 border. It is least we can do. And it is not an unfunded
2369 mandate. We just passed a \$4-and-a-half billion, which can
2370 be used for this. And if it were an unfunded mandate, so
2371 what? I yield back.

2372 Mr. Cicilline. Mr. Chairman?

2373 Mr. Lofgren. Would the gentleman yield?

2374 Chairman Nadler. The gentl-elady from California.

2375 Mr. Lofgren. On the point, if I may, and I thank the
2376 gentleman for yielding, I think the gentleman from Florida
2377 has misread the proposal, and I do think it is important to
2378 clarify. There is in the bill an initial health screening
2379 that takes about 5 minutes. If in that screening there is an
2380 indication of a problem that requires follow-up care, the

2381 care should be followed up. But you don't have to hire these
2382 people. It can be a video assessment. It could be a
2383 telephone call. If somebody has had a heart attack, you
2384 don't have to have a cardiologist in every border patrol
2385 station.

2386 You call the hospital to get the care. So it is not in
2387 the bill that you have to hire all these people. You have to
2388 have the ability for follow-on care in the community, and it
2389 would be unreasonable to expect all of these specialty care
2390 physicians to be in every border patrol station. That is
2391 impossible, and it is not in the bill. And I thought it
2392 would be important to clarify that, and I thank the chairman
2393 for yielding?

2394 Ms. Jackson Lee. Would the chairman yield?

2395 Chairman Nadler. I yield to the gentleman from Rhode
2396 Island.

2397 Mr. Cicilline. Thank you, Mr. Chairman. I associate
2398 myself with your remarks, but I want to make one point. I
2399 take Mr. Steube at his word that it is intended for a good
2400 purpose. But this is a really problematic amendment because
2401 you essentially would have Congress pass laws and then have
2402 an agency decide whether they determine if sufficient funds
2403 have been appropriated. That just can't be. We are
2404 responsible. If we don't appropriate enough money, we are
2405 responsible for that. But how would an agency, who would

2406 decide what is "sufficient funds to carry out the
2407 requirements?" You would have bureaucrats within the agency
2408 saying we don't think you have given us enough. That is not
2409 on them. That is on us.

2410 And so we have the response of passing laws, which this
2411 legislation does, and then we got to work together to make
2412 sure we continue to appropriate money. But it would be a
2413 very dangerous practice if we let agencies of the executive
2414 branch decide on their own whether or not they have concluded
2415 they have gotten enough money to follow the law. That turns
2416 our democracy on its head. I know you don't intend that, but
2417 I urge folks to consider that and vote against the amendment.
2418 Thank you very much.

2419 Chairman Nadler. My time has expired. Does anyone else
2420 seek recognition on this amendment? For what purpose does
2421 the gentlelady from Texas --

2422 Ms. Garcia. Move to strike the last word. Mr.
2423 Chairman, I, too, am opposed to this amendment. And, you
2424 know, certainly you have outlined the reasons that this bill
2425 is necessary because this is a humanitarian crisis at the
2426 border. We know that that systematic human rights abuses are
2427 occurring. We know that adults and children both are being
2428 kept in overcrowded facilities. They are hungry and
2429 neglected. And, most importantly, some of them are being
2430 exposed to some environmental issues that would create even

2431 more health hazards. However, I cannot agree with him that
2432 this is an unfunded mandate. Just as you pointed out, there
2433 have been ample supplementals already appropriated to address
2434 many of these issues, but it is the policies and the choices
2435 that are being made by this Administration in implementing
2436 that are making these issues even worse.

2437 And to his remarks about veterans, I totally agree with
2438 him. We should be doing work for veterans, particularly in
2439 healthcare, particularly in the VA hospitals, everywhere,
2440 including in Houston. But I think what's even more
2441 horrifying is that veterans are being deported. I think that
2442 is a real issue. So for me, I am against this amendment. I
2443 am for this bill. I am a co-sponsor, and I think that our
2444 American values, our conscience, our Constitution, our
2445 humanity demands that we pass this bill, and I oppose this
2446 amendment.

2447 Ms. Jackson Lee. Would the gentlelady yield?

2448 Ms. Escobar. Would the gentlelady yield?

2449 Ms. Garcia. Yes, I would.

2450 Ms. Escobar. Thank you. I thank my colleague,
2451 Representative Garcia, for reminding us of what is important
2452 to think about as we reject this amendment. There is
2453 something else that I would like for us to think about in
2454 evaluating this amendment. It is not just children and
2455 families in our custody who are getting sick, but we have

2456 Border Patrol agents who are also getting sick. And they are
2457 getting sick because we have not improved the standards for
2458 these facilities.

2459 And so I have just spoke with some folks representing
2460 the Border Patrol. We had this very conversation. I have
2461 spoken with agents throughout my district in the El Paso
2462 sector who are worried about the conditions in their
2463 stations. This is absolutely about migrants in our care. It
2464 is also absolutely about Border Patrol agents employed by our
2465 government. And so I would urge my colleagues to reject this
2466 amendment.

2467 And I would like to make just one last point. Family
2468 separation has come with a terrible financial cost as well as
2469 a terrible moral cost. I don't remember anybody who
2470 supported family separation asking for a cost estimate before
2471 it was implemented. The Migrant Protection Protocol Program,
2472 not just a moral cost. There is a financial cost. These are
2473 policies implemented by an Administration that wants to deter
2474 migrants, and that is costing our government money. And I
2475 would like to see the same kind of emphasis placed on
2476 accountability over those terrible policies, the same kind of
2477 emphasis on that that I see being placed on trying to create
2478 standards that provide better healthcare and an environment
2479 for agents and migrants. I yield back.

2480 Chairman Nadler. The gentlelady yields back. Does

2481 anyone seek recognition on this amendment? The gentleman
2482 from --

2483 Mr. Armstrong. North Dakota.

2484 Chairman Nadler. For what purpose do you seek
2485 recognition?

2486 Mr. Armstrong. I seek recognition to yield time to my
2487 colleague from Florida.

2488 Mr. Reschenthaler. I move to strike the last word.

2489 Mr. Armstrong. Move to strike the last word.

2490 Chairman Nadler. The gentleman is recognized.

2491 Mr. Reschenthaler. I yield to Mr. Steube.

2492 Mr. Steube. I thank the gentleman for yielding. I just
2493 want to respond to the contention that I didn't read the bill
2494 correctly. If you look at page 8, and I will just read line
2495 22 through 24, all of those listed physicians that I elicited
2496 in my remarks, "shall be located on sight to the extent
2497 practicable, or if not practicable, shall be available on
2498 call." Now, I have only been a lawyer for 15 years, but
2499 "shall" means "shall," and "on call" to me means "on call" in
2500 the sense that they have to be there within a certain period
2501 of time, those timeframes that are provided for in the bill
2502 previously.

2503 Those are, such as, starting at line 15, "licensed
2504 emergency care professionals, specialty physicians, including
2505 physicians that specialize in pediatrics, family medicine,

2506 obstetrics, gynecology, geriatric medicine, internal
2507 medicine, and infectious disease, nurse practitioners, other
2508 nurses, physicians assistants, licensed social workers,
2509 mental health professionals, public health professionals,
2510 dieticians, interpreters, and chaperones shall be located
2511 onsite to the extent practical, or if not practicable, shall
2512 be available on call."

2513 I wish that any of the veteran clinics that I have in my
2514 district had any of these people either located onsite or on
2515 call. In my district, you have to drive about 2-and-a-half
2516 to 4 hours to Bay Pines to get any of these listed physician
2517 specialties because none --

2518 Ms. Jackson Lee. Would the gentleman yield?

2519 Mr. Steube. No, no because none of them are available
2520 to any of the veterans in my district. So we are going to
2521 treat illegal immigrants who come to our country with better
2522 healthcare than is available in my district in nine counties
2523 in the State of Florida to veterans who have served our
2524 country, who have raised their right hand and swore an oath
2525 to our Constitution, who have served in combat, who are more
2526 than 30 percent service-connected disabled, and have the
2527 ability to get VA care.

2528 Ms. Jackson Lee. Would the gentleman yield?

2529 Mr. Steube. No, I will not yield. I have 3 minutes.

2530 Ms. Jackson Lee. For clarification?

2531 Mr. Lofgren. He has not yielded.

2532 Ms. Jackson Lee. For edification?

2533 Mr. Steube. This is my time and I am speaking.

2534 Ms. Garcia. Would the gentleman just yield for 1

2535 second?

2536 Mr. Steube. No. I will yield when I am done.

2537 Ms. Garcia. Thank you, Mr. Steube.

2538 Chairman Nadler. The gentleman controls the time.

2539 Mr. Steube. Anybody else?

2540 [No response.]

2541 Mr. Steube. I am just waiting because I got 2:40.

2542 Chairman Nadler. The gentleman may proceed. His time
2543 is running.

2544 Mr. Steube. I know it is running, and you have
2545 interrupted me 4 times now? So as I was saying, we are going
2546 to provide all of these special healthcare providers to every
2547 single CBP location in the entire United States to illegal
2548 immigrants who are illegally coming into our country, yet we
2549 are not going to provide the same level of healthcare to
2550 veterans who have served our country. I would think that
2551 general Americans, most Americans regardless of your
2552 political affiliation, would have a little bit of a problem
2553 with that, not to mention the basis of this amendment. How
2554 much is this going to cost? How much is this going to cost
2555 for CBP to be able to implement this bill, because I know the

2556 Veterans Affairs budget from 2016 to today has gone up by
2557 \$100 billion, and they can't even provide specialty providers
2558 at the clinics located, at least in my district. Now, I
2559 can't speak for everybody's district, but in my district.

2560 So I think most Americans would be very troubled by the
2561 fact that we are going to provide healthcare with all of
2562 these specialties and psychiatric care. Twenty-one veterans
2563 a day are committing suicide. Thirty-five veterans committed
2564 suicide last year in our veteran clinics. Veterans in my
2565 district have told me that they have called Veterans Affairs
2566 for psychiatric treatment, which this bill requires you to do
2567 it within 6 hours to 12 hours upon a detainee getting into a
2568 facility, and have to wait right now. And you can go to the
2569 Oversight Committee that I spoke exactly on this issue 2
2570 weeks ago. Veterans are on a waiting list for psychiatric
2571 treatment at Bay Pines Hospital 60 to 90 days to get the
2572 psychiatric care that they deserve. Sixty to 90 days.

2573 These are veterans who have reached out to the VA saying
2574 they have psychiatric problems and they need help. They have
2575 to wait 60 to 90 days. Well, if you are an illegal
2576 immigrant, you can just come to any CBP facility and you can
2577 get psychological treatment within 12 hours or within 6
2578 hours. I can't see as a single American in our country,
2579 regardless of your political affiliation, that think that is
2580 appropriate care to give to our veterans compared to the type

2581 of care that the Democratic majority wants to give to our
2582 illegal immigrants who are illegally crossing into our
2583 country. And with that, I yield back to the chair.

2584 Mr. Lofgren. I move to strike the last word.

2585 Chairman Nadler. The gentlelady from California is
2586 recognized.

2587 Mr. Lofgren. I assume the good will of all of my
2588 colleagues and the gentleman from Florida believes what he
2589 has just said. However, I think it is important that we
2590 clarify that it is incorrect. The bill as written and
2591 clarified by the managers amendment really does an initial
2592 health screening that takes about 5 minutes, basically to
2593 determine whether the person is in physical distress. If
2594 there is a need for follow-on medical care, that should be
2595 provided, and that can be a phone call under the bill. It
2596 could be a video.

2597 If you have got a kid covered with a rash, you could
2598 take a photograph of that rash and email it to a doctor, and
2599 that would comply with this section of the bill to see
2600 whether it is a contagious disease or not. If you're having
2601 a heart attack, you don't have to have a, you know, a heart
2602 doctor at every station. You have to have the ability to
2603 call a hospital to find out what to do or to call an
2604 ambulance.

2605 I would hope hearing about the remote nature of some of

2606 the gentleman from Florida's constituents, that if those
2607 veterans are having a heart attack, that they can call
2608 somebody and get an ambulance to come take them and take care
2609 of them. I would hope that that would be the case, and if it
2610 is not the case I would be happy to work with the gentleman
2611 to make sure that it is the case because all Americans
2612 deserve a minimum level of medical care so that they can have
2613 a happy life.

2614 It is not the case that this bill provides a higher
2615 level of medical care to asylees than is provided to
2616 veterans. It is simply not the case, and I want to make sure
2617 that that message does not go out. We have had seven
2618 children die in our custody in the last few years. That is
2619 really an appalling number. In the last 10 years we didn't
2620 have any children die in our custody. We need to do a better
2621 job of making sure that more children don't die in our
2622 custody. And I know that all of us agree on that. We don't
2623 want babies to die in a cell because they have been
2624 neglected. That has happened.

2625 And so, you know, it doesn't mean that we have a
2626 pediatrician in every CBP office, but if you have got an
2627 infant that is in distress, you have to have the capacity to
2628 call and get some attention for that child, and that is not
2629 happening right now. That is not happening. So we should
2630 really actually shouldn't even have to do this bill. A lot

2631 of this is common sense. Border Patrol agents have been
2632 overwhelmed by the numbers, and I think that overwhelming, I
2633 don't blame the CBP officers. I think they are for the most
2634 part good people and trying to do their best. It is a
2635 management decision that has caused this problem where we
2636 have piled people up on these Border Patrol stations while
2637 there is space in the ICE detention facilities. There is
2638 space in the ORR facilities, and the Department declined to
2639 do what was obvious and has been done in the past to create
2640 excess capacity, which you can do in in under 2 weeks.

2641 So, you know, we need to intervene as a Congress on this
2642 situation because we don't want the deaths of these children
2643 on our hands. None of us do. Whether we agree or disagree
2644 on overall issues of asylum law or the like, 100 percent of
2645 us don't want children to die in CBP custody. So I think it
2646 is important that we clarify this is not a requirement for
2647 fully-staffed clinics at CBP offices. It is a requirement
2648 that you make a phone call somebody if is in distress. If
2649 somebody is having a heart attack, you call an ambulance,
2650 that you do initial screening to find out whether people are
2651 in trouble or not. And we have had reports and members who
2652 have personally seen newborns in these cells, which is the
2653 last place in the world a brand-new baby ought to be.

2654 So I recognize the concern the gentleman has expressed
2655 about veterans. I am not on the Veterans Affairs Committee

2656 obviously, but I would hope if the situation is as dire for
2657 the vets in his district that we could work together across
2658 the aisle to improve that situation. This bill has nothing
2659 to do with that, and I yield back.

2660 Mr. Buck. I have a point of order. The point of order
2661 would be, sir?

2662 Ms. Lofgren. [Presiding.] The point of order would be,
2663 sir?

2664 Mr. Buck. You just took care of it. I was asking
2665 whether the chair had been abandoned, but I assume that it
2666 has not now. So thank you.

2667 Mr. Lofgren. And the time has expired. Does any other
2668 member wish to be heard?

2669 Mr. Reschenthaler. Thank you, Madam Chair. I would
2670 like to yield the remainder of my time my colleague, Mr.
2671 "Biggs.

2672 Mr. Lofgren. Mr. Biggs is recognized.

2673 Mr. Biggs. Thank you, Madam Chair. I just want to make
2674 you a couple comments about the amendment that we are dealing
2675 with today. When I look at the language and I read this, and
2676 we are talking about people "the location to which detainees
2677 are 1st transported after an initial encounter with an agent
2678 or officer of CBP." Now, I want you to understand what this
2679 may mean. Some of these territories are vast. I mean,
2680 literally you have the Sasabe Station comes to my mind. The

2681 Antelope Well Station in Arizona. These are ports of entry.
2682 Any other person would say these are just really so far
2683 removed and remote.

2684 And so and it says that they are going to provide
2685 initial medical intake. That is that seems to be fine. I
2686 don't think anybody has any problem with that. But the
2687 onerous part comes here when it says, "appropriate
2688 transportation to medical facilities in the case of medical
2689 emergency," page 8 of the ANS. "In case of medical emergency
2690 or an on-call service with the ability to arrive at the CBP
2691 facility within 30 minutes." That is necessary. You have to
2692 have the ability to arrive within 30 minutes.

2693 So I appreciate what the chairwoman said when she said
2694 that, you know, you can have some video conferencing and
2695 whatnot, but this requires the ability to arrive at the CBP
2696 facility within 30 minutes. Now, the reason that this is
2697 important is because in the gentleman's amendment he
2698 referenced page 8 and his concern there. If you look at
2699 lines 22 through 24, it says, "These people shall be located
2700 onsite to the extent practicable," and I think all of us
2701 would say there is really no way that it is practical for all
2702 these people to be there, "or if not practicable, shall be
2703 available on call."

2704 Well, we have just defined what "on call" is on lines 5
2705 through 8 of page 8, and that is really to be able to arrive

2706 in 30 minutes. That makes this this aspect of this virtually
2707 unworkable, at least in the great southwest of Arizona where
2708 there some of these facilities that individuals first
2709 encounter are really, really remote.

2710 You have to realize it might take for a backup, you will
2711 have a single CBP agent out there, and there is no radio
2712 communication for that individual to make to someone else.
2713 If they need backup, it might take 2-and-a-half, 3 hours to
2714 get backup. And then they are going to put somebody in a
2715 facility, and this this bill would say you better have the
2716 capacity to get somebody there on call within 30 minutes. WE
2717 have not defined "on call" to mean some kind of video
2718 circumstance, and that is the problem I see with this. I
2719 think that the gentleman's amendment is well taken, and with
2720 that, I am going to yield back to Mr. Reschenthaler.

2721 Mr. Lofgren. Would the gentleman yield?

2722 Mr. Biggs. It is his time, so I will yield to Mr.
2723 Reschenthaler.

2724 Mr. Lofgren. Oh, I am sorry. Would the gentleman
2725 yield?

2726 Mr. Reschenthaler. I yield.

2727 Mr. Lofgren. Just for clarification purposes, on line
2728 8, in the case of a medical emergency, a heart attack, in a
2729 remote area, and this would be at a forward station which you
2730 are describing and that are in remote areas, there are air

2731 ambulances that will come not only for someone having a heart
2732 attack at a forward station. I would hope, whether it is a
2733 Border Patrol agent, whether it is a detainee, or whether it
2734 is a farmer next door, if you're having a heart attack, we
2735 are going to want to get an air ambulance in there. That is
2736 distinct from further down the page which is not limited to
2737 medical emergencies, "shall be available on call." And on
2738 call can be a telephone call. It could be a visit. The two
2739 are not linked.

2740 Mr. Resenthaler. I would like to yield more time --

2741 Mr. Lofgren. And I yield back to the gentleman.

2742 Mr. Biggs. Thank you, Mr. Resenthaler. I will say
2743 this. The problem that you have with that explanation is
2744 that on line 6, "medical emergency" is set apart distinctly
2745 from any kind of on-call service, "with the ability to arrive
2746 at the CBP facility within 30 minutes." It actually defeats
2747 the very thing you just talked about. So having taken
2748 helicopters from one facility to another, I can tell you
2749 there are facilities in Arizona that you cannot get there
2750 with a helicopter to air vac somebody in less than 45 minutes
2751 to 1 hour, sometimes 2 hours, and get them to a facility.

2752 That is a problem that you have here because on line 6
2753 through 8, after the word "or," you have really defined what
2754 "on call" means, and that means to be able to get there in 30
2755 minutes. That is the problem that I see with this bill, and

2756 I thank the gentleman for yielding.

2757 Mr. Lofgren. And the gentleman's time has expired.

2758 Unless there is further discussion, the question will come on
2759 the amendment.

2760 All those in favor of the amendment will signify by
2761 saying aye.

2762 And all those opposed will say no.

2763 In the opinion of the chair, the noes prevail.

2764 Mr. Steube. I ask for a roll call vote.

2765 Mr. Lofgren. A roll call will be called by the clerk.

2766 Ms. Strasser. Mr. Nadler?

2767 Ms. Lofgren?

2768 Ms. Lofgren. No.

2769 Ms. Strasser. Ms. Lofgren votes no.

2770 Ms. Jackson Lee?

2771 Ms. Jackson Lee. No.

2772 Ms. Strasser. Ms. Jackson Lee votes no.

2773 Mr. Cohen?

2774 Mr. Johnson of Georgia?

2775 Mr. Johnson of Georgia. No.

2776 Ms. Strasser. Mr. Johnson of Georgia votes no.

2777 Mr. Deutch?

2778 Mr. Deutch. No.

2779 Ms. Strasser. Mr. Deutch votes no.

2780 Ms. Bass?

2781 Mr. Richmond?
2782 Mr. Jeffries?
2783 Mr. Cicilline?
2784 Mr. Swalwell?
2785 Mr. Swalwell. No.
2786 Ms. Strasser. Mr. Swalwell votes no.
2787 Mr. Lieu?
2788 Mr. Raskin?
2789 Mr. Raskin. No.
2790 Ms. Strasser. Mr. Raskin votes no.
2791 Ms. Jayapal?
2792 Ms. Jayapal. No.
2793 Ms. Strasser. Ms. Jayapal votes no.
2794 Ms. Demings?
2795 Mr. Correa?
2796 Ms. Scanlon?
2797 Ms. Scanlon. No.
2798 Ms. Strasser. Ms. Scanlon votes no.
2799 Ms. Garcia?
2800 Ms. Garcia. No.
2801 Ms. Strasser. Ms. Garcia votes no.
2802 Mr. Neguse?
2803 Mr. Neguse. No.
2804 Ms. Strasser. Mr. Neguse votes no.
2805 Ms. McBath?

2806 Mrs. McBath. No.

2807 Ms. Strasser. Ms. McBath votes no.

2808 Mr. Stanton?

2809 Mr. Stanton. No.

2810 Ms. Strasser. Mr. Stanton votes no.

2811 Ms. Dean?

2812 Ms. Dean. No.

2813 Ms. Strasser. Ms. Dean votes no.

2814 Ms. Mucarsel-Powell?

2815 Ms. Mucarsel-Powell. No.

2816 Ms. Strasser. Ms. Mucarsel-Powell votes no.

2817 Ms. Escobar?

2818 Ms. Escobar. No.

2819 Ms. Strasser. Ms. Escobar votes no.

2820 Mr. Collins?

2821 Mr. Collins. Aye.

2822 Ms. Strasser. Mr. Collins votes aye.

2823 Mr. Sensenbrenner?

2824 Mr. Chabot?

2825 Mr. Gohmert?

2826 Mr. Jordan?

2827 Mr. Buck?

2828 Mr. Buck. No.

2829 Ms. Strasser. Mr. Buck votes no.

2830 Mr. Buck. Votes yes.

2831 Ms. Strasser. Mr. Buck votes yes.
2832 Mr. Ratcliffe?
2833 Ms. Roby?
2834 Mrs. Roby. Aye.
2835 Ms. Strasser. Ms. Roby votes aye.
2836 Mr. Gaetz?
2837 Mr. Gaetz. Aye.
2838 Ms. Strasser. Mr. Gaetz votes aye.
2839 Mr. Johnson of Louisiana?
2840 Mr. Biggs?
2841 Mr. Biggs. Aye.
2842 Ms. Strasser. Mr. Biggs votes aye.
2843 Mr. McClintock?
2844 Mrs. Lesko?
2845 Mr. Reschenthaler?
2846 Mr. Reschenthaler. Aye.
2847 Ms. Strasser. Mr. Reschenthaler votes aye.
2848 Mr. Cline?
2849 Mr. Cline. Aye.
2850 Ms. Strasser. Mr. Cline votes aye.
2851 Mr. Armstrong?
2852 Mr. Steube?
2853 Mr. Steube. Yes.
2854 Ms. Strasser. Mr. Steube votes yes.
2855 Mr. Lofgren. Other members? Mr. Jordan?

2856 Mr. Jordan. Yes.

2857 Ms. Strasser. Mr. Jordan votes yes.

2858 Mr. Lofgren. Mr. Cohen?

2859 Mr. Cohen. No.

2860 Ms. Strasser. Mr. Cohen votes no.

2861 Mr. Lofgren. Mr. Correa?

2862 Mr. Correa. No.

2863 Ms. Strasser. Mr. Correa votes no.

2864 Mr. Lofgren. Are there other members who wish to vote
2865 or to change their votes?

2866 [No response.]

2867 Mr. Lofgren. If not, then the clerk will report.

2868 Ms. Strasser. Madam Chair, there are 9 ayes and 17
2869 notes.

2870 Mr. Lofgren. And the amendment is not agreed to. Are
2871 there further amendments?

2872 Mr. Gaetz. Madam Chair?

2873 Mr. Lofgren. The gentleman from Florida is recognized.

2874 Mr. Gaetz. I have an amendment at the desk.

2875 Mr. Lofgren. I reserve a point of order, and the clerk
2876 will distribute the amendment.

2877 Ms. Strasser. Amendment to the amendment in the nature
2878 of a substitute to H.R. 3239, offered by Mr. Gaetz of
2879 Florida.

2880 Mr. Lofgren. The gentleman is recognized for 5 minutes

2881 in support of his amendment.

2882 Mr. Gaetz. Thank you, Madam Chair, and I am so
2883 encouraged that earlier in this hearing Chairman Nadler on
2884 behalf of all members on the committee, indicated that you
2885 stand with the proposition of a maintained CBP entity within
2886 our government, and that you stand against the position of
2887 the squad, which has been repeatedly identified as seeking to
2888 abolish the Department of Homeland Security, CBP, and ICE.
2889 So thank you so much for standing with the good people of
2890 CBP, that they need to be able to continue to exist and do
2891 their important work. Thank you for speaking out against the
2892 squad. And I truly appreciate the chairman in response to my
2893 prior amendment indicating that every member of the Judiciary
2894 Committee on the majority side would oppose the abolition of
2895 CBP, and that that is merely the view of the squad.

2896 This amendment, I think, builds on that opportunity for
2897 consensus by expressing that the sense of Congress is that
2898 the legislation requires additional resources for CBP to
2899 engage in the activities that the majority seeks to delineate
2900 in the bill. And, thus, in order to ensure that CBP is able
2901 to execute on what the majority seeks, it is merely the sense
2902 of Congress that there is supplemental appropriation
2903 necessary.

2904 I would caution my majority members. Please don't fall
2905 into the trap that your own whip, Mr. Clyburn, fell into by

2906 not recognizing the need for supplemental appropriation. I
2907 will remind you again that it was January 9th of this very
2908 year where Mr. Clyburn was asked whether or not there was a
2909 humanitarian crisis on the border, and his response was
2910 jovial laughter, and then the assertion that there absolutely
2911 was not a crisis. It is my expectation that because you
2912 refuse to fix our asylum laws, you refuse to enhance physical
2913 structures and barriers on the border, you refuse to engage
2914 in solving the root problems of this mass movement of people,
2915 illegally frequently, into our country, that at least you
2916 would join us in expressing the sense of Congress that CBP
2917 would require supplemental funding.

2918 It is my prediction that months from now we will still
2919 be in the same place. We will still have tens of thousands
2920 of people every few weeks that are illegally entering our
2921 country, and so please don't vote against this and then later
2922 come back and say that it was really Democrats all along that
2923 understood the crisis and that understood the need for this
2924 important supplemental funding for CBP. The folks at CBP, I
2925 have spent time with them. I have gone to the border. I
2926 know many of my colleagues in the majority and in the
2927 minority have done the same. They are truly besieged with a
2928 crisis that they are not equipped to handle.

2929 And I appreciate that while I disagree with some of the
2930 assumptions of the underlying legislation, at least the

2931 majority is working to try to acknowledge the crisis. At
2932 least the majority isn't taking the same position that Mr.
2933 Clyburn took, which is laughing at the notion of a crisis.
2934 But acknowledging it is not enough. We actually have to
2935 ensure that we have the resources available. And so this
2936 will be a moment in time. Did you agree that we need to
2937 continue to fund CBP or is there going to be regression from
2938 the standard that the chairman expressed earlier, and are you
2939 going to regress more to the positions of the squad in
2940 demonizing the great people who work at Homeland Security,
2941 ICE, and Border Patrol.

2942 Join us. Stand with them and recognize the need for
2943 additional funding to deal with this crisis or face the
2944 extreme high likelihood that you will have to be fed back
2945 your own words and your own actions yet again in this
2946 committee, as my good friend, my colleague, the gentleman
2947 from Georgia, Mr. Johnson, said were psychological operations
2948 at our last committee hearing because we simply wanted to
2949 refresh the words of the majority's own leadership to them.
2950 I hope you will join me in the amendment.

2951 Ms. Jackson Lee. Would the gentleman yield?

2952 Mr. Gaetz. I will.

2953 Ms. Jackson Lee. I don't underestimate the gentleman's
2954 passion for his commitment as we all have on this side of the
2955 aisle for the right kind of care at the border and the right

2956 kind of funding. And I will remind the gentleman that we
2957 just voted and appropriated \$4.6 billion. That is added on
2958 to the normal appropriations for DHS.

2959 But let me as a friend take issue with the fact of
2960 mention of members who are not in this room. I take issue
2961 with the laughter alleged by Whip Clyburn. I don't have --

2962 Mr. Gaetz. I am going to reclaim my time --

2963 Ms. Jackson Lee. You don't have any facts.

2964 Mr. Gaetz. -- for my remaining few second.

2965 Ms. Jackson Lee. And take issue --

2966 Mr. Gaetz. I am sorry. I am sorry. I control the
2967 time.

2968 Ms. Jackson Lee. -- the use of the word "squad."

2969 Mr. Gaetz. I control the time.

2970 Ms. Jackson Lee. I don't know what the "squad" means.

2971 Mr. Gaetz. I would like my time down on the board
2972 because I control the time.

2973 Ms. Jackson Lee. I yield back to the gentleman.

2974 Mr. Gaetz. Thank you.

2975 Mr. Lofgren. It is the gentleman's time, and he has 5
2976 seconds restored.

2977 Mr. Gaetz. It was an allegation of laughter. It was
2978 playing the gentleman's own laughter. And so, like, you guys
2979 can't laugh at our claims of a crisis, and then when you are
2980 fed back the laughter assert that it wasn't laughter.

2981 Mr. Lofgren. The gentleman's time has expired. The
2982 gentleman's time has expired.

2983 Mr. Gaetz. It belies logic. I yield back.

2984 Mr. Lofgren. And I recognize myself in opposition to
2985 the amendment. I mean, obviously members can say what they
2986 wish, but we did have a very robust discussion about funding
2987 and this bill in this last amendment, and hopefully we might
2988 not have to duplicate that. I would note that the sense of
2989 Congress actually provides no force of law. As the
2990 gentlelady from Texas has just pointed out, we have just
2991 allocated an additional over \$4-and-a-billion in the
2992 supplement appropriations. We are working right now in the
2993 Appropriations Committee on the appropriations for next
2994 Fiscal Year. And I am sure that our colleagues on both sides
2995 of the aisle will do an excellent job in fomenting that
2996 appropriations bill.

2997 So unless there are further comments on this amendment,
2998 we may vote on it.

2999 [No response.]

3000 Mr. Lofgren. Seeing none, all those in favor of the
3001 amendment will say aye.

3002 All those opposed will say no.

3003 In the opinion of the chair, the noes have it.

3004 Mr. Gaetz. Madam Chair, I request a recorded vote.

3005 Mr. Lofgren. And the gentleman has requested a recorded

3006 vote, and the clerk will call a recorded vote.

3007 Ms. Strasser. Mr. Nadler?

3008 Ms. Lofgren?

3009 Ms. Lofgren. No.

3010 Ms. Strasser. Ms. Lofgren votes no.

3011 Ms. Jackson Lee?

3012 Ms. Jackson Lee. No.

3013 Ms. Strasser. Ms. Jackson Lee votes no.

3014 Mr. Cohen?

3015 Mr. Cohen. No.

3016 Ms. Strasser. Mr. Cohen votes no.

3017 Mr. Johnson of Georgia?

3018 Mr. Deutch?

3019 Mr. Deutch. No.

3020 Ms. Strasser. Mr. Deutch votes no.

3021 Ms. Bass?

3022 Mr. Richmond?

3023 Mr. Jeffries?

3024 Mr. Cicilline?

3025 Mr. Swalwell?

3026 Mr. Swalwell. No.

3027 Ms. Strasser. Mr. Swalwell votes no.

3028 Mr. Lieu?

3029 Mr. Raskin?

3030 Mr. Raskin. No.

3031 Ms. Strasser. Mr. Raskin votes no.
3032 Ms. Jayapal?
3033 Ms. Jayapal. No.
3034 Ms. Strasser. Ms. Jayapal votes no.
3035 Ms. Demings?
3036 Mr. Correa?
3037 Mr. Correa. No.
3038 Ms. Strasser. Mr. Correa votes no.
3039 Ms. Scanlon?
3040 Ms. Scanlon. No.
3041 Ms. Strasser. Ms. Scanlon votes no.
3042 Ms. Garcia?
3043 Ms. Garcia. No.
3044 Ms. Strasser. Ms. Garcia votes no.
3045 Mr. Neguse?
3046 Mr. Neguse. No.
3047 Ms. Strasser. Mr. Neguse votes no.
3048 Ms. McBath?
3049 Mrs. McBath. No.
3050 Ms. Strasser. Ms. McBath votes no.
3051 Mr. Stanton?
3052 Mr. Stanton. No.
3053 Ms. Strasser. Mr. Stanton votes no.
3054 Ms. Dean?
3055 Ms. Dean. No.

3056 Ms. Strasser. Ms. Dean votes no.
3057 Ms. Mucarsel-Powell?
3058 Ms. Mucarsel-Powell. No.
3059 Ms. Strasser. Ms. Mucarsel-Powell votes no.
3060 Ms. Escobar?
3061 Ms. Escobar. No.
3062 Ms. Strasser. Ms. Escobar votes no.
3063 Mr. Collins?
3064 Mr. Collins. Aye.
3065 Ms. Strasser. Mr. Collins votes aye.
3066 Mr. Sensenbrenner?
3067 Mr. Chabot?
3068 Mr. Gohmert?
3069 Mr. Jordan?
3070 Mr. Jordan. Yes.
3071 Ms. Strasser. Mr. Jordan votes yes.
3072 Mr. Buck?
3073 Mr. Buck. Aye.
3074 Ms. Strasser. Mr. Buck votes aye.
3075 Mr. Ratcliffe?
3076 Ms. Roby?
3077 Mrs. Roby. Aye.
3078 Ms. Strasser. Ms. Roby votes aye.
3079 Mr. Gaetz?
3080 Mr. Gaetz. Aye.

3081 Ms. Strasser. Mr. Gaetz votes aye.
3082 Mr. Johnson of Louisiana?
3083 Mr. Biggs?
3084 Mr. Biggs. Aye.
3085 Ms. Strasser. Mr. Biggs votes aye.
3086 Mr. McClintock?
3087 Ms. Lesko?
3088 Mrs. Lesko. Aye.
3089 Ms. Strasser. Ms. Lesko votes aye.
3090 Mr. Reschenthaler?
3091 Mr. Reschenthaler. Aye.
3092 Ms. Strasser. Mr. Reschenthaler votes aye.
3093 Mr. Cline?
3094 Mr. Cline. Aye.
3095 Ms. Strasser. Mr. Cline votes aye.
3096 Mr. Armstrong?
3097 Mr. Steube?
3098 Chairman Nadler. [Presiding.] The clerk will call the
3099 chairman's name.
3100 Ms. Strasser. Mr. Nadler?
3101 Chairman Nadler. No.
3102 Ms. Strasser. Mr. Nadler votes no.
3103 Chairman Nadler. Anyone else? Are there any other
3104 members who wish to be recorded who haven't been recorded?
3105 Has Mr. Neguse been recorded?

3106 The clerk will announce the result.

3107 Ms. Strasser. Mr. Chairman, there are 9 ayes and 17
3108 noes.

3109 Chairman Nadler. The amendment is not agreed to. Are
3110 there any further amendments on the amendment in the nature
3111 of a substitute?

3112 Mr. Gaetz. Mr. Chairman?

3113 Chairman Nadler. For what purpose does the gentleman
3114 from Florida seek recognition?

3115 Mr. Gaetz. I have an amendment at the desk.

3116 Mr. Lofgren. I reserve a point of order.

3117 Chairman Nadler. The clerk will report the amendment.

3118 Ms. Strasser. Amendment to the amendment in the nature
3119 of a substitute to H.R. 3239, offered by Mr. Gaetz of
3120 Florida.

3121 [The bill follows:]

3122

3123 Chairman Nadler. Does the gentlelady insist on her
3124 point of order? The gentleman is recognized to explain his
3125 amendment.

3126 Mr. Gaetz. Mr. Chairman, I would like the amendment
3127 read.

3128 Chairman Nadler. We have already had unanimous consent
3129 not read the amendment.

3130 Mr. Gaetz. I don't recall you asking consent.

3131 Chairman Nadler. Without objection --

3132 Mr. Gaetz. I object.

3133 Chairman Nadler. -- the clerk will read the amendment.

3134 Ms. Strasser. Amendment to the amendment in the nature
3135 of a substitute to H.R. 3239, offered by Mr. Gaetz of
3136 Florida. On page 1 after line 6, add the following:
3137 "Section 15, Sense of Congress." On page 17, after line 9,
3138 add the following: "Section 15, Sense of Congress. Whereas
3139 over 6 million souls perished in the Holocaust, and whereas
3140 the Nazi death camps were autocracies unparalleled in human
3141 history, and we must never forget this monstrous evil, and,
3142 whereas, the choice to come to America" --

3143 Mr. Lofgren. Mr. Chairman?

3144 Chairman Nadler. The clerk will suspend. For what
3145 purpose does the gentlelady seek recognition?

3146 Mr. Lofgren. Having had the chance now to review this,
3147 I do insist on my point of order.

3148 Chairman Nadler. You will state your point of order?

3149 Mr. Lofgren. The point of order is that this amendment
3150 is not germane to the underlying bill. It relates to ICE
3151 detention facilities as well as foreign policy and historical
3152 items that are unrelated to the underlying bill, and is
3153 beyond the scope of the bill.

3154 Chairman Nadler. The gentleman is recognized to be
3155 heard on the point of order only.

3156 Mr. Gaetz. Yes, thank you, Mr. Chairman. To the point,
3157 the underlying legislation speaks to the operations and
3158 activities of the Custom and Border Patrol, and it would seem
3159 entirely germane to express the sense of Congress that the
3160 people that would be carrying out the humanitarian assistance
3161 and would be transferring vulnerable people into the care of
3162 medical professionals are not associated with Nazis or
3163 concentration camps or death camps.

3164 That would seem inherent in the review and the
3165 reflections of the Congress on the underlying bill, and it
3166 would seem inappropriate to move legislation forward on the
3167 utility of the Custom and Border Patrol and their operations
3168 in the absence of expressing our clear viewpoint that they
3169 are not running concentration camps, that there is no valid
3170 comparison to the tropes of Nazi Germany. And to speak
3171 further to the point, I would yield to my colleague from
3172 Arizona, Mr. Biggs.

3173 Chairman Nadler. The gentleman is not permitted to
3174 yield. He was recognized only for the purpose of debating
3175 the point of order and for only that purpose.

3176 Mr. Gaetz. Point of parliamentary inquiry?

3177 Chairman Nadler. Is the gentleman finished?

3178 Mr. Gaetz. I have a parliamentary inquiry.

3179 Chairman Nadler. The gentleman will state his inquiry.

3180 Mr. Gaetz. Mr. Chairman, it would be parliamentary
3181 appropriate to yield to another member for the purpose of
3182 speaking to the point.

3183 Chairman Nadler. No, it is not.

3184 Mr. Gaetz. Very well. I yield ack.

3185 Chairman Nadler. The gentleman yields back. The chair
3186 is prepared to rule on the point of order. The point of
3187 order is well taken. This amendment is way out of the scope
3188 of the bill. The amendment deals with a different subject
3189 matter and purpose. The amendment deals with a different
3190 subject matter and purpose and would broaden the measure
3191 beyond the current scope. The bill deals with medical
3192 facilities and personnel, availability being supplied to
3193 certain people under detention. The amendment deals with a
3194 different subject matter entirely. The amendment is,
3195 therefore, out of order.

3196 Mr. Biggs. Point of order.

3197 Chairman Nadler. For what purpose does the gentleman

3198 seek --

3199 Mr. Biggs. I have a point of order.

3200 Chairman Nadler. The gentleman will state his point of
3201 order.

3202 Mr. Biggs. My point of order is the motion on the
3203 germaneness issue put forward by the representative from
3204 California was premature.

3205 Chairman Nadler. The point of order.

3206 Mr. Biggs. Yes, I am sorry. Yes, sir, point of order.
3207 Exactly. It was premature in the sense that we had not
3208 completed reading the amendment. And normally, the process
3209 normally is to bring the amendment forward, take it by
3210 unanimous consent, and then those types of amendment, or
3211 excuse me, objections go forward. I would assert that it was
3212 premature.

3213 Chairman Nadler. I don't know if that was made as a
3214 point of order or not, but I will rule against it if it is a
3215 point of order.

3216 Mr. Biggs. It is a point of order.

3217 Chairman Nadler. Well, I will rule against it if it is a
3218 point of order on the grounds that the objection was timely
3219 made, did not have to wait. It was timely made. The
3220 amendment is out of order. Are there any other amendments?

3221 [No response.]

3222 Chairman Nadler. Then the question occurs on the

3223 amendment in the nature --

3224 Mr. Buck. Mr. Chair, I move to strike the last word on
3225 the underlying bill.

3226 Chairman Nadler. On the amendment in the nature of a
3227 substitute?

3228 Mr. Buck. On the amendment in the nature of a
3229 substitute.

3230 Chairman Nadler. The gentleman is recognized.

3231 Mr. Buck. I thank the chair, and I want the chair to
3232 know that I approach this matter delicately, but I think it
3233 is necessary to approach the matter and to discuss this
3234 issue. Last week, the chair referred to United States
3235 government personnel as having committed negligent homicide.
3236 This week, in this hearing the chair referred to United
3237 States government personnel as having committed torture.

3238 There was a time not too long ago before I was in
3239 Congress -- I believe the chair was in Congress at the time
3240 -- where the Administration made a decision on enhanced
3241 interrogation techniques, ran that decision by the U.S.
3242 Department of Justice, got a legal opinion on it, and
3243 conducted certain interrogation techniques that some thought
3244 were torture and some thought were enhanced interrogation
3245 techniques. That was a legitimate discussion. It was not
3246 something that was thrown out frivolously. It was something
3247 that concerned the integrity of this country and our values.

3248 What the chair has done in this hearing, the chair has
3249 accused United States government personnel of having violated
3250 international law, of purposefully engaged in torture. And,
3251 again, the previous discussion was involving trying to obtain
3252 information to save American lives. There has been no such
3253 allegation here. I think that when you look around this room
3254 and see the portraits of the individuals that have served as
3255 chair of the Judiciary Committee, it demeans the position of
3256 chair to make allegations, unfounded allegations, like that,
3257 allegations where there is no credible evidence of intent to
3258 commit the crimes that the chair is identifying. And I would
3259 ask the chair to clarify his remarks so that we don't have on
3260 the record allegations like that.

3261 I have been in two or three hearings now with the chair
3262 of the Immigration Subcommittee. We have heard about the
3263 concerning conditions that exist because of overcrowding. We
3264 may disagree about the causes of those conditions, but we
3265 have heard about those conditions. Not once did the chair of
3266 the subcommittee, not once did she allege that there was
3267 negligent homicide. Not once did she allege that there was
3268 torture. We all agreed in the committee that we would not
3269 want to see these conditions in America, that we would not
3270 see migrants or anybody else held in the kinds of conditions
3271 that existed. We disagree about some of the reasons for
3272 those conditions.

3273 But to use the word "torture," to use the word
3274 "negligent homicide," I think is above what the facts present
3275 to us. And, as I said, I think it demeans the position of
3276 chair, and I ask the gentleman to clarify his remarks. And I
3277 yield to the gentleman from Florida at this time.

3278 Mr. Gaetz. I thank the gentleman for yielding. I
3279 associate myself with his comments, and I think what
3280 highlights the absurdity of the positions taken by the
3281 majority in this hearing is that the majority has
3282 functionally said if we do not pass this bill, then children
3283 will be subject to torture. And what the bill provides are
3284 government-sponsored dieticians.

3285 Now, I think most Americans would agree that there is a
3286 vast delta between being tortured and having a government-
3287 paid-for dietician. We have probably got people in my
3288 district who would take a government-sponsored dietician.
3289 Heck, I might need one myself. There might be a few other
3290 folks around here that would benefit from a government-
3291 sponsored dietician. But I don't think that reflecting on
3292 the conditions in these circumstances as torture and then
3293 saying that the antidote are all of these entitlements that
3294 are provided in the bill is appropriate for the committee.
3295 And I yield back.

3296 Mr. Buck. And I yield back.

3297 Chairman Nadler. The gentleman yields back. I will

3298 take a point of personal privilege to reply. I did not
3299 intend to imply intent on the part of CBP officials, perhaps
3300 on the part of the Trump Administration. But I think that
3301 the conditions we have seen, conditions that have been
3302 documented, the conditions that have been denied by the
3303 Administration and by the Vice President are indeed torture.
3304 We have seen children die. We haven't seen a child in
3305 custody for many, many years, but we have seen seven die in
3306 the last few months of this year. I think that is negligent
3307 homicide.

3308 I do not take those comments back. I do not attribute
3309 them to ill will except perhaps on the part of the
3310 Administration and the higher ups. And I think the facts
3311 speaks for themselves, and this is not the time to debate
3312 them.

3313 If there are no further amendments, the question occurs
3314 on the amendment in the nature of a substitute --

3315 Mr. Collins. Move to strike the last word.

3316 Chairman Nadler. The question occurs on the --

3317 Mr. Collins. Move to strike the last word.

3318 Chairman Nadler. All right. The gentleman is
3319 recognized.

3320 Mr. Collins. I was going to hold off here until your
3321 explanation, and, again, I think the gentleman from Colorado
3322 was very forthright, and then we continue on into not saying

3323 that they are not appropriate. And I think he made a very
3324 valid point that in the Immigration Subcommittee hearings,
3325 which have been, and the gentlelady has done, we have not had
3326 these inflammatory words.

3327 We need to solve this problem. I agree with you. It
3328 needs to be solved. But saying "negligent homicide," I mean,
3329 we are not even taking into account when you say that there
3330 is nothing on the other side. There is nothing to say that
3331 unfortunately, you know, some who have passed away came to
3332 the border and crossed over in a very delicate medical
3333 situation to start with. I mean, and then given the best
3334 treatment that they could have at the time.

3335 I think the interesting issue here is, Mr. Chairman,
3336 please understand that both sides want to try and solve this
3337 issue. What is amazing to me again today, and I stated it in
3338 my opening statement, is this doesn't solve the underlying
3339 problem. We are putting a band aid on the symptom, and yet
3340 we are using inflammatory language to make it seem worse and
3341 to make our side seem as if we don't care. Please take that
3342 into consideration when you make comments such as those, when
3343 you are implying the work of the officers who try to get up
3344 every day, who many, as I have talked to, who are struggling
3345 with this, whose marriages are falling apart because they are
3346 working 20 and 24 hours and 6 and 7 days a week. I feel for
3347 them just as much as I feel for the immigrants and migrants

3348 coming, but we are not solving the issue.

3349 And I think it was expressed on your side today very
3350 beautifully. We need to find a solution to this because we
3351 need to make sure that the incentives are not there to come
3352 across, but when they get here, treat them humanely. I will
3353 get to that. I subscribe to that and want to see that
3354 happen. Unfortunately, what this will do is not doing that.
3355 But also, Mr. Chairman, understand this. Your language
3356 matters, and by saying "negligent homicide," by saying the
3357 issue of torture, you are implying and the implication is if
3358 we don't agree with you, then that is what we are doing, and
3359 that is just wrong, Mr. Chairman.

3360 And that is something we can talk about. It is
3361 something we can have a discussion about. When we actually
3362 bring bills to this floor that actually go to the root of the
3363 problem at the border that has been expressed in the Obama
3364 Administration through the Trump Administration.

3365 Ms. Escobar. Would the gentleman yield?

3366 Mr. Collins. I am not. Not right now. I appreciate
3367 it. But I want to try and sign this situation, and we can
3368 have our differences in how we say it. We are just saying,
3369 and I think that is what the ranking member on the
3370 Subcommittee for Immigration is saying, is just being mindful
3371 of what we are saying. There can be any number of areas that
3372 we can be serious about this without having language that is

3373 simply inflammatory and doesn't help us get any closer to
3374 solving this problem.

3375 One last. As it was said before, extraneous comments
3376 about the nature of our amendments and our discussions is not
3377 helpful. We have both times, and I remember in a previous
3378 Congress, the things is we all do things. We strike the last
3379 word. Mr. Raskin, we have been on this committee several
3380 years. We do strike the last word, and sometimes I may think
3381 it is a waste of time, you may think it is a waste of time,
3382 but that is our job. We get to do that as part of the rules.

3383 And if you want to strike 5 minutes and then just say,
3384 why, it is a bad idea, that is fine. But just simply adding
3385 extraneous comments about it is a waste of time or anything
3386 like that is not helpful to the debate process. With this, I
3387 am not sure who has it. Ms. Escobar, I will be happy to
3388 yield to you.

3389 Ms. Escobar. Thank you. I would like for us to focus
3390 on, again, on the solutions just as you said, Mr. Collins.
3391 Focusing on four women of color and repeatedly bringing up
3392 amendments and trying to incite stuff, that is not helpful
3393 either. Using language in this amendment saying that
3394 migrants can "choose to go back to their home countries,"
3395 hmm, sounds a lot like language we just talked about
3396 yesterday on the House floor in a resolution.

3397 Yes, words matter. Yes, we all want to do right by our

3398 agents, by the migrants. Let's focus on that, and if there
3399 are amendments, let's let the amendments focus on solutions,
3400 please.

3401 Mr. Collins. Thank you, and reclaiming my time. But I
3402 do think that the gentlelady would agree with me that nothing
3403 we have brought forth in this committee this year under the
3404 immigration actually addresses the loopholes that have been
3405 discussed from the Obama Administration through the Trump
3406 Administration. This may in your opinion, and we can
3407 disagree on this bill if it does help from your side. I am
3408 not sure it does, but we are also not addressing the
3409 underlying problem, and I think the language that I spoke of
3410 which transcends this hearing is what needed to be discussed
3411 here. I appreciate your concern. And I would love to have
3412 this discussion further in this hearing on an actual markup.
3413 With that, I yield back.

3414 Mr. Biggs. Move to strike the last word.

3415 Chairman Nadler. Who seeks recognition? The gentleman
3416 from Arizona.

3417 Mr. Biggs. Thank you, Mr. Chairman. I move to strike
3418 the last word.

3419 Chairman Nadler. The gentleman from Arizona is
3420 recognized.

3421 Mr. Biggs. Thank you. I just want to make a few
3422 comments about the ANS that we are considering now. I do

3423 think it is problematic. I think that the intentions are
3424 important and they are good. I will tell you I remember
3425 standing on the floor months ago, many months ago, after
3426 seeing the massive surge at the Yuma facility where it was
3427 designed for 250 people to be held for no more than 12 hours.
3428 It is not even a detention facility. It is a holding
3429 facility meant to process people.

3430 I came back and I said these are inhumane conditions. I
3431 told the facility coordinator, the area chief. I told them
3432 all they are inhumane. I don't think there is anybody here
3433 that doesn't say we have got a massive problem in some of
3434 these facilities. I do think that inflammatory language is
3435 not good. It is not helpful, even though I understand the
3436 desire to vent on that.

3437 But I will say that people respond to incentives, and
3438 preserving incentive, which is what this bill does, it
3439 preserves actually expansive incentives. It is going to
3440 actually increase the problem that we have in our facilities.
3441 And that is part of the problem that I have with this. I
3442 also believe that it will encourage human trafficking and
3443 provides massive loopholes for human traffickers to come in.
3444 That is a real problem.

3445 Now, I want to comment. Someday said the Administration
3446 should have been ready for a seasonal surge. I want you to
3447 think about that. A seasonal surge is what this was called.

3448 Record numbers of apprehensions. Record number of
3449 apprehensions called a seasonal surge as if we had twice as
3450 many as normal. We didn't have twice as many as normal. You
3451 had 145,000 apprehensions in 1 month alone. A hundred and
3452 forty-five thousand. You have a 25,000-bed deficit in CBP
3453 and ICE facilities. That isn't a seasonal surge. That is a
3454 response to lack of interior enforcement and preservation of
3455 incentives which draw people to our country. That is what is
3456 critical here. And this bill will continue to do the same.

3457 We don't define who a family member is. We don't define
3458 what an adult relative is. And I am looking at page 3 of the
3459 ANS. This is just one of many, and I pointed some out
3460 earlier times when I spoke. "The medical professionals shall
3461 review any prescribed medication that is in the detainee's
3462 possession or that was confiscated by CBP." Okay, that makes
3463 some sense to me, but who verifies the ID of the person? Who
3464 verifies and determines the correspondence between that
3465 individual and that prescription?

3466 We live in a society ourselves where we know
3467 prescription drugs are stolen and used and abused regularly.
3468 But now effectively what we are doing is we are putting the
3469 liability on CBP, on people that we don't know who they are.
3470 They are destroying their identification documents as they
3471 come in. We see that happening. I have watched people
3472 getting ready to come across the border. They have this

3473 information they have used to transit Mexico where they get
3474 there and they get rid of their identification and other
3475 records.

3476 Mr. Lofgren. Would the gentleman yield?

3477 Mr. Biggs. Just one minute please.

3478 Mr. Lofgren. All right.

3479 Mr. Biggs. If I can make my point. So the final point
3480 I want to make with that is if they need medication, we want
3481 to make sure they have the medication. But we are
3482 effectively putting that liability and onus on CBP with
3483 people we don't even know who they are or if there is any
3484 connection whatsoever to that medication. And that is just
3485 one of many things in this bill and I have talked about
3486 others. And so I am going to yield to the gentlelady.

3487 Mr. Lofgren. Just on that point. Many years ago we had
3488 a hearing, oversight hearing, on the confiscation of
3489 medication. And one of the witnesses who was a famous
3490 author, her uncle was detained and he had a valid visa, but
3491 erroneously detained at Dulles Airport. They took his
3492 medication away and he died. So we understand there could be
3493 contraband, which is a medical professional is going to make
3494 a determination, but people can and, in fact, have died
3495 because medication has been removed from them that they
3496 needed to survive. So that is a real issue and it is a
3497 serious one, and I thank the gentleman for yielding.

3498 Mr. Biggs. I would love to discuss it further, but my
3499 time is up.

3500 Chairman Nadler. The time of the gentleman has expired.

3501 The question now occurs on the amendment in the nature
3502 of a substitute, as amended. This will be followed
3503 immediately by a vote on final passage of the bill.

3504 All in favor of the amendment in the nature of a
3505 substitute, respond by saying aye.

3506 Chairman Nadler. Opposed, no.

3507 In the opinion of the chair, the ayes have it, and the
3508 amendment in the nature of a substitute is agreed to.

3509 A reporting quorum being present, the question is on the
3510 motion to report the bill, H.R. 3239, as amended, favorably
3511 to the House.

3512 Those in favor, respond by saying aye.

3513 Opposed, no.

3514 The ayes have it, and the bill is ordered reported
3515 favorably.

3516 Mr. Collins. Roll call.

3517 Chairman Nadler. A recorded vote has been requested.

3518 The clerk will call the roll.

3519 Ms. Strasser. Mr. Nadler?

3520 Chairman Nadler. Aye.

3521 Ms. Strasser. Mr. Nadler votes aye.

3522 Ms. Lofgren?

3523 Ms. Lofgren. Aye.

3524 Ms. Strasser. Ms. Lofgren votes aye.

3525 Ms. Jackson Lee?

3526 Ms. Jackson Lee. Aye.

3527 Ms. Strasser. Ms. Jackson Lee votes aye.

3528 Mr. Cohen?

3529 Mr. Cohen. Aye. Aye.

3530 Ms. Strasser. Mr. Cohen votes aye.

3531 Mr. Johnson of Georgia?

3532 Mr. Deutch?

3533 Mr. Deutch. Aye.

3534 Ms. Strasser. Mr. Deutch votes aye.

3535 Ms. Bass?

3536 Mr. Richmond?

3537 Mr. Jeffries?

3538 Mr. Cicilline?

3539 Mr. Swalwell?

3540 Mr. Swalwell. Aye.

3541 Ms. Strasser. Mr. Swalwell votes aye.

3542 Mr. Lieu?

3543 Mr. Raskin?

3544 Ms. Jayapal?

3545 Ms. Jayapal. Aye.

3546 Ms. Strasser. Ms. Jayapal votes aye.

3547 Ms. Demings?

3548 Mr. Correa?
3549 Mr. Correa. Aye.
3550 Ms. Strasser. Mr. Correa votes aye.
3551 Ms. Scanlon?
3552 Ms. Scanlon. Aye.
3553 Ms. Strasser. Ms. Scanlon votes aye.
3554 Ms. Garcia?
3555 Ms. Garcia. Aye.
3556 Ms. Strasser. Ms. Garcia votes aye.
3557 Mr. Neguse?
3558 Mr. Neguse. Aye.
3559 Ms. Strasser. Mr. Neguse votes aye.
3560 Ms. McBath?
3561 Mrs. McBath. Aye.
3562 Ms. Strasser. Ms. McBath votes aye.
3563 Mr. Stanton?
3564 Mr. Stanton. Aye.
3565 Ms. Strasser. Mr. Stanton votes aye.
3566 Ms. Dean?
3567 Ms. Mucarsel-Powell?
3568 Ms. Mucarsel-Powell. Aye.
3569 Ms. Strasser. Ms. Mucarsel-Powell votes aye.
3570 Ms. Escobar?
3571 Ms. Escobar. Aye.
3572 Ms. Strasser. Ms. Escobar votes aye.

3573 Mr. Collins?
3574 Mr. Collins. No.
3575 Ms. Strasser. Mr. Collins votes no.
3576 Mr. Sensenbrenner?
3577 Mr. Chabot?
3578 Mr. Gohmert?
3579 Mr. Gohmert. No.
3580 Ms. Strasser. Mr. Gohmert votes no.
3581 Mr. Jordan?
3582 Mr. Jordan. No.
3583 Ms. Strasser. Mr. Jordan votes no.
3584 Mr. Buck?
3585 Mr. Buck. No.
3586 Ms. Strasser. Mr. Buck votes no.
3587 Mr. Ratcliffe?
3588 Mr. Ratcliffe. No.
3589 Ms. Strasser. Mr. Ratcliffe votes no.
3590 Ms. Roby?
3591 Mrs. Roby. No.
3592 Ms. Strasser. Ms. Roby votes no.
3593 Mr. Gaetz?
3594 Mr. Gaetz. No.
3595 Ms. Strasser. Mr. Gaetz votes no.
3596 Mr. Johnson of Louisiana?
3597 Mr. Biggs?

3598 Mr. Biggs. No.

3599 Ms. Strasser. Mr. Biggs votes no.

3600 Mr. McClintock?

3601 Mr. McClintock. No.

3602 Ms. Strasser. Mr. McClintock votes no.

3603 Ms. Lesko?

3604 Mrs. Lesko. No.

3605 Ms. Strasser. Ms. Lesko votes no.

3606 Mr. Reschenthaler?

3607 Mr. Reschenthaler. No.

3608 Ms. Strasser. Mr. Reschenthaler votes no.

3609 Mr. Cline?

3610 Mr. Cline. No.

3611 Ms. Strasser. Mr. Cline votes no.

3612 Mr. Armstrong?

3613 Mr. Armstrong. No.

3614 Ms. Strasser. Mr. Armstrong votes no.

3615 Mr. Steube?

3616 Chairman Nadler. The gentleman from California?

3617 Mr. Lieu. Yes.

3618 Ms. Strasser. Mr. Lieu votes yes.

3619 Chairman Nadler. The gentlelady from Pennsylvania?

3620 Ms. Dean. Yes.

3621 Ms. Strasser. Ms. Dean votes yes.

3622 Chairman Nadler. The gentlelady from Texas? Has the

3623 gentlelady from Texas been recorded?

3624 Ms. Strasser. Ms. Jackson Lee is recorded as aye.

3625 Chairman Nadler. Okay. Are there any other members who
3626 wish to vote who haven't been recorded?

3627 [No response.]

3628 Chairman Nadler. The clerk will report.

3629 Chairman Nadler. The gentleman from Maryland?

3630 Mr. Raskin. Aye.

3631 Ms. Strasser. Mr. Raskin votes aye.

3632 Chairman Nadler. Has everyone voted who wishes to vote?

3633 [No response.]

3634 Chairman Nadler. The clerk will report.

3635 Ms. Strasser. Mr. Chairman, there are 18 ayes and 13
3636 noes.

3637 Chairman Nadler. The bill is reported favorably to the
3638 House. Members will have 2 days to submit views.'

3639 The bill will be reported as a single amendment in the
3640 nature of a substitute incorporating all adopted amendments.
3641 And without objection, staff is authorized to make technical
3642 and conforming changes.

3643 This concludes our business for today. Thanks to all
3644 our members for attending. The markup is adjourned.

3645 [Whereupon, at 1:24 p.m., the committee was adjourned.]